

2012 TOWN OFFICIALS

Town of Stantonsburg, North Carolina

William H. Edmundson, *Mayor*

Victoria T. Lucas, *Town Clerk*

T. Slade Rand, *Town Attorney*

Gary W. Davis, *Town Manager*

TOWN COUNCIL

Robert Watson, *Mayor Pro Tem*

Donald E. Bass, Jr.

H. Powell Dew, Jr.

Jackie Grice

Ken D. Horne

CODED SYSTEMS LLC
608 HIGHWAY 71
SPRING LAKE HEIGHTS, NEW JERSEY 07762

Filed 6-7-2012

FILING INSTRUCTION SHEET

CODE OF THE TOWN OF STANTONSBURG

SUPPLEMENT NO. 2012 S-15

Following are filing instructions for Supplement No. 2012 S-15 of the Charter and the Code of the Town of Stantonburg. When filed, the Code will be current to March 20, 2012.

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Published 2012
CODED SYSTEMS LLC
608 HIGHWAY 71
SPRING LAKE HEIGHTS, NEW JERSEY 07762

**THE CODE
OF THE
TOWN OF STANTONSBURG, NORTH CAROLINA**

**The Charter and The
General Ordinances of the Town**

Ordained and Published

by Order of The

Board of Commissioners

Supplemented through March 20, 2012

**CODED SYSTEMS LLC
608 HIGHWAY 71
SPRING LAKE HEIGHTS, NEW JERSEY 07762**

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FOREWORD

This Code of Ordinances for the Town of Stantonburg is provided by the North Carolina League of Municipalities as part of its services program. Technical staff assistance has been provided by Public Research and Management, Inc., of Atlanta, Georgia, which was responsible for the organization, codification, indexing and printing of the Code.

The Code is presented in three parts:

The Charter and all local acts which are not a part of the Charter document:

State laws which govern the organization and procedure of the municipal governing body. These laws control in situations to which they apply unless the Charter provides otherwise; and

The Code of Ordinances includes citations which refer to official source and date of original ordinances, and those without citations which represent new ordinances.

This Code is designed to serve as a complete compilation of ordinances and as a reliable reference guide. The chapters and articles of the Code follow in logical order. The table of contents, the sectional analysis at the beginning of each chapter, and the indices provide sufficient points of reference for all elements of the Code.

The League offers a full range of services to supplement this Code and to keep it current. It is published in loose-leaf form so that all new ordinances may be printed for inclusion on a regular basis. A periodic updating service is available from the League, secured through an agreement between the Town and the League, whereby the Town would send new ordinances and amendments to the League, which would print replacement pages for the Code. Also, the League will supplement the section on State laws, should the General Assembly make any changes.

We hope this new Code of Ordinances will prove beneficial to the Town of Stantonburg and we wish to express our appreciation to the Town officials who have been giving their time in participating in this project.

S. Leigh Wilson
Executive Director
North Carolina League of Municipalities

AN ORDINANCE
REVISING, CONSOLIDATING, ELABORATING AND ADDING
TO THE ORDINANCES OF THE TOWN OF
STANTONSBURG, NORTH CAROLINA

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF STANTONSBURG OF THE STATE OF NORTH CAROLINA THAT:

Section 1. The following compilation of ordinances set out immediately after the Charter, Other Local Laws, and Related State Laws portions of this volume and designated as Division II, Parts 1 - 9 inclusive, is hereby adopted as the official Code of Ordinances of the Town of Stantonburg, North Carolina.

Section 2. (a) All ordinances of a general and permanent nature of the town enacted on or before _____ and not included within this code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except as provided in Section 3.

(b) To the extent that ordinances or portions of ordinances included within this code are the same in substance as ordinances in effect prior to the adoption of this code, it is intended that they be treated as continuations and not as new enactments or amendments, in order that all rights and liabilities that have accrued are preserved and may be enforced.

Section 3. This code of ordinances contains all of the general and permanent ordinances of the Town of Stantonburg, but it does not contain, and is not intended to affect, the following classes of ordinances or actions having the effect of ordinances:

- (1) Annexation ordinances;
- (2) Budget ordinances or amendments thereto;
- (3) Bond orders and ordinances;
- (4) Ordinances granting a franchise;
- (5) Ordinances or resolutions pertaining to the exercise of the power of eminent domain;
- (6) Ordinances or resolutions pertaining to the levy of special assessments;

(7) Ordinances amending the charter of the Town of Stantonburg, pursuant to Article 5, Part 4 of Chapter 160A, General Statutes of North Carolina;

(8) Ordinances, resolutions, or orders naming, renaming, or closing a street;

(9) Resolutions of any type;

(10) Ordinances or resolutions redrawing the boundaries of wards or election districts.

Section 4. No provision of this ordinance is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of an ordinance repealed by the adoption of this code.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken pursuant to or within the scope of any ordinance repealed by the adoption of this code.

Section 5. No action or proceeding of any nature (whether civil or criminal, judicial or administrative or otherwise) pending on the effective date of this ordinance by or against the Town of Stantonburg or any of its departments or agencies shall be abated or otherwise affected by the adoption of this code.

Section 6. If any portion of this code or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

Section 7. A copy of this code shall be kept on file in the office of the clerk and it shall be the express duty of the clerk, or someone authorized by the clerk, to insert in their designated places all duly adopted amendments to this code, and to extract from this code all provisions which may be from time to time duly repealed. A copy of this code shall be available for all persons desiring to examine it during reasonable times, under the supervision of the clerk.

Section 8. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this code, or to alter or tamper with the code in any manner whatsoever which will cause the ordinances of the Town of Stantonburg to be misrepresented thereby. Any person violating this section shall be guilty of a misdemeanor, and shall be punished as provided in Section 14-4 of the General Statutes of North Carolina.

Section 9. This ordinance, and the Code of Ordinances which it adopts, shall be in full force and effect from and after the _____ day of _____, 19____.

Adopted, this _____ day of _____, 197____.

TOWN OF STANTONSBURG

BY _____
Mayor

ATTEST:

Clerk

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THE CHARTER AND OTHER LOCAL LAWS

DIVISION I

THE CHARTER AND RELATED LOCAL LAWS

THE CHARTER
TOWN OF STANTONSBURG

Article I.	Incorporation and Corporate Powers
Article II.	Corporate Boundaries
Article III.	Governing Body
Article IV.	Elections
Article V.	Administration

ARTICLE I

Incorporation and Corporate Powers

Section 1.1 Incorporation and general powers.

Section 1.1 Incorporation and general powers.

The inhabitants of the Town of Stantonburg are a body corporate and politic under the name of the "Town of Stantonburg." Under that name they have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina.

Editorial Note: Unless otherwise indicated by a historical reference, the Town Charter is a codification of Chapter 1212, Session Laws of 1977 (2nd Session, 1978). The act was ratified and became effective on June 16, 1978.

ARTICLE II

Corporate Boundaries

Section 2.1 Town boundaries.

Section 2.2 Annexations.

Section 2.1 Town boundaries.

Until modified in accordance with law, the boundaries of the Town of Stantonsburg as are follows:

Beginning at an iron stake, in the Easterly right-of-way of S.R. No. 1682, said stake being South 34 deg. 07 min. 12 sec. East 1414.58 feet from a concrete monument, designated Sara-comm. X=2, 350,046.894 Y=677,195.515 on the North Carolina Grid System, thence from said point of beginning along the Easterly right-of-way of S.R. No. 1682 South 31 deg. 58 min. 02 sec. East 234.28 feet to an iron stake, cornering, thence South 58 deg. 01 min. 58 sec. West 230.00 feet to an iron stake, cornering, thence North 31 deg. 58 min. 02 sec. West 290.80 feet to an iron stake, cornering, thence South 71 deg. 50 min. 25 sec. West 2682.80 feet to a concrete monument on the Easterly bank of Contentnea Creek, cornering, thence along the Easterly bank of Contentnea Creek North 14 deg. 06 min. 46 sec. West 185.48 feet, North 34 deg. 42 min. 36 sec. West 509.94 feet, North 46 deg. 00 min. 24 sec. West 178.32 feet, North 38 deg. 41 min. 56 sec. West 271.81 feet, North 33 deg. 41 min. 34 sec. West 213.99 feet and North 35 deg. 21 min. 00 sec. West 83.28 feet to a concrete monument, cornering, thence North 49 deg. 56 min. 07 sec. East 1638.27 feet to an iron stake in Black Creek Road, cornering, thence along Black Creek Road North 32 deg. 36 min. 27 sec. West 361.95 feet to an iron stake, cornering, thence North 56 deg. 43 min. 33 sec. East 891.40 feet to an iron stake, in Thompson Avenue, cornering, thence along Thompson Avenue North 31 deg. 46 min. 18 sec. West 451.26 feet to a concrete monument, cornering, thence North 76 deg. 46 min. 18 sec. East 1037.50 feet to a concrete monument, cornering, thence North 51 deg. 51 min. 08 sec. East 1700.00 feet to a concrete monument, cornering, thence South 29 deg. 55 min. 33 sec. East 2400.00 feet to an iron stake, in the center of N.C. Highway No. 222, cornering, thence along the center of N.C. Highway No. 222 North 75 deg. 01 min. 04 sec. East 1.39 feet to a point, cornering, thence North 14 deg. 58 min. 56 sec. West 180.00 feet to an iron stake, cornering, thence North 75 deg. 01 min. 04 sec. East 150.00 feet to an iron stake, cornering, thence South 14 deg. 58 min. 56 sec. East 180.00 feet to a point in the center of N.C. Highway No. 222, cornering, thence along the center of N.C. Highway No. 222 North 75 deg. 01 min. 04 sec. East 510.27 feet, North 74 deg. 48 min. 04 sec. East 57.11 feet, North 74 deg. 17 min. 04 sec. East 94.97 feet and North 71 deg. 37 min. 04 sec. East

410.00 feet to an iron stake, cornering, thence South 18 deg. 22 min. 56 sec. East 636.65 feet to a point, cornering, thence South 1 deg. 01 min. 56 sec. East 190.34 feet to a point, cornering, thence North 88 deg. 58 min. 04 sec. East 170.00 feet to a point, cornering, thence South 1 deg. 01 min. 56 sec. East 360.00 feet to a point, cornering, thence South 88 deg. 58 min. 04 sec. West 1020.00 feet to an iron stake, cornering, thence South 65 deg. 27 min. 00 sec. West 1726.46 feet to a p.k. nail in the center of the Norfolk-Southern Railroad, cornering, thence South 71 deg. 50 min. 25 sec. West 527.12 feet to the point of beginning, containing 330.245 acres.

Section 2.2 Annexated territory.

(a) From and after the effective date of this annexation,* the following territory shall be annexed to and become a part of the Town of Stantonburg, and the corporate limits of the Town of Stantonburg shall be extended to include said territory more particularly described by metes and bounds as follows:

Being a tract of land on the southwest side of Black Creek Road (N.C.S.R. 1628) and approximately 300 feet northwest of the intersection of right-of-way of Main Street (N.C. Hwy 222) and Black Creek Road (N.C.S.R. 1628) in Stantonburg Township, Wilson County, North Carolina, and being more particularly described as follows:

Beginning at an existing iron pipe in the western right-of-way line of Black Creek Road (N.C.S.R. 1628) that is located N 33° 09' 09" W 297.45 feet from the intersection of the northern right-of-way line of Main Street (N.C. Hwy 222) and the western right-of-way of Black Creek Road (N.C.S.R. 1628) and further located N 78° 53' 51" W 3,865.60 feet from North Carolina Geodetic Survey Monument "Sea Corp" having (N.A.D. 83) coordinates of N(y) = 676,667.9544 feet and E(x) = 2,352,373.33 feet; thence from said point of beginning S 49° 56' 07" W 264.93 feet with and along the existing corporate limits line of the Town of Stantonburg and with and along the southeastern line of the property of Simeon A. Wooten, III as recorded in Deed Book 1420, Page 493 to an existing iron pipe; thence N 34° 54' 16" W 95.00 feet with and along the southwestern line of the above mentioned property to an existing iron pipe; thence N 34° 53' 59" W 128.85 feet with and along the southwestern line of the property of Alice T. Yelverton as described in Deed Book 797, page 55 to the intersection of a ditch; thence N 51° 12' 24" E 271.02 feet with and along the northwestern line of the Alice T. Yelverton property and with and along the center of a

* **Editor's Note:** This annexation was ordained by Ordinance 1/8/01 which became effective January 10, 2002.

ditch to a point in the western right-of-way line of Black Creek Road (N.C.S.R. 1628); thence continuing N 51° 12' 24" E 26.26 feet to a point in the pavement of Black Creek Road (N.C.S.R. 1628) and in the existing corporate limits line of Stantonburg; thence S 32° 36' 27" E 218.19 feet with and along the existing corporate limits line to a point; thence S 49° 56' 07" W 24.10 feet with and along the existing corporate limits line to an existing iron stake in the western right-of-way of Black Creek Road (N.C.S.R. 1628), the point and place of beginning, containing 64,462 square feet (1.480 acres). This property is identified on the Wilson County tax records as Parcel No. 3647-87-4368.000 and owned by Simeon Augustus Wooten, III, and Parcel No. 3647-87-3497.000 and owned by Alice T. Yelverton Padgett.

(b) From and after the effective date of this annexation,* the following territory shall be annexed to and become a part of the Town of Stantonburg, and the corporate limits of the Town of Stantonburg shall be extended to include said territory more particularly described by metes and bounds as follows:

Being a tract of land located South of and contiguous to Sand Pit Road (NCSR 1539) and East of and contiguous to N.C. Hwy 58 and North of and contiguous to the Norfolk Southern Railroad located in Stantonburg Township, Wilson County, North Carolina, and being more particularly described as follows:

Commencing at North Carolina Geodetic Survey Monument "Sea Corp" having (N.A.D. 83) coordinates of N(y) = 676,667.9544 feet and E(x) = 2,352,373.33 feet; thence S 81° 56' 45" E 73.27 feet to an existing concrete monument in the eastern right-of-way of N.C. Hwy 58; thence N 86° 29' 36" W 90.00 feet to a point in the western right-of-way line of N.C. Hwy 58; thence N 03° 30' 24" W 41.04 feet to a point in the western right-of-way line of N.C. Hwy 58 and the existing corporate limit line of the Town of Stantonburg; thence N 65° 27' 00" E 412.43 feet with and along the existing corporate limit line of the Town of Stantonburg to a point in the northern right-of-way line of Sand Pit Road (NCSR 1539), the true point and place of beginning: thence S 70° 20' 51" E 36.56 feet to a point in the northern right-of-way of Sand Pit Road (NCSR 1539); thence S 80° 06' 27" E 95.55 feet to a point in the northern right-of-way line of Sand Pit Road (NCSR 1539); thence S 80° 04' 34" E 106.24 feet to a point in the right-of-way line of Sand Pit Road (NCSR 1539); thence S 05° 56' 07" W 60.10 feet leaving the northern

* **Editor's Note:** This annexation was ordained by Ordinance 3/12/01 and became effective April 1, 2002.

right-of-way line of Sand Pit Road (NCSR 1539) to an existing iron pipe found in the southern right-of-way line of Sand Pit Road (NCSR 1539); thence continuing S 05° 56' 07" W 847.22 feet to an existing iron pipe found in the northern right-of-way line of the Norfolk Southern Railroad; thence N 74° 23' 50" W 553.56 feet with and along the northern right-of-way line of the Norfolk Southern Railroad to an existing iron pipe found at the northeast intersection of the northern right-of-way line of the Norfolk Southern Railroad and the eastern right-of-way of N.C. Hwy 58; thence N 01° 35' 30" E 206.29 feet with and along the eastern right-of-way of N.C. Hwy 58 to an existing iron pipe found; thence N 00° 31' 54" E 118.62 feet with and along the eastern right-of-way line of N.C. Hwy 58 to a point; thence N 00° 44' 32" W 119.23 feet with and along the eastern right-of-way line of N.C. Hwy 58 to a point; thence N 02° 19' 32" W 126.15 feet with and along the eastern right-of-way line of N.C. Hwy 58 to a point; thence N 03° 30' 24" W 61.94 feet with and along the eastern right-of-way line of N.C. Hwy 58 to an existing concrete monument found; thence S 86° 29' 36" W 90.00 feet leaving the eastern right-of-way of N.C. Hwy 58 to a point in the western right-of-way of N.C. Hwy 58; thence N 03° 30' 24" W 41.04 feet to a point at the intersection of the western right-of-way of N.C. Hwy 58 and the existing corporate limit line of the Town of Stantonsburg; thence N 65° 27' 00" E 412.43 feet with and along the existing corporate limit line of the Town of Stantonsburg to a point in the northern right-of-way line of Sand Pit Road (NCSR 1539), the true point and place of beginning, containing 505,530 square feet (11.605 acres) and being all of the property described in Deed Book 1465, Page 287 and a portion of the property described in Deed Book 405, Page 39, Deed Book 1066, page 171, Deed Book 1058, Page 341, and Estate File 92E258, having a perimeter of 2,995.68 linear feet and having a contiguous common border of 412.43 linear feet with the existing corporate limit line of the Town of Stantonsburg.

(c) By virtue of the authority granted by N.C.G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Stantonsburg, North Carolina as of March 1, 2006:*

Beginning at a point located in the southern right-of-way of N.C. Hwy 222, said point being located N 68° 10' 10" E 214.85 feet from N.C. Grid Monument "Wainwright" with the grid coordinates of N:

***Editor's Note:** This annexation was ordained by Ordinance 2/13/06 and became effective March 1, 2006.

678,040.911, E: 2,353,430.874 on the N.C. Nad 83 grid, thence from said point of beginning across said right-of-way N 18° 25' 32" W 60.00 feet to a point in the northern right-of-way of N.C. Hwy 222 cornering; thence along the northern right-of-way of said road the following course and distances: N 71° 24' 07" E 36.63 feet, N 71° 30' 02" E 104.70 feet, N 71° 35' 42" E 108.35 feet, N 71° 37' 30" E 109.73 feet, N 71° 32' 53" E 110.16 feet, N 71° 33' 56" E 112.64 feet, N 71° 13' 15" E 54.83 feet, N 70° 29' 51" E 54.64 feet, N 69° 28' 55" E 54.20 feet, N 67° 17' 27" E 53.40 feet, N 64° 46' 10" E 43.68 feet, N 62° 47' 01" E 32.08 feet, N 61° 03' 06" E 58.51 feet, N 58° 31' 45" E 55.78 feet, N 56° 12' 47" E 11.88 feet to a point cornering; thence across and departing said right-of-way S 33° 47' 13" E 210.00 feet to a point cornering; thence N 79° 27' 41" E 163.42 feet to a point cornering; thence S 10° 14' 34" E 574.23 feet to a point; thence S 70° 32' 34" E 211.55 feet to a point; thence S 59° 40' 23" E 238.31 feet to a point; thence S 30° 31' 36" W 713.11 feet to a point; thence S 88° 55' 28" W 170.66 feet to a point cornering; thence N 55° 06' 53" W 394.47 feet to a point; thence N 44° 54' 06" W 112.00 feet to a point; thence N 43° 17' 46" W 105.00 feet to a point; thence N 34° 57' 38" W 134.62 feet to a point; thence N 22° 21' 08" W 125.30 feet to a point; thence N 18° 24' 59" W 500.00 feet to a point cornering; thence S 71° 33' 18" W 380.06 feet to a point cornering; thence along existing corporate limits N 18° 25' 32" W 150.00 feet to the point of beginning, containing 27.4 acres.

ARTICLE III

Governing Body

- Section 3.1 Structure of governing body; number of members.
- Section 3.2 Manner of election of board.
- Section 3.3 Term of office of members of the board.
- Section 3.4 Manner of election of mayor.
- Section 3.5 Term of office of mayor.

Section 3.1 Structure of governing body; number of members.

The governing body of the Town of Stantonburg is the board of commissioners, which has five (5) members, and the mayor.

Section 3.2 Manner of election of board.

The qualified voters of the entire town elect the members of the board.

Section 3.3 Term of office of members of the board.

At the 1979 regular municipal election, all five (5) members of the board of commissioners shall be elected. The two (2) candidates receiving the highest number of votes shall be elected for four (4) year terms and the three (3) candidates receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all members of the board are elected to four (4) year terms. In the 1981 regular municipal election and each fourth year thereafter, three (3) members of the board shall be elected to four (4) year terms. In the 1983 regular municipal election and each fourth year thereafter, two (2) members of the board shall be elected to four (4) year terms.

Section 3.4 Manner of election of mayor.

The qualified voters of the entire town elect the mayor.

Section 3.5 Term of office of mayor.

At the 1979 regular municipal election and each fourth year thereafter, the mayor shall be elected to a four (4) year term of office.

ARTICLE IV

Elections

Section 4.1 Conduct of town elections.

Section 4.1 Conduct of town elections.

Town officers shall be elected on a nonpartisan basis and the results determined by plurality, as provided by N.C. General Statutes 163-292.

ARTICLE V

Administration

Section 5.1 Town to operate under the council-manager form of government.

Section 5.1 Town to operate under the council-manager form of government.

Pursuant to G.S. 160A-101 and 160A-102, the Charter of the Town of Stantonburg as set forth in Chapter 1212, Session Laws of 1977 (Reg. Sess. 1978), as amended, is hereby further amended to provide that the Town of Stantonburg shall operate under the council-manager form of government in accordance with Part 2 of Article VII of G.S. Chapter 160A and any other charter provisions not in conflict therewith.

Subject to any referendum petitioned for and conducted pursuant to G.S. 160A-103, this ordinance shall be in full force and effect from and after the date of March 9, 1987. (Ord. of 3/9/87, Sec. 1 & 2)

Editorial Note: Immediately following the charter and local laws is a Charter Disposition Table, setting out in chronological order the old section number, date and chapter number of the act, subject matter, and the charter disposition.

Prior to the adoption of Ord. 3/9/87, the town operated under the mayor-council plan.

RELATED LOCAL ACTS

1. Session Laws of 1949, Chapter 578
2. Session Laws of 1953, Chapter 563
3. Session Laws of 1971, Chapter 37

1. Session Laws of 1949
Chapter 578

AN ACT TO VALIDATE A CONVEYANCE OF LAND BY DEED FROM THE TOWN OF STANTONSBURG TO THE WILSON COUNTY BOARD OF EDUCATION AND A CONVEYANCE OF THE SAME LAND FROM THE WILSON COUNTY BOARD OF EDUCATION TO S.H. CROCKER, THE LAND BEING IN STANTONSBURG, NORTH CAROLINA.

WHEREAS, the Town of Stantonburg, in an action pending in the Superior Court of Wilson County, North Carolina, instituted by the Town of Stantonburg to foreclose its lien for paving assessment, acquired title to the lands hereafter referred to by deed from Wade A. Gardner, Commissioner, dated March 30, 1936, and of record in Book 225 at page 413 of the Wilson County Registry; and

WHEREAS, the Town of Stantonburg conveyed said lands to the Wilson County Board of Education by deed dated November 12, 1936, and of record in Book 237 at page 195 of said registry, without first advertising said land for sale at public auction; and

WHEREAS, the Wilson County Board of Education thereafter conveyed the said lands to S.H. Crocker by deed dated March 25, 1941, which is of record in Book 263 at page 589 of the said registry, without first having advertised the same for sale at public auction; and

WHEREAS, both conveyances were made in good faith and for valuable consideration and in the interest of both the Town of Stantonburg and the Wilson County Board of Education:

NOW, THEREFORE, The General Assembly of North Carolina do enact:

Section 1. Deed from town to Wilson County Board of Education validated the deed from the Town of Stantonburg to the Wilson County Board of Education dated November 12, 1936, and of record in Book 237 at page 195 of the Wilson County Registry, conveying a certain lot of land situate on the West side of Main Street in the Town of Stantonburg, Wilson County, North Carolina, adjoining the lands of L.K. Edwards and others, and fronting 62 feet on said street and running back between parallel lines 264 feet be, and the same is hereby validated and deemed sufficient to pass and convey good title to said property.

Section 2. Deed from Wilson County Board of Education to S.H. Crocker validated that the deed from the Wilson County Board of Education to S.H. Crocker, dated March 25, 1941, and of record in Book 263 at page 589 of the Wilson County Registry, conveying the same lot of land referred to and described in Section 1 hereof, be, and the same is hereby validated and deemed sufficient to convey good title to the property therein described.

Section 3. Conflicting laws repealed. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 4. Effective date. This Act shall take effect immediately upon and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1949.

2. Session Laws of 1953
Chapter 563

AN ACT AUTHORIZING THE GOVERNING BODY OF THE TOWN OF STANTONSBURG IN WILSON COUNTY TO MAKE AN APPROPRIATION NOT TO EXCEED \$1,000 TO THE STANTONSBURG COMMUNITY BUILDING, INCORPORATED, FROM NONTAX REVENUES.

Section 1. Authority to appropriate surplus and non-tax revenues. The governing body of the Town of Stantonburg in Wilson County be, and it is, hereby authorized and empowered to make an appropriation not exceeding \$1,000 from surplus and nontax revenues to the Stantonburg Community Building, Incorporated.

Section 2. Conflicting laws repealed. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Section 3. Effective date. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1953.

3. Session Laws of 1971
Chapter 37

AN ACT RELATING TO INVESTMENTS HERETOFORE MADE BY THE TOWN OF STANTONSBURG.

WHEREAS, the Town Commissioners for the Town of Stantonburg have heretofore invested non-tax revenue in the stock of Stantonburg Industrial Development Corporation, which is a corporation organized for the purpose of purchasing land with which to assist in the location of industry in the Town of Stantonburg; and

WHEREAS, the said corporation has heretofore purchased land and an industry is presently located on a portion of said land;

The General Assembly of North Carolina do enact:

Section 1. Board of Commissioners authorized to purchase stock in the Stantonburg Industrial Development Corporation. The action of the Board of Commissioners of the Town of Stantonburg in purchasing stock in the Stantonburg Industrial Development Corporation is hereby authorized and in all respects ratified and confirmed and is an authorized investment.

Section 2. Effective date. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of March, 1971.

DISPOSITION TABLE
CHARTER AND LOCAL ACTS

<u>Act</u>	<u>Subject</u>	<u>Disposition</u>
Private Laws of 1817, ch. 60	Act of incorporation (Edgecombe County)	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1827- 28, ch. 144	Appointment of additional commissioners	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1835, ch. 133	Act of incorporation (Edgecombe County)	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1872- 73, ch. 69	Act of incorporation (Wilson County)	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1874- 75, ch. 142	Act to amend Ch. 69, Pr. Laws of 1872-73	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1909, ch. 173	Act of incorporation (Wilson County)	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1917, ch. 205	Act to amend Ch. 173, Pr. Laws of 1909	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1917, ch. 642	Bonds authorized for water, sewer and electric system	Repealed by Session Laws of 1977, ch. 1212
Private Laws of 1921, ch. 57	Bond authorization	Repealed by Session Laws of 1977, ch. 1212
Session Laws of 1945, ch. 1061	Election of officials; mayor's court	Repealed by Session Laws of 1977, ch. 1212
Session Laws of 1949, ch. 578	Conveyance of land validated	Codified; Related Local Laws
Session Laws of 1951, ch. 639	Corporate limits extended	Repealed by Session Laws of 1977, ch. 1212
Session Laws of 1953, ch. 563	Appropriation to Community Building authorized	Codified; Related Local Laws
Session Laws of 1955, ch. 148	Clerk appointed for Mayor's court	Repealed by Session Laws of 1977, ch. 1212

DISPOSITION TABLE

(Continued)

<u>Act</u>	<u>Subject</u>	<u>Disposition</u>
Session Laws of 1957, ch. 1135	Election procedure	Repealed by Session Laws of 1977, ch. 1212
Session Laws of 1971, ch. 37	Investment in Industrial De- velopment Corp. authorized	Codified; Related Local Laws
Session Laws of 1977, (2nd Session, 1978), ch. 1212	Charter Revision	Codified; Town Charter, Articles I - V

RELATED STATE LAWS

STATE LAWS GOVERNING THE
ORGANIZATION AND PROCEDURES
OF THE
BOARD OF COMMISSIONERS

ARTICLE 5

Form of Government

Part 1. General Provisions.

Section 160A-59 Qualifications for elective office.

All city officers elected by the people shall possess the qualifications set out in Article VI of the Constitution. In addition, when the city is divided into electoral districts for the purpose of electing members of the council, council members shall reside in the district they represent. When any elected city officer ceases to meet all of the qualifications for holding office pursuant to the Constitution, or when a council member ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant.

Section 160A-60 Qualifications for appointive office.

Residence within a city shall not be a qualification for or prerequisite to appointment to any city office not filled by election of the people, unless the charter or an ordinance provides otherwise. City councils shall have authority to fix qualifications for appointive offices, but shall have no authority to waive qualifications for appointive offices fixed by charters or general laws.

Section 160A-61 Oath of office.

Every person elected by the people or appointed to any city office shall, before entering upon the duties of the office, take and subscribe the oath of office prescribed in Article VI, Section 7 of the Constitution. Oaths of office shall be administered by some person authorized by law to administer oaths, and shall be filed with the city clerk.

Section 160A-62 Officers to hold over until successors qualified.

All city officers, whether elected or appointed, shall continue to hold office until their successors are chosen and qualified. This section shall not apply when an office or position has been abolished, when an appointed officer or employee has been discharged, or when an elected officer has been removed from office.

Section 160A-63 Vacancies.

A vacancy that occurs in an elective office of a city shall be filled by appointment of the city council. If the term of the office expires immediately following the next regular city election, or if the next regular city election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled city election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. If the number of vacancies on the council is such that a quorum of the council cannot be obtained, the mayor shall appoint enough members to make a quorum, and the council shall then proceed to fill the remaining vacancies. If the number of vacancies on the council is such that a quorum of the council cannot be obtained and the office of mayor is vacant, the Governor may fill the vacancies upon the request of any remaining member of the council, or upon the petition of any five registered voters of the city. Vacancies in appointive offices shall be filled by the same authority that makes the initial appointment. This section shall not apply to vacancies in cities that have not held a city election, levied any taxes, or engaged in any municipal functions for a period of five years or more.

In cities whose elections are conducted on a partisan basis, a person appointed to fill a vacancy in an elective office shall be a member of the same political party as the person whom he replaces if that person was elected as the nominee of a political party.

Section 160A-64 Compensation of mayor and council.

(a) The council may fix its own compensation and the compensation of the mayor and any other elected officers of the city by adoption of the annual budget ordinance, but the salary of an elected officer other than a member of the council may not be reduced during the then-current term of office unless he agrees thereto. The mayor, councilmen, and other elected officers are entitled to reimbursement for actual expenses incurred in the course of performing their official duties at rates not in excess of those allowed to other city officers and employees,

or to a fixed allowance, the amount of which shall be established by the council, for travel and other personal expenses of office; provided, any fixed allowance so established during a term of office shall not be increased during such term of office.

(b) All charter provisions in effect as of January 1, 1972, fixing the compensation or allowances of any city officer or employee are repealed, but persons holding office or employment on January 1, 1972, shall continue to receive the compensation and allowances then prescribed by law until the council provides otherwise in accordance with this section or G.S. 160A-162.

Section 160A-65 (Fidelity Bonds) Repealed.

Part 2. Mayor and Council.

Section 160A-66 Composition of council.

Unless otherwise provided by its charter, each city shall be governed by a mayor and a council of three members, who shall be elected from the city at large for terms of two years.

Section 160A-67 General powers of mayor and council.

Except as otherwise provided by law, the government and general management of the city shall be vested in the council. The powers and duties of the mayor shall be such as are conferred upon him by law, together with such other powers and duties as may be conferred upon him by the council pursuant to law. The mayor shall be recognized as the official head of the city for the purpose of service of civil process and for all ceremonial purposes.

Part 3. Organization and Procedures of the Council.

Section 160A-68 Organizational meeting of council.

The organizational meeting of the council shall be held on the date and at the time of the first regular meeting in December after the results of the election have been certified pursuant to Subchapter IX of Chapter 163 of the General Statutes. At the organizational meeting, the newly elected mayor and councilmen shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the

Constitution. The organization of the council shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or nonelection of one or more members, but at least a quorum of the members must be present.

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Section 160A-70 Mayor pro tempore; disability of mayor.

At the organizational meeting, the council shall elect from among its members a mayor pro tempore to serve at the pleasure of the council. A councilman serving as mayor pro tempore shall be entitled to vote on all matters and shall be considered a councilman for all purposes, including the determination of whether a quorum is present. During the absence of the mayor, the council may confer upon the mayor pro tempore any of the powers and duties of the mayor. If the mayor should become physically or mentally incapable of performing the duties of his office, the council may by unanimous vote declare that he is incapacitated and confer any of his powers and duties on the mayor pro tempore. Upon the mayor's declaration that he is no longer incapacitated, and with the concurrence of a majority of the council, the mayor shall resume the exercise of his powers and duties. In the event both the mayor and mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence.

Section 160A-71 Regular and special meetings; recessed and adjourned meetings; procedure.

(a) The council shall fix the time and place for its regular meetings. If no action has been taken fixing the time and place for regular meetings, a regular meeting shall be held at least once a month at 10:00 A.M. on the first Monday of the month.

(b) (1) The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each councilman or left at his usual dwelling place at least six hours before the meeting. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. In addition to the procedures set out in this subsection or any city charter, a person or persons calling a special meeting of a city council shall comply with the notice requirements of Article 33B of General Statutes Chapter 143.

(2) Special meetings may be held at any time when the mayor and all members of the council are present and consent thereto, or when those not present have signed a written waiver of notice.

(3) During any regular meeting, or any duly called special meeting, the council may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place and purpose or purposes of such meeting and shall be adopted during an open session.

(b1) Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the council.

(c) The council may adopt its own rules or procedures, not inconsistent with the city charter, general law, or generally accepted principles of parliamentary procedure.

Section 160A-72 Minutes to be kept; ayes and noes.

Full and accurate minutes of the council proceedings shall be kept, and shall be open to the inspection of the public. The results of each vote shall be recorded in the minutes, and upon the request of any member of the council, the ayes and noes upon any question shall be taken.

Section 160A-73 Repealed.

Section 160A-74 Quorum.

A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Section 160A-75 Voting.

No member shall be excused from voting except upon matters involving the consideration of his own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowance of members of the council is not a matter involving a member's own financial interest or official conduct.

An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue (including the mayor's vote in case of an equal division) shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats (not including the mayor unless he has the right to vote on all questions before the council). For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council.

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Section 160A-80 Power of investigation; subpoena power.

(a) The council shall have power to investigate the affairs of the city, and for that purpose may subpoena witnesses, administer oaths, and compel the production of evidence.

(b) If a person fails or refuses to obey a subpoena issued pursuant to this section, the council may apply to the General Court of Justice for an order requiring that its order be obeyed, and that court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the council pursuant to a subpoena issued in exercise of the power conferred by this section may be used against him on the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. If any person, while under oath at an investigation by the council, willfully swears falsely, he is guilty of a misdemeanor.

(c) This section shall not apply to cities having a population of less than 5,000.

Section 160A-81 Conduct of public hearings.

Public hearings may be held at any place within the city or within the county in which the city is located. The council may adopt reasonable rules governing the conduct of public hearings, including but not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the designation of spokesmen for groups of persons supporting or opposing the same positions, (iii) providing for the selection of delegates from groups of per-

sons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.

The council may continue any public hearing without further advertisement. If a public hearing is set for a given date and a quorum of the council is not then present, the hearing shall be continued until the next regular council meeting without further advertisement.

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ARTICLE 7

Administrative Offices

Part 2. Administration of Council-Manager Cities

Section 160A-147 Appointment of city manager.

In cities whose charters provide for the council-manager form of government, the council shall appoint a city manager to serve at its pleasure. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or State at the time of his appointment. The office of city manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution.

Section 160A-148 Powers and duties of manager.

The manager shall be the chief administrator of the city. He shall be responsible to the council for administering all municipal affairs placed in his charge by them, and shall have the following powers and duties:

(1) He shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.

(3) He shall attend all meetings of the council and recommend any measures that he deems expedient.

(4) He shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.

(5) He shall prepare and submit the annual budget and capital program to the council.

(6) He shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(7) He shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.

(8) He shall perform any other duties that may be required or authorized by the council.

Section 160A-149 Acting city manager.

By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases.

Section 160A-150 Interim city manager.

When the position of city manager is vacant, the council shall designate a qualified person to exercise the powers and perform the duties of manager until the vacancy is filled.

Section 160A-151 Mayor and councilmen ineligible to serve or act as manager.

Neither the mayor nor any member of the council shall be eligible for appointment as manager or acting or interim manager.

Section 160A-152 Applicability of Part.

This Part shall apply only to those cities having the council-manager form of government. If the powers and duties of a city manager set out in any city charter shall differ materially from those set out in G.S. 160A-148, the council may by ordinance confer or impose on the manager any of the powers or duties set out in G.S. 160A-148 but not contained in the charter.

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ARTICLE 8

Delegation and Exercise of the General Police Power

Section 160A-175 Enforcement of ordinances.

(a) A city shall have power to impose fines and penalties for violation of its ordinances, and may secure injunctions and abatement orders to further insure compliance with its ordinances as provided by this section.

(b) Unless the council shall otherwise provide, violation of a city ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

(c) An ordinance may provide that violation shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the city for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders.

When a violation of such an ordinance occurs the city may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the city may execute the order of abatement. The city shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(f) Subject to the express terms of the ordinance, a city ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section.

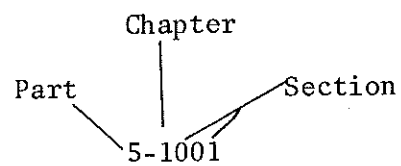
(g) A city ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

THE CODE PART 1

USE AND PENALTIES

DIVISION II
CODE OF GENERAL ORDINANCES

Key to Section Numbering System



Key to Paragraph Indentation

- (a)
- (1)
- a.
- 1.

PART 1

Introduction

Chapter 1. Use of the Code and Penalties

CHAPTER 1

Use of the Code and Penalties

Section 1-1001	How code designated and cited.
Section 1-1002	Definitions and rules of construction.
Section 1-1003	Provisions considered as continuations of existing ordinances.
Section 1-1004	Section designations.
Section 1-1005	Effect of repeal or expiration of ordinances.
Section 1-1006	Criminal penalty, not exclusive remedy; continuing violations.
Section 1-1007	Severability of parts of code.
Section 1-1008	Amendments to code; effect of new ordinances; amendatory language.
Section 1-1009	Damaging ordinances prohibited.

Section 1-1001 How code designated and cited.

The provisions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Stantonsburg, North Carolina," and may be so cited.

State Law Reference: As to admission of code into evidence, see G.S. 160A-79.

Section 1-1002 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.

(1) "Board." The words "the board" shall mean the board of commissioners of the town.

(2) "Computation of time." The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

(3) "County." The word "county" shall mean the County of Wilson, in the State of North Carolina, except as otherwise provided.

(4) "Gender." Words importing the masculine gender shall include the feminine and neuter.

(5) "Joint authority." All words giving a joint authority to three (3) or more persons or officers shall be construed as giving authority to a majority of persons or officers.

(6) "Mayor." The words "the mayor" shall mean the mayor of the town.

(7) "Month." The word "month" shall mean a calendar month.

(8) "Number." Words used in the singular include the plural, and words used in the plural include the singular number.

(9) "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 certain cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

(10) "Owner." The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of the building or land.

(11) "Person." The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a legal unit, as well as an individual.

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

(13) "Preceding, following." The words "preceding" and "following" shall mean next before and next after respectively.

(14) "Property." The word "property" shall include real and personal property.

(15) "Real property." Real property shall include lands, tenements and hereditaments.

(16) "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.

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

(18) "Street." The word "street" shall mean and include any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, or bridge and the approaches thereto within the town.

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

(20) "Time." Words used in the past or present tense include the future as well as the past and present.

(21) "Town." The words "the town" shall mean the Town of Stantonsburg, in Wilson County, North Carolina, except as otherwise provided.

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

(23) "Year." The word "year" shall mean a calendar year.

State Law Reference: Rules of Construction, G.S. 12-3; Computation of Time, G.S. 1-593.

Section 1-1003 Provisions considered as continuations of existing ordinances.

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

Section 1-1004 Section designations.

The boldface headings 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 these sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of these sections, including the catchlines, are amended or reenacted.

Section 1-1005 Effect of repeal or expiration of ordinances.

(a) The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired.

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

Section 1-1006 Criminal penalty, not exclusive remedy; continuing violations.

(a) In accordance with G.S. 160A-175, and unless this code of ordinances provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction by a fine not exceeding

\$50 or by imprisonment not exceeding 30 days. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.

(b) An ordinance contained herein may be enforced by other remedies, as authorized in G.S. 160A-175, including the imposition of civil fines, the ordering of appropriate equitable relief, including injunctions, or a combination of remedies.

(c) Every day that any violation of this code or of any ordinance of the town shall continue shall constitute a separate offense.

Editorial Note: G.S. 160A-175, authorizing municipalities to employ alternate remedies in the enforcement of local ordinances, is set out in the Related State Laws portion of this code. See page S-1 and following.

Section 1-1007 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, the unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code since the same would have been enacted by the board without the incorporation in this code of any unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 1-1008 Amendments to code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this code of ordinances which amend, repeal or in any way affect this code of ordinances, may be numbered in accordance with the numbering system of this code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted, in the case of repeal shall be prima facie evidence of subsequent ordinances until a time that this code of ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the board.

Amendments to any of the provisions of this code may be made by amending these provisions by specific reference to the section number of this code in the following language: "That section _____ of the Code of Ordinances, Town of Stantonsburg, North Carolina, is hereby amended to read as follows: _____." The new provisions shall then be set out in full as desired.

In the event a new section not heretofore existing in the code is to be added, the following language may be used: "That the Code of Ordinances, Town of Stantonburg, North Carolina is hereby amended by adding a section to be numbered _____, which section reads as follows: _____." The new provisions shall then be set out in full as desired.

Section 1-1009 Damaging ordinances prohibited.

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

PART 2 GOVERNMENT AND ADMINISTRATION

PART 2

Government and Administration

- Chapter 1. Mayor and Board
- Chapter 2. Town Administration
- Chapter 3. Financial Administration
- Chapter 4. Town Policy
- Chapter 5. Extraterritorial Jurisdiction
- Chapter 6. Officers, Employees and Agents
- Chapter 7. Boards and Commissions
- Chapter 8. Personnel Policies
- Chapter 9. Agreements for Services

CHAPTER 1

Mayor and Board

Article A. General

- Section 2-1001 Governing body.
- Section 2-1002 Powers and duties generally.
- Section 2-1003 Mayor; duties.
- Section 2-1004 Mayor not to vote.
- Section 2-1005 Mayor pro tem.
- Section 2-1006 Power over employees.
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- Section 2-1021 Regular meetings.
- Section 2-1022 Special meetings.
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- Section 2-1031 Procedure, form; publication.
- Section 2-1032 Effective date.
- Section 2-1033 Official copy.

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ARTICLE A

General

Section 2-1001 Governing body.

The governing body of the town shall consist of a board of commissioners of five (5) members and the mayor, elected according to the uniform municipal election laws of North Carolina. The governing body shall be charged with the general government and administration of the affairs of the town.

Cross Reference: Governing body, Charter, Sec. 3.1.

State Law Reference: Board to organize town government. G.S. 160A-146; Uniform Municipal Election Laws, G.S. 163-279, et seq.

Section 2-1002 Powers and duties generally.

The powers and duties of the governing body shall be as set out in the general statutes of North Carolina, the town charter, and the ordinances of the town.

Section 2-1003 Mayor; duties.

The mayor shall be the chief executive officer of the town, and as such, shall perform the following duties:

- (1) keep himself informed as to the town's business;
- (2) preside over the meetings of the board of commissioners;
- (3) sign all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the board;
- (4) make recommendations to the board concerning the affairs of the town, as he deems necessary;
- (5) represent the town at ceremonies and other official occasions; and
- (6) perform other duties as authorized by the general statutes, the town charter, and this code.

State Law Reference: Duties of the mayor, G.S. 160A-69.

Section 2-1004 Mayor not to vote.

The mayor shall not vote on any question before the board except in the case of a tie vote by the board.

Section 2-1005 Mayor pro tem.

At the first meeting after each municipal election, the board shall select one (1) of its number to act as mayor pro tem. The mayor pro tem shall have no fixed term of office, but as such, shall perform the duties of the mayor in the mayor's absence or disability.

State Law Reference: Mayor pro tem, G.S. 160A-71.

Section 2-1006 Power over employees.

The board shall have the authority to generally organize and supervise the employees of the town, including the power to:

(1) Prescribe rules. Prescribe rules and regulations as it shall deem necessary or expedient for the conduct of administrative employees subject to its authority and shall have the power to revoke, suspend or amend any rule or regulation;

(2) Investigate. Either by itself or any officer or person designated for the purpose by it, investigate and examine or inquire into the affairs or operation of any department, division, or employee; and shall have the power to employ investigations, examinations, or inquiries;

(3) Overrule officials. Set aside any action taken by a town administrative official who may supersede him in the functions of his office;

(4) Delegate duties. Direct any official, department, division or employee to perform the work for any other official, department, division or employee;

(5) Provide for administrative committees. Designate committees as it shall find necessary for the proper consideration of administrative problems. The committees shall meet at the request of the board and shall make recommendations on matters referred to them as they shall find necessary for the best interests of the town; and

(6) Summon employees. Require any employee of the town to appear before and report to the board at any meeting.

State Law Reference: Authority of the board to adopt personnel regulations, G.S. 160A-164.

Section 2-1007 Compensation.

The compensation of the mayor and board members shall be as provided in the annual budget ordinance, and as the same may be amended from time to time.

State Law Reference: Compensation of mayor and board members, G.S.
160A-64.

Sections 2-1008 through 2-1020 reserved.

ARTICLE B

Meetings

Section 2-1021 Regular meetings.

The regular meetings of the board shall be held on the first Monday after the third day of each month at 7:30 p.m., unless otherwise designated by the board.

State Law Reference: Regular meetings, G.S. 160A-71(a).

Section 2-1022 Special meetings.

When special meetings are necessary, they shall be called and board members shall be notified in the manner provided by state law.

State Law Reference: Special meetings, G.S. 160A-71(b).

Section 2-1023 Meetings open to public.

Except as provided in the Open Meeting Law of North Carolina, all meetings of the board shall be open to the public.

State Law Reference: Open meetings law, G.S. 143-318.1 through 143-318.12.

Section 2-1024 Disruption of meetings.

Any person disrupting the proceedings of the board meetings by continually speaking out of turn without having been recognized by the mayor and, having been warned once by the mayor to refrain from such outbursts, may be removed from the meeting and shall be charged with a misdemeanor and upon conviction shall be fined or imprisoned or both at the discretion of the court.

State Law Reference: Disruption of meetings, G.S. 143-318.7.

Sections 2-1025 through 2-1030 reserved.

ARTICLE C

Ordinances

Section 2-1031 Procedure, form; publication.

Every ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing and shall be approved as to form by the town attorney. Ordinances shall have ordinance and section captions.

Section 2-1032 Effective date.

All ordinances shall be effective upon the ratification thereof, except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.

Section 2-1033 Official copy.

A true copy of an ordinance, which has been duly enacted by the board, signed by the mayor, and attested to by the clerk shall be known as an official copy of any ordinance for the town.

Section 2-1034 Ordinance book.

The clerk shall file a true copy of each ordinance, until it is codified in this code, in an ordinance book separate and apart from the board's minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the clerk.

State Law Reference: Ordinance book required, see G.S. 160A-78.

Section 2-1035 Ordinances adding to code.

Any ordinance which is proposed to add to the code a new part, chapter, article or section shall indicate, with reference to the arrangement of this code, the proper number of the part, chapter, article or section.

Section 2-1036 Improper amending void.

It shall be unlawful for members of the board to annul, abridge, modify or in any way change any ordinance of the board except at a regular or special meeting of the board. Any consent obtained relative to the amendment of an ordinance except in that manner shall in all cases be inoperative and void.

CHAPTER 2

Town Administration

Article A. Town Officials

- Section 2-2001 Town clerk.
- Section 2-2002 Town attorney.
- Section 2-2003 Superintendent of public works.

Article B. Planning Board

- Section 2-2010 Establishment.
- Section 2-2011 Membership, term, vacancies.
- Section 2-2012 Organization, rules, meetings, records.
- Section 2-2013 Compensation.
- Section 2-2014 Powers and duties.
- Section 2-2015 Annual report and budget request.

ARTICLE A

Town Officials

Section 2-2001 Town clerk.

(a) The town clerk shall be elected by the board at the first meeting of the board after their election and qualification, or as soon thereafter as possible.

(b) It shall be the duty of the clerk to:

- (1) act as clerk to the board, and as such, keep a complete and accurate account of all proceedings of all meetings in a minute book especially provided for this purpose by the board;
- (2) have the powers and perform the duties of treasurer; and
- (3) perform such other acts as may be required by the board.

State Law Reference: Duties of the clerk are set forth by G.S. 160A-171. Provisions on the treasurer may be found at G.S. 159-24, 25.

Section 2-2002 Town attorney.

The town attorney shall:

- (1) prosecute or defend any and all suits or actions at law or equity to which the town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the town, or in the capacity of such person as an officer of the town;

(2) see to the full enforcement of all judgments or decrees rendered or entered in favor of the town and of all similar interlocutory orders;

(3) see to the completion of all special assessment proceedings and condemnation proceedings;

(4) draft or review any contract, lease or other document or instrument to which the town may be a party;

(5) at the request of the board, draft ordinances covering any subjects within the power of the town; and

(6) perform any other duties required of him by G.S. 160A-173 and other laws and ordinances.

State Law Reference: Authority of board to appoint attorney, who is to serve as its legal advisor is provided by G.S. 160A-173.

Section 2-2003 Superintendent of public works.

The superintendent of public works shall be appointed by the board and shall perform the following duties:

(1) He shall have general supervision over all of the town's public works operations, including water and sewer service, street system, electric system and garbage collection service.

(2) He shall be responsible for maintenance and upkeep of all town property and equipment related to public works.

(3) Reserved.

(4) He shall act as the town building inspector, electrical inspector, plumbing inspector and insulation inspector.*

(5) He shall perform any other duties required by the town board.
(Amended, Ord. of 6/25/87)

*Editor's Note: An ordinance of 12/9/91 provided for building, electrical, plumbing, insulation, mechanical and fire inspections to be under the jurisdiction of the County of Wilson. See Chapter 9, Article A of this Part 2 for further provisions.

ARTICLE B

Planning Board

Section 2-2010 Establishment.

There shall be a town planning board for the Town of Stantonsburg and its extraterritorial jurisdiction, established under the authority of the statutes of North Carolina. (Ord. of 11/7/83, Sec. 1)

State Law Reference: Establishment and operation of municipal planning boards, see G.S. 160A-360 through 160A-366.

Section 2-2011 Membership, term, vacancies.

(a) The planning board shall consist of seven members, five of whom shall be citizens living within the corporate limits of the Town of Stantonburg, and two of whom shall be citizens living within the town's extraterritorial jurisdiction. The in-town members shall be appointed by the board of commissioners of the town. The extraterritorial members shall be appointed by the Wilson County board of commissioners in accordance with G.S. 160A-362.

(b) In-town members.

(1) Two members shall be appointed for a term of one year.

(2) Two members shall be appointed for a term of two years.

(3) One member shall be appointed for a term of three years.

(c) Extraterritorial members.

(1) One member shall be appointed for a term of one year.

(2) One member shall be appointed for a term of two years.

(d) Their successors shall be appointed for terms of three years. Terms shall expire on June 30. Members shall serve until the expiration of their terms or until their successors have been appointed.

(e) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the board of commissioners of the town for in-town members, and by the county board of commissioners for extraterritorial members.

(f) Faithful attendance at the meetings of the planning board is considered a prerequisite for the maintenance of membership on the board. Unexcused absence from three consecutive meetings shall be deemed adequate reason for termination of membership on the planning board by the legislative body. (Ord. of 11/7/83, Sec. 2)

Section 2-2012 Organization, rules, meetings, records.

(a) The planning board shall elect a chairperson and may create and fill such other offices as it may deem necessary. The term of officers shall be one year or until successors shall have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the planning board.

(b) The board shall adopt rules for transaction of its business, and shall keep a record of its members' attendance and its resolutions, discussions, findings, and recommendations, which record shall be a public record.

(c) The board shall hold at least one meeting monthly, unless there is no business to be discussed or acted upon. All of its meetings shall be in accordance with G.S. Art. 33C. A quorum shall consist of four members for the purpose of taking any official action required by this chapter; except that when the planning board is performing the duties of a board of adjustment and the zoning regulations require at least a four-fifths majority to reverse any order, requirement, decision, or determination of an administrative official, to decide in favor of the applicant, or to grant a variance, a quorum shall consist of six members.

(d) All members of the board shall have voting power on all matters of business. However, any member who is a party at interest to matters under consideration by the board shall declare that interest prior to a vote of the board on the question, and shall abstain from voting on the question. This provision shall not prohibit such members from participation in discussions of the board on those matters prior to a vote. (Ord. of 11/7/83, Sec. 3; amended, Ord. of 11/4/85)

Cross Reference: Proceedings of zoning board of adjustment, see section 9-5061(b).

Section 2-2013 Compensation.

(a) All members of the Planning Board shall serve as such without compensation.

(b) Members or employees of the planning board, when duly authorized by the planning board, may attend planning conferences or meetings of planning institutes, or hearings upon pending planning legislation; and the planning board may, by formal and affirmative vote, pay the reasonable traveling expenses incidental to that attendance, within the planning board's budget and with concurrence of the board of commissioners of the town. (Ord. of 11/7/83, Sec. 4)

Section 2-2014 Powers and duties.

(a) It shall be the function and duty of the planning board to make comprehensive surveys and studies of existing conditions and probable future developments, and prepare such plans for physical, social, and economic development as will best promote the public health, safety, morals, conveniences, or the general welfare, as well as efficiency and economy in the development of the town. The planning board shall have the powers and duties given it by the statutes of North Carolina and the board of commissioners of the Town of Stantonsburg, including the power to:

(1) Make studies of the area within its jurisdiction and surrounding areas.

(2) Determine objectives to be sought in the development of the study area.

(3) Prepare and adopt plans for achieving objectives.

(4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

(5) Advise the legislative body concerning the use and amendment of means for carrying out plans.

(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the town board of commissioners may direct.

(7) Perform any other related duties that the town board of commissioners may direct.

(8) Accept, receive, and disburse in furtherance of its functions any funds, grants, and services made available by the federal government and its agencies, the state government and its agencies, any local government and its agencies, and any private and civic sources, with concurrence of the board of commissioners of the town. The planning board, with concurrence of the board of commissioners of the town, may enter into and carry out contracts with the state and federal government or any agencies thereof under which financial or other planning assistance is made available to the municipality, and may agree to and comply with any reasonable conditions that are imposed upon such assistance.

(9) Enter into and carry out contracts, with the concurrence of the board of commissioners of the town, with any other city, county, or regional council or planning agency under which technical planning assistance is furnished; and, with the concurrence of the board of commissioners of the town, may enter into and carry out contracts with any other city, county, or regional planning agency under which it agrees to pay the other local government or planning agency for technical planning assistance.

(10) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of a development plan for the town.

(11) Promote public interest in and an understanding of its recommendations. To that end, it may publish and distribute copies of its recommendations, and may employ other means of publicity and education as it may deem necessary.

(12) Perform all of the duties of the zoning board of adjustment, as set forth in section 9-5061.

(b) The planning board shall have no power to incur any debt or obligation of the town, nor shall it have any power to make any expenditure of funds of the town unless those funds are specifically provided for in the budget of the town and appropriation made for those purposes by the board of commissioners, or unless the incurring of such other obligation is otherwise approved by the board of commissioners of the town. (Ord. of 11/7/83, Sec. 5; amended, Ord. of 11/4/85)

Section 2-2015 Annual report and budget request.

The planning board shall annually submit to the board of commissioners of the town a written report of its activities, an analysis of the expenditures to date for the current fiscal year, and its requested budget of funds needed for operation during the ensuing fiscal year. The planning board is authorized to appoint such committees and to authorize such expenditures within its approved budget as it may see fit, subject to limitations of funds provided for the planning board by the board of commissioners of the town. (Ord. of 11/7/83, Sec. 6)

CHAPTER 3

Financial Administration

Article A. Purchasing

- Section 2-3001 Disbursement of funds.
- Section 2-3002 Purchasing agent.
- Sections 2-3003 through 3-3010 reserved.

Article B. Business License Taxes

- Section 2-3011 Definitions.
- Section 2-3012 License tax levied.
- Section 2-3013 Tax collector; duties.
- Section 2-3014 License; due date.
- Section 2-3015 Application; false statement thereon.
- Section 2-3016 Proration of tax; seasonal businesses.
- Section 2-3017 Multiple businesses.
- Section 2-3018 Separate places of business.
- Section 2-3019 Display of license.
- Section 2-3020 Change in place of business.
- Section 2-3021 No abatement of tax.
- Section 2-3022 Effect of license.
- Section 2-3023 Exemptions.
- Section 2-3024 Unlawful to conduct business without a license.
- Section 2-3025 Collection of unpaid tax.
- Section 2-3026 Schedule of license taxes.

ARTICLE A

Purchasing

Section 2-3001 Disbursement of funds.

(a) In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall be valid unless it bears on its face the certificate of the finance officer as follows:

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

(b) No contract, agreement or purchase order shall be valid unless it bears the treasurer's certificate as follows:

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

State Law Reference: Preaudit of disbursements required, G.S. 159-28.

Section 2-3002 Purchasing agent.

The town manager shall serve as purchasing agent and as such shall:

(1) make or approve all purchases of material, equipment and supplies authorized by the board at the most favorable price for the town and shall see that the material, equipment and supplies delivered are correct in number or amount and comply with the standards and specifications agreed to at the time of purchase;

(2) establish sets of standards and specifications to control purchases by the town;

(3) prepare and publish specifications and notices to bidders;

(4) advise the board as to anticipated needs for purchases and make purchases in advance of needs as authorized by the board;

(5) store material, equipment and supplies in advance of actual need;

(6) keep records of all purchases made and of the destination or ultimate use of the material, equipment and supplies; and

(7) cause to be kept an inventory of all municipal property.

Cross Reference: General duties of the clerk, town code, section 2-2001.

(Ord. of 6/25/87; Ord. of 7/6/87

Sections 2-3003 through 2-3010 reserved.

ARTICLE B

Business License Taxes

Section 2-3011 Definitions.

The following words, whenever they are used in this article, shall be deemed to have the following meanings:

(a) "Business." The term "business" means any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this article to a license tax.

(b) "Engaged (or engaging) in business within this town." A person is engaged in business within the town when he engages in business activity of any type, either as owner or operator of such business, (1) by maintaining a business location within the town; (2) by soliciting business within the town; or (3) by picking up or delivering merchandise or performing services within the town.

(c) "Person." The term "person" includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.

(d) "Seasonal in nature." A business is "seasonal in nature" when it is taxed by this article on an annual basis, but is operated within the town for less than six months of the year.
(Ord. of 5/4/87, Sec. 1)

Section 2-3012 License tax levied.

A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes contained in section 2-3026 of this article. Any person so engaged in business shall be responsible for making certain that the applicable tax is paid. (Ord. of 5/4/87, Sec. 2)

Section 2-3013 Tax collector; duties.

(a) The town tax collector is hereby designated as the proper town official to collect license taxes and to issue privilege license.

(b) The tax collector shall make any investigation necessary to determine the tax liability of persons engaged in business within the town. If necessary, the tax collector is authorized to enter upon the premises of any such business

Section 2-3017 Multiple businesses.

If a person is engaged in more than one business made subject to a license tax under this article, such person shall pay the license tax prescribed in the tax schedule in section 6-1046 of this article for each such business, even if the businesses are conducted at the same business location. (Ord. of 5/4/87, Sec. 7)

Section 2-3018 Separate places of business.

Unless otherwise provided by state law or by the tax schedule in section 6-1046 of this article, if a person engages in a business in two (2) or more separate places, a separate license tax shall be required for each such place of business. For purposes of this section, if a person engages in the same business at two or more locations within the town, which locations (1) are contiguous, (2) communicate with and open directly into each other, and (3) are operated as a unit, the person is liable for only one license tax. (Ord. of 5/4/87, Sec. 8)

Section 2-3019 Display of license.

Each person issued a license under this article shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the town tax collector. If a machine or other item of personal property is licensed, the license shall be affixed to such machine or item. (Ord. of 5/4/87, Sec. 9)

Section 2-3020 Change in place of business.

If a person who has obtained a license for a business taxed under this article desires to move from one business location to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, such person shall inform the tax collector of the change in address. (Ord. of 5/4/87, Sec. 10)

Section 2-3021 No abatement of tax.

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made. (Ord. of 5/4/87, Sec. 11)

during normal business hours for the purpose of determining whether this article has been complied with.
(Ord. of 5/4/87, Sec. 3)

Section 2-3014 License; due date.

(a) Unless otherwise provided in the schedule of taxes in section 2-3026, each privilege license issued shall cover the twelve-month period beginning July 1 of each calendar year and ending June 30 of the subsequent calendar year.

(b) The privilege license tax is due on July 1 of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.
(Ord. of 5/4/87, Sec. 4)

Section 2-3015 Application; false statement thereon.

(a) Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefor in writing to the tax collector. The application, to be made on a form provided by the tax collector, shall contain the following information:

- (1) Name and nature of the business for which the license is sought;
- (2) The address where the business is conducted, and a mailing address for the business, application, and his relationship to the business;
- (3) The gross receipts of the business for the most recently completed tax year, if applicable; and
- (4) Any other information which the tax collector determines to be necessary.

(b) Any person who willfully makes a false statement on a license application shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50., or imprisoned for not less than 30 days.
(Ord. of 5/4/87, Sec. 5)

Section 2-3016 Proration of tax; seasonal businesses.

(a) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half of the amount otherwise due. (Ord. of 5/4/87, Sec. 6)

Section 2-3022 Effect of license.

The issuance of a license under this article does not authorize the carrying on of a business for which additional license or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee. (Ord. of 5/4/87, Sec. 12)

Section 2-3023 Exemptions.

(a) Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this article.

(b) Any blind person engaging in business within this town shall be exempt from paying any privilege license tax levied by this article, to the extent provided by G.S. 105-249.

(c) Any person serving in any branch of the armed forces of the United States or in the merchant marine, and desiring to engage in business within this town, shall be exempt from paying any privilege license tax levied by this article during the period of such service, to the extent provided by G.S. 105-249.1. (Ord. of 5/4/87, Sec. 13)

Section 2-3024 Unlawful to conduct business without a license.

(a) It shall be unlawful for any person to engage in a business within this town upon which a privilege license is imposed by this article, without having paid the license tax specified in section 2-3026 herein. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50., or imprisoned for not more than 30 days. Each day that a person engages in business in violation of this section constitutes a separate offense.

(b) The town may seek an injunction against any person engaging in business in violation of this section.

(c) A conviction under this section does not relieve a person of his liability for the license tax or taxes imposed by this article. (Ord. of 5/4/87, Sec. 14)

Section 2-3025 Collection of unpaid taxes.

(a) If a person begins or continues to engage in a business taxed under this article without payment of the required privilege license tax, the tax collector may use either of the following methods to collect the unpaid tax:

(1) The remedy of levy and sale or attachment and garnishment, in accordance with G.S. 160A-207; or

(2) The remedy of levy and sale of real and personal property of the taxpayer in accordance with G.S. 105-109(d).

(b) Any person who begins or continues to engage in a business taxed under this article without payment of such tax is liable for an additional tax of five (5%) percent of the original tax due for each 30 days or portion thereof that the tax is delinquent.

(Ord. of 5/4/87, Sec. 15)

Section 2-3026 Schedule of license taxes.

(a) A license tax shall be levied and collected for the privilege of engaging in the following businesses:

- | | | |
|-----|---|---------|
| (1) | Any riding device, shooting gallery, skating rink, swimming pool or other amusements of similar nature, if operated at a permanent location | \$10.00 |
| (2) | Amusements not otherwise taxed | \$ 5.00 |
| (3) | Auto Dealers: Buying, selling, distribution or delivering automotive accessories, parts, tires, tools, batteries, or other auto equipment or supplies wholesale | \$ 7.50 |
| (4) | Auto Service Stations: Servicing, storing, painting or maintenance on autos or selling gasoline, or delivering tires, tools, batteries, motor fuels, lubricants or other auto accessories | \$12.50 |
| (5) | Auto Repair Garage | \$12.50 |
| (6) | Antique and Gift Shops | \$12.50 |
| (7) | Barber Shops: (per chair) | \$ 2.50 |
| (8) | Beauty Shops: For each barber, manicurist, cosmetologist, beautician or beauty shop operator (per year) | \$ 2.50 |

- (9) Bakery products (per year) \$ 2.50
- (10) Bicycle Dealers: Buying or selling bicycles,
bicycle supplies or accessories \$10.00
- (10a) In conjunction with other merchandise for
which a license has been purchased \$ 1.50
- (11) Billiard and Pool Tables: Any tables on
premises (whether owned, rented, leased,
or other) (per year, per table) \$10.00
- (12) Building Material Sales (per year) \$12.50
- (13) Carpenter Shops (per year) \$12.50
- (14) Carpet and Rug Cleaners (per year) \$12.50
- (15) Cigar, Cigarette and Tobacco Retailers and
Wholesalers (G.S 105-84): Selling, either
as a retailer or jobber, cigars, cigarettes,
tobacco products (per year). Does not apply
to vending machines \$ 5.00
- (16) Clothing Store (per year) \$12.50
- (16a) Clothing along with other merchandise for
which a license has been purchased \$ 5.00
- (17) Contractors and Construction Companies engaged
in fixing a price, commission, fee, or wage or
bids to construct any building, street, sidewalk,
bridge, sewer or water system, grading or other
improvement or structure \$10.00
(Does not apply to plumbers, electricians,
or heating contractors, see Plumbers.)
- (18) Delivery of Packages and Parcels (per year) \$ 5.00
- (19) Dry Cleaners: Persons, firm or corporation
soliciting cleaning work or pressing work to
be done by a dry cleaning plant which has not
paid the license tax (per vehicle) \$12.50
- (20) Drug Stores (per year) \$15.00
- (21) Electricians (see Plumbers)
- (22) Express Companies (per year) \$10.00

- (23) Gasoline: Every person, firm, or corporation
selling illuminating or lubricating oil or
greases, or benzine, naphtha, gasoline or other
similar products (other than stations)
(per year) \$12.50
- (24) Farm Machinery Dealer (per year) \$12.50
- (25) Fertilizer Dealers (per year) \$12.50
- (26) Florist (per year) \$12.50
- (27) Fish and Oyster Dealers (per year) \$ 7.50
- (28) Furniture Stores (per year) \$12.50
- (29) Fruit, Vegetable and Produce Stands (per year) \$12.50
- (30) Grocery Stores (per year) \$12.50
- (31) Hardware Stores (per year) \$12.50
- (32) Laundry out-of-town: Persons, firms or cor-
porations engaged in the business of laundry
work or supplying or renting clean linens,
towels and wearing apparel, if the work is
performed outside the municipality or if linen,
towels or wearing apparel are supplied by a
business outside the municipality (per year) \$12.50
- (33) Meat Sales (per year) \$10.00
- (34) Machine Shops (per year) \$12.50
- (35) Motor Vehicle Dealers: Any and all persons,
firms or corporations engaged in the business
of buying, selling, distributing, servicing or
storing motor vehicles, trailers, semi-trailers,
tires, tools and other automotive supplies or
accessories (per year) \$20.00
- (36) Music Machines: Persons, firms, corporations
engaged in the business of operating, maintaining
or placing on location any machine which plays
records or produces music (per year) \$ 5.00
- (37) Peddlers: Anyone who peddles fruits, vegetables
or products of the farm (per year) \$ 5.00

- (38) Plumbers, Heating Contractors and Electricians: Persons, firms or corporations engaged in the business of a plumber, of a steam or gas fitter, or of installing heating systems or electrical equipment (per year) \$ 7.50
- (39) Repair Shops (per year) \$12.50
- (40) Restaurants, Cafes and Cafeterias: Persons, firms or corporations engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service or other place where prepared food is sold (per year)
- a. \$0.50 per person provided with chairs, stools or benches; with a minimum tax of \$2.50 per business.
 - b. All other stands or places of business where prepared food is served, or places where prepared sandwiches only are served, the tax is \$ 2.50.
- (41) Roof Patchers, Painters and Patchers (per year) \$12.50
- (42) Soda Fountains and Soft Drink Stands: Persons, firms or corporations engaged in the business of operating a soda fountain or soft drink stand:
- a. Soda Fountains: On each carbonated draft arm of each fountain..... \$ 5.00
 - b. Soft Drink Stands: On each stand at which soft drinks are sold and on each place where bottled drinks are sold at retail..... \$ 2.50
- (43) Sundries: Persons, firms or corporations engaged in any or all of the following activities at a single location:
- a. Selling sandwiches in drugstores, service stations and other places not taxed as restaurants;
 - b. Operating, maintaining or placing vending machines for cigarettes or other tobacco products, soft drinks, food or other merchandise or weighing machines;
 - c. Operating a soda fountain or soft drink stand; or

d. Selling cigarettes or any other tobacco products.

	Each location (per year)	\$ 4.00
(44)	Taxicabs (per vehicle; per year)	\$15.00
(45)	Video Games (on premises whether owned, rented, leased or other) (per machine; per year)	\$ 5.00
(46)	Trailer Parks (per year)	\$12.50
(47)	Vending Machines: Soft drink, nab, candy, nuts, cigarettes, etc. (per year)	\$ 2.50
(48)	Welders (per year)	\$12.50
(49)	Yard Maintenance (per year)	\$12.50
*	Merchants and Dealers not otherwise taxed (Retail) (per year)	\$12.50
*	Miscellaneous not otherwise taxed and not exempt (per year)	\$12.50
*	Beer and Wine:	
	Beer on premises (per year)	\$15.00
	Beer off premises (per year)	\$ 5.00
	Wine on premises (per year)	\$15.00
	Wine off premises (per year)	\$10.00

(Ord. of 6/24/91)

CHAPTER 4

Town Policy

Section 2-4001 Fair Housing Committee.

Section 2-4001 Fair housing committee.

(a) The town board of commissioners does hereby appoint a fair housing ordinance committee, which shall hereafter be known as the fair housing committee, and shall consist of four citizens who shall serve a term at the pleasure of the town board.

(b) That committee, with the assistance of the town clerk, shall receive and review any and all grievances concerning discrimination in the provision of housing within the town.

(c) Where the fair housing committee finds evidence of proof of a specific occurrence of discrimination against a complaint in the provisions of housing under Title VIII of the Civil Rights Act of 1968, specific punitive action shall be taken by the town. Each individual day that a violation of this section occurs and the complainant suffers the denial of housing as the result of discrimination, shall be considered a separate and distinct offense. Each offense shall be considered a misdemeanor as provided by G.S. § 14-4, punishable by a fine of \$50.

(d) The fair housing committee shall submit a statement of finding of fact for all grievances filed with it to the board of commissioners of the town. The board of commissioners shall review the findings of fact, and levy a fine or fines against the offender under this section for each offense. All fines shall be payable to the town within 30 days.

(e) The town shall notify the Equal Opportunity Housing Section, U.S. Department of Housing and Urban Development, Area Office, Greensboro, North Carolina, of all actions taken under this section.

(f) The committee will encourage all local realtors, homeowners and contractors to provide for non-discrimination in the provision of housing within the town. (Ord. of 1/10/83)

CHAPTER 5

Extraterritorial Jurisdiction

Section 2-5001 Boundaries of extraterritorial jurisdiction.

Section 2-5001 Boundaries of extraterritorial jurisdiction.

The boundaries of the extraterritorial jurisdiction of the Town of Stantonburg, according to and as authorized by G.S. 160A-360, extend to distances not exceeding one mile from the corporate limits of the town, as shown on the map titled "Official Extraterritorial Boundary Map of the Town of Stantonburg", the original of which is on file in the office of the town clerk. This map is incorporated and made an integral part of this section by reference. (Ord. of 5/6/85)

CHAPTER 6

Officers, Employees and Agents

Article A. Code of Conduct

- Section 2-6001 Restrictions on the soliciting or acceptance of gratuities.
- Section 2-6002 Conflicts of interest.
- Section 2-6003 Gratuities from contractors prohibited.
- Section 2-6004 Violations by officers or employees.
- Section 2-6005 Violations by contractors.

ARTICLE A

Code of Conduct

Section 2-6001 Restrictions on the soliciting or acceptance of gratuities.

No employee, officer or agent of the Town of Stantonburg shall knowingly solicit or accept any form of gratuity from any person, firm or organization whereby such gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds. (Ord. of 3/9/87, Sec. 1)

Section 2-6002 Conflicts of interest.

No employee, officer or agent of the Town of Stantonburg shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, member of his/her immediate family, his/her partner, or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award. (Ord. of 3/9/87, Sec. 2)

Section 2-6003 Gratuities from contractors prohibited.

No employee, officer or agent of the Town of Stantonburg shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. (Ord. of 3/9/87, Sec. 3)

Section 2-6004 Violations by officers or employees.

If any employee, officer or agent shall knowingly violate any of the provisions of this article, such employee, officer or agent will be subject to such disciplinary measures as may be deemed appropriate by the town board, including, but not limited to, suspension without pay, demotion or dismissal. (Ord. of 3/9/87, Sec. 4)

Section 2-6005 Violations by contractors.

If any contractor or his agent violates any provision of this article, such violation will constitute grounds for action deemed appropriate by the town board including, but not limited to, withdrawal from consideration of any proposal or bid submitted by such contractor, withdrawal of award, or rescission of contract. (Ord. of 3/9/87, Sec. 5)

CHAPTER 7

Boards and Commissions

Article A. Town Appearance Commission

- Section 2-7001 Established.
- Section 2-7002 General duty of the board.
- Section 2-7003 Membership, term, and vacancies.
- Section 2-7004 Members rights and privileges; compensation.
- Section 2-7005 Election of chairman, term and other offices.
- Section 2-7006 Adoption of rules, records.
- Section 2-7007 Powers and duties.
- Section 2-7008 Staff services
- Section 2-7009 Receipt and expenditure of funds.
- Section 2-7010 Annual report.
- Sections 2-7011 through 2-7020 Reserved.

Article B. Parks and Recreation Commission.

- Section 2-7021 Established.
- Section 2-7022 Duties of the commission.
- Section 2-7023 Membership, term and vacancies.
- Section 2-7024 Appointment of chairman, term of chairman, and election of other officers.
- Section 2-7025 Adoption of bylaws, rules, regulations and record keeping.
- Section 2-7026 Powers and duties.
- Section 2-7027 Members rights and privileges, compensation and expenses.

ARTICLE A

Town Appearance Commission

Section 2-7001 Established.

There shall be a Town Appearance Commission for the Town of Stantonsburg, North Carolina, and its extraterritorial jurisdiction, established under the authority of the General Statutes of North Carolina. (Ord. of 4/11/88, Sec. 1)

Section 2-7002 General duty of the board.

The duty of the Town of Stantonburg Appearance Commission shall be to make a careful study of the visual problems and needs of the Town of Stantonburg within its area of zoning jurisdiction, and to make plans and carry out any programs that will enhance and improve the visual quality and aesthetic characteristics of the Town of Stantonburg. (Ord. 4/11/88, Sec. 2)

Section 2-7003 Membership, term and vacancies.

The appearance commission shall consist of seven members. Five of the members shall be residents of the town. Two of the members shall be residents in the extraterritorial zone immediately adjacent to and outside the town limits as described in the Charter and Code of Ordinances. In addition thereof, the town manager and superintendent of utilities shall serve as ex-officio members in an advisory capacity and shall not have the right to vote on any matter before the appearance commission.

When possible, appointments shall be made in such a manner as to maintain on the commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely related field.

The five members of the appearance commission residing in the city limits shall be appointed by the town board of commissioners. The two members of the commission residing within the extraterritorial zone but outside the town limits shall be appointed by the Wilson County Board of Commissioners. If the board of county commissioners fail to make the appointments within 90 days after receiving a resolution from the Stantonburg Board of Commissioners requesting that it be made, the town board of commissioners may make the appointments.

The town board of commissioners shall appoint three members of the appearance commission whose expiration of term shall be June 30, 1989. The two other members that reside inside the town limits shall be appointed to terms that expire on June 30, 1990. The town board of commissioners shall recommend, by resolution, to the board of county commissioners of Wilson County that the two individuals they are to appoint, shall be appointed for a term to expire on June 30, 1990. All terms hereafter shall be for a period of two years. Members shall serve until the expiration of their terms or until their successors have been appointed.

Vacancies occurring in the membership of the appearance commission otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as original appointments are made. (Ord. of 4/11/88, Sec. 3)

Section 2-7004 Members rights and privileges; compensation.

All members of the appearance commission shall have equal rights, privileges and duties in all matters (except the chairmans right to vote only in case of any equal division), wherever such matters might arise, be they within the corporate limits of the city or in the extraterritorial zone adjacent thereto.

All members of the appearance commission shall serve without compensation except that they may be reimbursed for actual expenses incident to the performance of their duties with the limits of any funds available to the commission. (Ord. of 4/11/88, Sec. 4)

Section 2-7005 Election of chairman, term, and other offices.

Within 30 days after appointment, the appearance commission shall elect its chairman from the appointed citizen members and

create and fill such other of its offices as it may determine. The term of the chairman shall be one year, with eligibility for re-election once consecutively. (Ord. of 4/11/88, Sec. 5)

Section 2-7006 Adoption of rules, records.

The appearance commission shall adopt rules for transaction of business and shall keep a record of its transactions, findings, recommendations, and determinations, which shall be a matter of public record and delivered by the chairman of the commission to the town clerk. (Ord. of 4/11/88, Sec. 6)

Section 2-7007 Powers and duties.

The appearance commission shall act in an advisory capacity to the town board of commissioners, the town manager and the departments of the town government in relation to the general appearance of the community, and shall have the following duties:

(a) To initiate, promote, and assist in the implementation of programs of general community beautification in the town;

(b) To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of the town.

(c) To promote leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies;

(d) To make studies of the visual characteristics and problems of the town including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, and portion or neighborhood thereof, or any project to be undertaken;

(e) To prepare both general and specific plans for the improved appearance of the city. These plans may include the entire planning area or any part thereof, and may include public as well as private property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the town or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects;

(f) Any other duty that the town board of commissioners may choose to direct this commission to undertake as it may reflect to the appearance of the town and surrounding community;

(g) To direct the attention of town or county officials to the needed enforcement of any ordinance that may in any way affect the appearance of the town or its extraterritorial zone;

(h) To formulate and recommend to the town planning board or town board of commissioners the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the city and its surrounding areas;

(i) To seek voluntary adherence to the standards and policies of its plan;

(j) To promote public interest in and an understanding of its recommendations, plans, and studies, and to issue such reports that will advance the cause of improved municipal appearance;

(k) To conduct public meetings and hearings, giving reasonable notice to the public, and according to the Open Meeting Laws of North Carolina.

(Ord. of 4/11/88, Sec. 7)

Section 2-7008 Staff services.

The appearance commission may recommend to the town board of commissioners suitable arrangements for the procurement or provision of staff or technical services for the commission, and the town board of commissioners may appropriate such amount as it deems necessary to carry out the purpose for which it was created. (Ord. of 4/11/88, Sec. 8)

Section 2-7009 Receipt and expenditure of funds.

The appearance commission may receive contributions from private agencies, foundations, organizations, individuals, the state and federal government, or any other source, in addition to any sums appropriated for its use by the town board of commissioners. It may accept and disperse these funds for any purpose within the scope of its authority as herein specified, with the prior knowledge and consent of the town board of commissioners through the established method of disbursement that the town has in place. (Ord. of 4/11/88, Sec. 9)

Section 2-7010 Annual report.

The commission shall, no later than April 15 of each year, submit to the town board of commissioners a written report of its activities, a statement of its expenditures to date for the current year, and a requested budget for the next fiscal year. All accounts

and funds of the commission shall be administered substantially in accordance with the requirements of the municipal fiscal control act.

The commission shall appear before the town board of commissioners at such times as the mayor or the board may required. (Ord. of 4/11/88, Sec. 10)

Sections 2-7011-2-7020 Reserved.

ARTICLE B

PARKS AND RECREATION COMMISSION

Section 2-7021 Established.

There shall be a parks and recreation commission for the Town of Stantonsburg, North Carolina, established under the authority of the General Statutes of North Carolina. (Ord. of 10/29/08)

Section 2-7022 Duties of the commission.

The duty of the parks and recreation commission shall be to make a study of the needs of the Town of Stantonsburg for parks and recreational facilities. The commission shall make plans for and recommend development of parks and recreational facilities and programs for the Town of Stantonsburg and its citizens and residents. (Ord. of 10/29/08)

Section 2-7023 Membership, term and vacancies.

The parks and recreation commission shall consist of six (6) members who are residents of the Town of Stantonsburg, or residents of Stantonsburg or Saratoga Township in Wilson County. In addition thereto, the mayor, the town manager and superintendent of utilities shall serve as ex-officio members in an advisory capacity, but shall not have voting rights on any matter being considered by the parks and recreation commission.

The six (6) members of the parks and recreation commission shall be appointed by the mayor, but all such appointments by the mayor shall be approved by the town council.

Three (3) of the initial appointments to the commission shall be made for a two (2) year term to expire on October 31, 2010. The remaining three (3) commissioners shall be appointed for a one (1) year term to expire on October 31, 2009. All terms thereafter shall

be for a period of two (2) years. Members of the commission may be appointed for any number of subsequent terms upon the expiration of their initial or subsequent term. Members shall serve until the expiration of their terms or until their successors have been appointed, whichever is later.

Vacancies occurring in the membership of the parks and recreation commission otherwise than through the expiration of term shall be filled for the unexpired term in the same manner as original appointments and subsequent appointments are made. The mayor shall make all such appointments subject to approval by the town council. (Ord. of 10/29/08; Ord. of 8/8/11)

Section 2-7024 Appointment of chairman, term of chairman, and election of other officers.

The mayor shall appoint the chairman of the parks and recreation commission. The commission shall meet annually and elect a vice-chairman, secretary and such other officers as it deems necessary for properly carrying out its duties. The terms of each officer, including the chairman, shall be for a term of one (1) year and each officer shall be eligible for reappointment or re-election for an additional consecutive term. (Ord. of 10/29/08)

Section 2-7025 Adoption of bylaws, rules, regulations and record keeping.

The parks and recreation commission shall adopt bylaws, rules, regulations and other procedures for carrying out its business and conducting its meetings. The commission shall also maintain an adequate and complete record of its transactions, findings, plans, determinations and recommendations. All such records shall be public records and shall be delivered by the chairman of the commission to the town clerk for retention in accordance with applicable North Carolina law. (Ord. of 10/29/08)

Section 2-7026 Powers and duties.

The parks and recreation commission shall act in an advisory capacity to the town council, the mayor, the town manager and departments of the town government in relation to the development of parks and recreational facilities for the town, and shall have the following powers, duties and restrictions:

(a) To initiate, promote and assist in the implementation of plans and programs for the development of parks and recreational facilities for the Town of Stantonburg;

(b) To seek to coordinate the activities of individuals, agencies and organizations, both public and private, and to seek assistance in developing parks and recreational facilities for the Town of Stantonburg;

(c) To make studies, findings of fact and analysis of the parks and recreational facilities needs of the Town of Stantonburg;

(d) To prepare or have prepared both general and specific plans for the creation of parks and recreational facilities for the Town of Stantonburg;

(e) Any other duty the town council may choose to direct the commission to undertake as it may relate to the development of parks and/or recreational facilities for the Town of Stantonburg;

(f) The commission may solicit, receive and accept any grant, gift, bequest, or donation of any personal property, tangible or intangible, made for parks and recreational purposes. All such grants, gifts, bequests or donations of personal property shall become the property of the Town of Stantonburg, and if such property is monies, stocks, bonds or other intangible property, such monies, funds or property shall be delivered to the town finance officer and deposited into town accounts to the credit of the parks and recreation commission. Any grant, gift, bequest or donation of personal property, tangible or intangible, shall be held, used and finally disposed of by the town in accordance with the terms, conditions or restrictions under which the grant, gift, bequest or donation is made and accepted;

(g) The commission may solicit or seek grants, donations or devises of real estate for parks or recreational purposes. Provided, however, that no such real property shall be received or accepted except upon the prior approval of the town council, and upon such approval, the title to and the deed to the property shall be in the name of the Town of Stantonburg. Any grant, gift, donation or devise of real property to the Town of Stantonburg accepted by the town council shall be held, used and finally disposed of by the town in accordance with the terms, conditions or restrictions under which the grant, gift, donation or devise of such real property was made and accepted;

(h) All property, real or personal, tangible or intangible, acquired or received by the parks and recreation commission shall become the property of and be owned by the Town of Stantonburg;

(i) The commission shall have no authority to enter into any contract or incur any obligations other than current obligations or

contracts to be fully executed and completed within the then current fiscal year and within the budget appropriations for the then current fiscal year made by the town council;

(j) Funds appropriated by the town council and budgeted to the parks and recreation commission shall be disbursed by the town's finance officer upon vouchers issued by the parks and recreation commission and may be disbursed only from and within the budget appropriations made, or other funds available to the commission;

(k) Funds received by the parks and recreation commission from sources other than the budget appropriations shall be delivered to the town and shall be deposited by the town to the credit of and for the use of the commission and disbursed in the same manner as budgeted funds are disbursed. All funds received by grant, gift, bequest or otherwise shall be disbursed only in accordance with the terms, conditions or restrictions of the grant, gift or bequest;

(l) The parks and recreation commission shall, no later than April 15th of each year, submit to the town council a written report of its activities during the then fiscal year, a statement and accounting of its expenditure of budgeted and nonbudgeted funds during the then fiscal year and its requested budget for the next fiscal year;

(m) The commission shall make such additional appearances before and reports to the town council as the mayor or the town council shall request or require;

(n) The fiscal year of the parks and recreation commission shall conform to that of the town.
(Ord. of 10/29/08)

Section 2-7027 Members rights and privileges, compensation and expenses.

All members of the parks and recreation commission shall have equal rights, privileges and duties in all matters coming before the commission. Provided, however, that in matters requiring a vote by the commissioners, the chairman shall not have a vote except when there is a tie vote and the vote of the chairman is necessary to break the tie.

All members of the commission shall serve without compensation for their services on the commission. Provided, however, that members of the commission may be reimbursed for actual expenses incurred incidental to the performance of their duties. Such reimbursement for expenses shall only be made from funds available

to the commission, either appropriated or received, and shall be reimbursed only upon application forms required by the town budget officer and in accordance with the reimbursement policy of the Town of Stantonburg.

(Ord. of 10/29/08)

CHAPTER 8

Personnel Policies

Article A. Policy Statement

Section 2-8001 Relationship between town and employee terminable.
Section 2-8002 Statement not a condition of employment.
Section 2-8003 Policies not a binding contract.
Sections 2-8004 through 2-8010 reserved.

Article B. General Provisions

Section 2-8011 Purpose.
Section 2-8012 Coverage.
Section 2-8013 Definitions.
Section 2-8014 Merit principle.
Section 2-8015 Responsibility of town council.
Section 2-8016 Responsibility of town manager.
Section 2-8017 Responsibility of department heads.
Sections 2-8018 through 2-8020 reserved.

Article C. The Classification Plan

Section 2-8021 Adoption.
Section 2-8022 Allocation of positions.
Section 2-8023 Administration of the position classification plan.
Section 2-8024 Amendment of position classification plan.
Sections 2-8025 through 2-8030 reserved.

Article D. The Pay Plan

Section 2-8031 Adoption.
Section 2-8032 Maintenance of the pay plan.
Section 2-8033 Use of salary ranges.
Section 2-8034 Payment at a listed rate.
Section 2-8035 Salary of trainee.
Section 2-8036 Pay rates in promotion, demotions, transfer and reclassification.
Section 2-8037 Pay rates in salary range revisions.
Section 2-8038 Pay for part-time work.
Section 2-8039 Overtime.
Section 2-8040 Call-back pay.
Section 2-8041 Merit bonus plan.
Section 2-8042 Payroll deductions.
Sections 2-8043 through 2-8050 reserved.

Article E. Recruitment and Employment

Section 2-8051 Statement of Equal Employment Opportunity Policy.
Section 2-8052 Implementation of EEO Policy.
Section 2-8053 Recruitment.
Section 2-8054 Job advertisements.
Section 2-8055 Applications for employment.
Section 2-8056 Application reserve file.
Section 2-8057 Qualification standards.
Section 2-8058 Selection.
Section 2-8059 Appointments.
Section 2-8060 Probationary period of employment.
Section 2-8061 Demotion.
Section 2-8062 Transfer.
Sections 2-8063 through 2-8070 reserved.

Article F. Conditions of Employment.

Section 2-8071 Workweek.
Section 2-8072 Gifts and favors.
Section 2-8073 Political activity restricted.
Section 2-8074 Outside employment.
Section 2-8075 Limitation of employment of relatives.
Section 2-8076 Conformance to immigration law requirements.
Section 2-8077 Use of town owned vehicles.
Section 2-8078 Reimbursement for use of personal vehicle.
Sections 2-8079 through 2-8080 reserved.

Article G. Leaves of Absence.

Section 2-8081 Holidays.
Section 2-8082 Effect of holidays on other types of leave.
Section 2-8083 Holiday - When work required.
Section 2-8084 Vacation leave.
Section 2-8085 Sick leave.
Section 2-8086 Calculation of holiday leave, vacation leave and sick leave.
Section 2-8087 Leave without pay - Policy.
Section 2-8088 Workers' compensation leave.
Section 2-8089 Death leave.
Section 2-8090 Temporary disability leave.
Section 2-8091 Military leave.
Section 2-8092 Civil leave.
Section 2-8093 Educational leave with pay.
Sections 2-8094 through 2-8100 reserved.

Article H. Separation, Disciplinary Action and Reinstatement

Section 2-8101 Types of separation.
Section 2-8102 Disciplinary actions.

Sections 2-8103 through 2-8110 reserved.

Article I. Grievance Procedure

Section 2-8111 Policy and purpose.
Section 2-8112 Definition.
Section 2-8113 Procedure.
Section 2-8114 Discrimination appeal procedure.
Section 2-8115 Back pay awards.
Sections 2-8116 through 2-8120 reserved.

Article J. Employee Benefits

Section 2-8121 Insurance benefits.
Section 2-8122 Unemployment benefits.
Section 2-8123 Old age and survivor's insurance.
Section 2-8124 Retirement benefits.
Section 2-8125 401K plan.
Section 2-8126 Law enforcement 401K and separation allowance.
Section 2-8127 Employee uniforms.
Sections 2-8128 through 2-8130 reserved.

Article K. Personnel Records and Reports

Section 2-8131 Personnel records maintenance.
Section 2-8132 Access to personnel records.
Section 2-8133 Confidential information.
Section 2-8134 Records of former employees.
Section 2-8135 Remedies of employees objecting to material in file.
Section 2-8136 Penalty for permitting access to confidential file by unauthorized person.
Section 2-8137 Penalty for examining and/or copying confidential material without authorization.
Section 2-8138 Destruction of records regulated.
Sections 2-8139 through 2-8140 reserved.

Article L. Implementation of Policies

Section 2-8141 Conflicting policies repealed.
Section 2-8142 Separability.
Section 2-8143 Violations of policy provisions.
Section 2-8144 Effective date.
Sections 2-8145 through 2-8150 reserved.

Article M. Safety and Loss Control Program

Section 2-8151 Statement of policy.
Section 2-8152 Responsibilities.
Section 2-8153 Operations.

Section 2-8154 Discipline and incentive programs.
Section 2-8155 Safety rules and procedures.

Appendix A Pay Plan

Appendix B Classification Plan

Appendix C Allocation of Classes to Salary Grades

ARTICLE A

Policy Statement

Section 2-8001 Relationship between town and employee terminable.

The employment relationship between the town and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No officer, employee, agent or representative of the town has any authority to enter into any agreement for employment for any specified period of time or to make any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in the personnel policies. Any exceptions to these policies of "at-will" employment must be expressly authorized in writing, approved by the town council and executed by the officers designated by the council. (Ord. of 7/1/91, Art. I, Sec. 1)

Section 2-8002 Statement not a condition of employment.

None of the benefits or policies set forth in these personnel policies are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the town. The contents of this document are presented as a matter of information only. Although the town believes wholeheartedly in the plans, policies, and procedure described herein, they are not conditions of employment. (Ord. of 7/1/91, Art. I, Sec. 2)

Section 2-8003 Policies not a binding contract.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The town explicitly reserves the right to modify any of the provisions of these policies at any time and without notice to the employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or the town, with or without cause and with or without advance notice. (Ord. of 7/1/91, Art. I, Sec. 3)

Sections 2-8004 through 2-8010 reserved.

ARTICLE B

General Provisions

Section 2-8011 Purpose.

The purpose of these policies is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force. These policies are established under the authority of Chapter 160A-Article 7 of the General Statutes of North Carolina. (Ord. of 7/1/91, Art. II, Sec. 1)

Section 2-8012 Coverage.

These policies shall cover all regular and probationary employees except as specifically exempted. The town attorney, members of the town council and of advisory boards and commissions and part-time employees, will be exempted except in sections where specifically included.

Temporary employees will be included only in the following articles and sections: Article B; Article D, sections 2-8031 through 2-8039; Article E; Article F, sections 2-8071 through 2-8076; Article G, sections 2-8081 and 2-8088; and Article K. (Ord. of 7/1/91, Art. II, Sec. 2)

Section 2-8013 Definitions.

(a) "Probationary employee." A person appointed to a permanent position who has not yet completed the probationary period (See Article E, section 8060 of these policies).

(b) "Part-time employee." An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the town council as full-time.

(c) "Regular employee." An employee who has successfully completed the prescribed probationary period shall be considered regular. However, all town positions are subject to budget review and approval each year by the town council, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees or permanent positions should not be construed as a contract or right to perpetual funding or employment.

(d) "Temporary employee." A person appointed to serve in a position for a definite duration, usually less than six months.

(e) "Grievance." A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

(f) "Adverse action." A demotion, dismissal, reduction in pay, layoff, suspension, or an undesirable transfer.
(Ord. of 7/1/91, Art. II, Sec. 3)

Section 2-8014 Merit principle.

The purpose of this chapter and rules and regulations is to establish a fair and uniform system of modern personnel administration for all employees of the town.

The town shall embrace the following merit system principles in administering its personnel program:

(a) Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed, sex, national origin, color, race, or handicap. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.

(b) Employees shall be recruited, selected, trained and advanced on the basis of their ability, knowledge, skill, and performance.

(c) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.

(d) Employees shall be protected from coercion for partisan political purposes.

(e) Employees shall receive equitable and adequate pay and benefits and eligible employees shall receive merit pay increases based upon their performance subject to the availability of funds.
(Ord. of 7/1/91, Art. II, Sec. 4)

Section 2-8015 Responsibility of town council.

The town council shall establish personnel policies and rules, including the classification and pay plan.

The town council shall adopt or provide for rules and regulations or ordinances concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 160A-164 of the North Carolina General Statutes. The town council shall prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the town. (Ord. of 7/1/91, Art. II, Sec. 5)

Section 2-8016 Responsibility of the town manager.

The town manager shall be responsible for the preparation and maintenance of the position classification plan and the pay plan, and perform such other duties in connection with a modern personnel program as shall be required. All matters dealing with personnel shall be routed through the town manager, who shall maintain a complete system of personnel files and records. (Ord. of 7/1/91, Art. II, Sec. 6)

Section 2-8017 Responsibility of department heads.

The head of each town department, with the approval of the town manager, shall appoint, suspend and remove town officers or employees assigned to the department or prescribed in Chapter 160A-155 of the North Carolina General Statutes. (Ord. of 7/1/91, Art. II, Sec. 7)

Sections 2-8018 through 2-8020 reserved.

ARTICLE C

Classification Plan

Section 2-8021 Adoption.

The position classification plan, as set forth in this article and Appendix B* of these policies, is hereby adopted as the position classification plan for the town. The plan contains an accurate class specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. (Ord. of 7/1/91, Art. III, Sec. 1; amended, Ord. of 2/8/93)

Section 2-8022 Allocation of positions.

The town manager shall allocate each position covered by the classification plan to its appropriate class in the plan. (Ord. of 7/1/91, Art. III, Sec. 2)

Section 2-8023 Administration of the position classification plan.

The town manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the town manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing positions. When the

*Editor's Note: Appendix B, referred to herein, may be found at the end of this chapter.

duties, responsibilities, working conditions or other factors which may affect the classification of any existing positions. When the town manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised, reallocated to the appropriate class within the existing classification plan, or amend the position classification plan to establish a new class to which the position may be allocated. (Ord. of 7/1/91, Art. III, Sec. 3)

Section 2-8024 Amendment of position classification plan.

Classes of positions shall be added and deleted from the position classification plan by the town manager. (Ord. of 7/1/91, Art. III, Sec. 4)

Sections 2-8025 through 2-8030 reserved.

ARTICLE D

The Pay Plan

Section 2-8031 Adoption.

The schedule of salary ranges in Appendix A and class titles assigned to salary ranges, as set forth in Appendix C of these policies, is hereby adopted as the pay plan for the town.* (Ord. of 7/1/91, Art. IV, Sec. 1)

Section 2-8032 Maintenance of the pay plan.

The town manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the town, and other factors. To this end, the town manager shall from time to time make comparative studies of all factors affecting the levels of salary ranges and shall recommend to the town council such changes in salary ranges as appear to be warranted. (Ord. of 7/1/91, Art. IV, Sec. 2)

Section 2-8033 Use of salary ranges.

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious serv-

*Editor's Note: Appendix A and Appendix C, referred to herein, may be found at the end of this chapter.

ice. The following general provisions will govern the granting of increases within the range pay increment:

(a) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum step may be made with the approval of the town manager when deemed necessary and in the best interest of the town. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and experience for the class, a shortage of qualified applicants available at the minimum step, the refusal of qualified applicants to accept employment at the minimum step, or other similar factors.

(b) All steps above the second are reserved to reward employees for meritorious service. Each year, the town manager may require department heads to consider the eligibility of employees to receive increments and to recommend such advancement or retention at the same rate. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons whether to advance or retain the employee at the same rate. All such advancements and retentions must be approved by the town manager.
(Ord. of 7/1/91, Art. IV, Sec. 3)

Section 2-8034 Payment at a listed rate.

All employees covered by the salary plan shall be paid at a listed rate within the salary range established for their respective job classes except for employees in a "trainee status", or employees whose present salaries are above the established maximum rate following transition to a new pay plan. (Ord. of 7/1/91, Art. IV, Sec. 4)

Section 2-8035 Salary of trainee.

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. In such cases, a plan for training, including a time schedule, will be prepared.

Trainee salaries may be no more than two steps below the minimum salary established for the position for which the person is being trained. An employee will remain on the trainee step until the department head determines that the trainee is qualified to assume the full responsibilities of the position. The department head shall review the progress of each employee in a trainee status within three months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than one year. (Ord. of 7/1/91, Art. IV, Sec. 5)

Section 2-8036 Pay rates in promotion, demotions, transfer, and reclassification.

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

(a) Promotion: An employee who is promoted shall receive a one-step (five percent) pay increase in base salary or an increase to the minimum step of the new pay range, whichever is higher.

(b) Demotion: An employee who is demoted shall have the salary remain the same if the demotion is voluntary, or reduced to a step in the lower range, if the demotion is for cause.

(c) Transfer: An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to receive the same salary.

(d) Reclassification: An employee whose position is reclassified to a class having a higher salary range shall receive a one-step pay increase in base salary or an increase to the minimum step of the new pay range, whichever is higher. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
(Ord. of 7/1/91, Art. IV, Sec. 6)

Section 2-8037 Pay rates in salary range revisions.

When the town council approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

(a) When a class of positions is assigned to a higher pay range, employees in that class shall receive a one-step pay increase or an increase to the minimum step of the new range, whichever is higher.

(b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.

(c) When an adjustment is made to a pay range, to reflect market changes, employees in classes within that pay range may or may not receive the adjustment, depending on the town's financial condition.
(Ord. of 7/1/91, Art. IV, Sec. 7)

Section 2-8038 Pay for part-time work.

The pay plan established by these policies is for full-time service. An employee appointed for less than full-time service will be paid a pro-rated amount determined by converting the established salary to an hourly rate. (Ord. of 7/1/91, Art. IV, Sec. 8)

Section 2-8039 Overtime.

(a) To the extent that local government jurisdictions are so required, the town will comply with the Fair Labor Standards Act (FLSA).

(b) The town manager, following FLSA regulations, shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions. Nonexempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a seven day period); hours beyond the FLSA established limit will be compensated at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.

(c) Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for nonexempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations.

(d) Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the department head or authorized representative of the department head.

(e) Employees in positions determined to be "exempt" from FLSA (as executive, administrative, or professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their department heads where the convenience of the department allows.

(f) Public safety departments with fewer than five employees engaged in public safety activities, are exempted from FLSA overtime regulations under Chapter 29 Code of Federal Regulations, Part 553, Subpart C, Paragraph 553.200(a). However, minimum wage requirements of FLSA do apply.
(Ord. of 7/1/91, Art. IV, Sec. 9)

Section 2-8040 Call-back pay.

Any town employee eligible to receive overtime compensation under these policies will be guaranteed a minimum payment of one hour's wages for being called back to work outside of normal working hours.
(Ord. of 7/1/91, Art. IV, Sec. 10)

Section 2-8041 Merit bonus plan.

The purpose of the merit bonus plan is to reward those employees who have reached the top step in their salary range with a potential two and one-half (2 1/2%) percent or five (5%) percent merit bonus when their work performance is determined to be meritorious.

All regular full-time employees of the town are eligible for a maximum of five merit bonus payments of two and one-half (2 1/2%) percent or five (5%) percent of the employee's base salary after reaching the top step (step 8B) of the employee's salary range. The merit bonus payment (if any) shall be awarded based upon the performance of the employee as reflected on his or her annual performance evaluation. Merit bonuses may be awarded every other year after the employee reaches the top step of the salary range for his position classification. Eligible merit bonus payments shall be made in lump sum and will be payable generally at the discretion of the employer.

If an employee fails to achieve a merit bonus payment on his eligible year, the employee shall become eligible again the following year, provided, however, that the employee shall not earn more than one merit bonus payment in a two year period or a total of five merit bonus payments. (Ord. of 7/1/91, Art. IV, Sec. 11)

Section 2-8042 Payroll deductions.

Only payroll deductions specifically mandated or authorized by federal, state, or town act may be deducted at each period from each employee's pay. (Ord. of 7/1/91, Art. IV, Sec. 12)

Sections 2-8043 through 2-8050 reserved.

ARTICLE E

Recruitment and Employment

Section 2-8051 Statement of Equal Employment Opportunity Policy.

It is the policy of the town to foster, maintain, and promote equal employment opportunity. The town shall select employees on the basis of applicants qualifications and without regard to age, sex, race, color, creed, religion or national origin. Applicants with handicaps shall be given equal consideration with other applicants for positions in which their handicaps do not represent an unreasonable barrier to satisfactory performance of duties. (Ord. of 7/1/91, Art. V, Sec. 1)

Section 2-8052 Implementation of EEO Policy.

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, creed, religion, national origin, or handicap. Notices with regard to equal employment matters shall be posted in conspicuous places on town government premises in places where notices are customarily posted. (Ord. of 7/1/91, Art. V, Sec. 2)

Section 2-8053 Recruitment.

All opportunities for employment shall be publicized, including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies shall be posted at designated conspicuous sites within town buildings. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for town service. (Ord. of 7/1/91, Art. V, Sec. 3)

Section 2-8054 Job advertisements.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters. (Ord. of 7/1/91, Art. V, Sec. 4)

Section 2-8055 Applications for employment.

All persons expressing interest in employment with the town shall be given the opportunity to file an application for employment when a position is vacant or when the town is advertising to fill such positions. Applications will remain active for a period of six months. (Ord. of 7/1/91, Art. V, Sec. 5)

Section 2-8056 Application reserve file.

Upon inquiring, each potential applicant shall be informed of the current job openings. After the active period of six months, applications shall be kept in a reserve file for two years, in accordance with Equal Employment Opportunity Commission guidelines. (Ord. of 7/1/91, Art. V, Sec. 6)

Section 2-8057 Qualification standards.

(a) Employees shall meet the employment standards established by the position classification plan and such other reasonable, job-related minimum standards of character, aptitude, knowledge, skills,

abilities, and physical condition as may be established by the town manager with the advice and recommendation(s) of department heads.

(b) Qualification shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.

(c) The town may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

(Ord. of 7/1/91, Art. V, Sec. 7)

Section 2-8058 Selection.

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledges and skills, character, physical fitness, and other qualifications required for positions in the service of the town. All selection devices administered by the town or by persons or agencies for the town shall be valid measures of job performance. (Ord. of 7/1/91, Art. V, Sec. 8)

Section 2-8059 Appointments.

It is the town's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that applicant shall be appointed to that position. However, if other applicants possess comparable qualifications and if the town would continue any historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, then the town must carefully consider the qualifications of other applicants in filling this position. (Ord. of 7/1/91, Art. V, Sec. 9)

Section 2-8060 Probationary period of employment.

(a) An employee appointed to a permanent position shall serve a probationary period of six months. This time period is to be considered a continuation of the selection process. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in section 2-8061 of this article if unable to perform assigned duties of the new job satisfactorily.

(b) A probationary employee whose work is unsatisfactory may receive a written warning before being terminated by the department head. If the employee's work is not satisfactory during the probationary period, the employee may be terminated.

(c) In unusual cases, for specific reasons approved by the town manager, the probationary period may be extended for a maximum of six

months. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension.

(d) Upon successful completion of the prescribed probationary period, the employee shall be granted a five (5%) percent probationary pay increase.
(Ord. of 7/1/91, Art. V, Sec. 10)

Section 2-8061 Demotion.

(a) Any employee whose work in his or her present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article H, section 2-8102(a) or (b), whichever is applicable.

(b) Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article H, section 2-8102(a) and (b).

(c) If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date, reasons for demotion and appeal rights available to the employee.

(d) An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failure in personal conduct.
(Ord. of 7/1/91, Art. V, Sec. 11)

Section 2-8062 Transfer.

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer, subject to the approval of the current department head.

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period. (Ord. of 7/1/91, Art. V, Sec. 12)

Sections 2-8063 through 2-8070 reserved.

ARTICLE F

Conditions of Employment

Section 2-8071 Workweek.

The workweek is defined as seven consecutive days beginning at 12:01 a.m. Saturday and ending at 12:00 midnight on the following Friday.

Full-time, non-exempt, employees (other than public safety shift employees) normally work five eight hour days per workweek and are subject to the overtime provisions set forth in Article D, section 2-8039 of these policies. Nonexempt personnel in the administrative office(s) shall work five seven hour days per workweek and are also subject to overtime provisions for hours worked in excess of 40 in the workweek. Public safety employee's work schedule(s) will be established and maintained in accordance with Chapter 29 Code of Federal Regulations, Part 553, subpart C.

Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When the activities of a particular department require some other schedule to meet work needs, the town manager may authorize a deviation from the normal schedule. (Ord. of 7/1/91, Art. VI, Sec. 1)

Section 2-8072 Gifts and favors.*

(a) No official or employee of the town shall accept any gift, whether in the form of service, loan, thing of value or promise from any person who to the employee's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the town.

(b) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

(c) No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

Any violation of this section shall subject the offending employee to disciplinary action up to and including dismissal.
(Ord. of 7/1/91, Art. VI, Sec. 2)

Section 2-8073 Political activity restricted.

Each employee has a civic responsibility to support good govern-

*Editor's Note: See also Part 2, Chapter 6, Code of Conduct.

ment by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- (a) Engage in any political or partisan activity while on duty;
- (b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- (c) Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- (d) Coerce or compel contributions for political or partisan purposes by another employee of the town; or
- (e) Use any supplies or equipment of the town for political or partisan purposes.

Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.
(Ord. of 7/1/91, Art. VI, Sec. 3)

Section 2-8074 Outside employment.

The work of the town will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to and approved by the employee's department head. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal. (Ord. of 7/1/91, Art. VI, Sec. 4)

Section 2-8075 Limitation of employment of relatives.

(a) The members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two members of an immediate family be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.

(b) These policies shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of these policies.

(c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named,

or anyone living as a part of the same household.
(Ord. of 7/1/91, Art. VI, Sec. 5)

Section 2-8076 Conformance to immigration law requirements.

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be a permanent part of their personnel file. (Ord. of 7/1/91, Art. VI, Sec. 6)

Section 2-8077 Use of town owned vehicles.

The town council specifically forbids the personal use of any town owned vehicles, equipment, or supplies by any employee, official or individual.

Use of town owned vehicles is governed by the policies adopted by the board of commissioners on January 6, 1986 summarized in paragraphs (a) and (b) below. Further clarifications are covered in paragraphs (c) and (d).

(a) Vehicles owned by the town may be provided to one or more employees in connection with town business and shall be used only on town business. When the vehicle is not used in the town's business, it is kept on the town's business premises. The town's premises and residence of any employee using the vehicle are at different locations. Pursuant to federal and state law, neither the employee, nor an individual whose use would be taxable to the employee, may use the town vehicle for personal use. The council reasonably believes, based on town policy and state law, that no employee or any individual use these vehicles for personal use.

(b) For bona fide noncompensatory business reasons, the town may require certain employees to commute to and from work in town vehicles that are not exempted by IRS regulations. In accord with federal and state law, an employee may not use the town owned vehicle for personal use other than commuting. The town has a written policy forbidding personal use of any town vehicle and the employee using the vehicle is not an elected or appointed official. Under these conditions the town will account for commuting use by including an appropriate amount in the employee's gross income, as specified in IRS regulations.

(c) Certain vehicles may be used to commute without any income being added to the employee's gross income. A "qualified specialized utility repair truck" used to commute to enable the employee to respond in emergency situations to restore or maintain electricity, water or sewer services and not used for personal reasons is exempt from having an adjustment made to the employee's gross income.

(d) Use of clearly marked police vehicles to commute, and not used for personal use, are also exempt from the requirement to adjust the employee's gross income. Under certain conditions an unmarked police vehicle used to commute and not for personal use may also

qualify for this exemption.
(Ord. of 7/1/91, Art. VI, Sec. 7)

Section 2-8078 Reimbursement for use of personal vehicle.

Stantonsburg will reimburse an employee for use of their personal vehicle for town business when authorized by the town manager. The rate of reimbursement will be equal to the amount allowed for tax deduction purposes by the IRS at the time of use. (Ord. of 7/1/91, Art. VI, Sec. 8)

Sections 2-8079 through 2-8080 reserved.

ARTICLE G

Leaves of Absence

Section 2-8081 Holidays.

The following days, and other days as the town council may designate, are holidays with pay for employees and officers of the town working the basic workweek. Each holiday is for an eight hour period.

New Year's Day	Thanksgiving Day
Easter Monday	Day after Thanksgiving
Memorial Day	Christmas - (See following
Independence Day	Christmas Holiday Schedule)

When a holiday other than Christmas Day falls on a Saturday or Sunday, Monday shall be observed as a holiday.

When Christmas Day falls on: The town observes:

Sunday	Friday and Monday
Monday	Friday, Monday, Tuesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Thursday, Friday, Monday
Saturday	Friday and Monday

Holiday leave for employees having a workweek with greater or fewer hours than the basic workweek shall be determined as shown in Article G section 2-8086(d) of these policies.

In order to be eligible for holiday pay, an employee must have been in pay status for a full regularly scheduled workday before and after the holiday, unless excused by the town manager. (Ord. of 7/1/91, Art. VII, Sec. 1)

Section 2-8082 Effect of holidays on other types of leave.

Regular holidays which occur during a vacation, sick or other leave period of any officer or employee of the town shall not be considered as vacation, sick or other leave. (Ord. of 7/1/91, Art. VII, Sec. 2)

Section 2-8083 Holiday - When work is required.

Employees required to perform work on regularly scheduled holidays may be granted "holiday compensatory time off" or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. "Holiday compensatory time" shall be granted whenever feasible and taken within three months from the time it is earned. (Ord. of 7/1/91, Art. VII, Sec. 3)

Section 2-8084 Vacation leave.

Vacation leave shall be used for rest and relaxation and may be used for medical appointments.

(a) Initial appointment. Probationary employees serving a probationary period following initial appointment may earn vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the town manager.

(b) Vacation leave - Manner of accumulation. Any employee working the basic workweek of 40 hours shall earn vacation leave at the following rates:

Years of Aggregate Service	Hours Earned Each Month	Hours Earned In One Year	Days Earned In One Year
Less than 5 years	6 hours 40 minutes	80 hours	10
5 years or more	10 hours	120 hours	15

Vacation leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in section 2-8086 of this article.

(c) Vacation leave - Maximum accumulation. Annual leave may be accumulated without any applicable maximum until the pay period containing December 31 of each calendar year. However, if the employee separates from service, payment for accumulated annual leave shall not exceed twice his/her annual earning rate (either 20 or 30 days). During the pay period containing December 31, any employee with more than twice his/her annual earning rate of accumulated leave shall have the excess accumulation cancelled so that only an accumulation of no more

than twice the earning rate is carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all town functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive pay for the amount in excess of their maximum accumulation at their regular rate of pay.

(d) Vacation leave - Manner of taking leave. Vacation leave may be taken as earned by a regular employee subject to the approval of the town manager.

(e) Vacation leave - Previous leave credit. Vacation leave credit accumulated by each employee as of the adoption of this personnel administration policy shall be retained until used in accordance with these policies.

(f) Vacation leave - Terminal pay of vacation leave. An employee who is separated without failure in performance of duties or personal conduct, shall be paid for vacation leave accumulated to the date of separation not to exceed a maximum of twice the effective annual earning rate. For involuntary separation due to failure in performance of duties or personal conduct as outlined in Article H, sections 2-8102(a) and (b) of these policies, accumulated vacation leave may be withheld at the discretion of the department head at the time of an employee's separation. Employees who do not give proper notice (two weeks for most employees, 30 days for department heads) will not be paid for their accumulated vacation upon termination.

(g) Vacation leave - Payment for accumulated vacation upon death. The estate of an employee who dies while employed by the town shall be entitled to payment for all of the accumulated vacation leave credited to the employee's account not to exceed a maximum of twice the annual earning rate at the time of death.
(Ord. of 7/1/91, Art. VII, Sec. 4)

Section 2-8085 Sick Leave.

Sick leave with pay is not a right which an employee may demand but a privilege granted by the town council for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Immediate family shall be as defined in Article F, section 2-8075(c) of these policies.

Notification of the desire to take sick leave should be submitted to the town manager prior to the leave, when possible, or not later than two hours after the beginning of a scheduled work day.

(a) Sick leave - Manner of accrual. Each full-time regular and probationary employee working the basic workweek of 40 hours shall accrue sick leave computed at the following rate:

Hours Accrued Each Month	Hours Accrued Each Year	Days Accrued Each Year
8 hours	96 hours	12 days

Sick leave accrued by regular employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in section 2-8086 of these policies.

(b) Sick leave - Maximum accrual. Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service under the NC Local Governmental Employees' Retirement System.

(c) Sick leave - Physician's certificate. The employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave.

(d) Sick leave - Previous leave credits. Sick leave credits accumulated by each town employee shall be retained as of the effective date of these policies.
(Ord. of 7/1/91, Art. VII, Sec. 5)

Section 2-8086 Calculation of holiday leave, vacation leave, and sick leave.

Holiday leave, vacation leave, and sick leave earned by regular employees having a workweek or workshift with greater or fewer hours than a 40 hour workweek or eight hour workshift, shall be determined in accordance with the following formula:

(a) The number of hours worked annually by such employees shall be divided by 2080 hours (the number of hours annually in a 40 hour workweek).

(b) The proportion obtained in subsection (a) shall be multiplied by the number of hours of leave earned annually by employees, with the same length of continuous service, working a 40 hour workweek.

(c) The number of hours in subsection (b) divided by 12, shall be the number of hours of leave earned monthly by the employees concerned.

(d) The proportion obtained in subsection (a) multiplied by eight will be the number of hours paid for each holiday. That number multiplied by the number of approved holidays is the maximum to be paid in a year. (11 holidays equals 88 annual holiday hours for a 40 hour per week employee)

Example: An employee works 2912 hours annually.

$2912/2080 = 1.4$ This ratio (1.4) multiplied by the number of leave hours annually for a 40 hour per week employee provides the number of leave hours annually for the employee working 2912 hours annually.

(Ord. of 7/1/91, Art. VII, Sec. 6)

Section 2-8087 Leave without pay - Policy.

A regular or probationary employee may be granted a leave of absence without pay for up to one year by the town manager. The employee shall apply in writing to the town manager for leave.

The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the town council. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

(a) Leave without pay - Effect on benefits. An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn or accrue leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the town's group insurance plans, subject to any regulations adopted by the town council and the regulations of the respective insurance carriers.

(Ord. of 7/1/91, Art. VII, Sec. 7)

Section 2-8088 Workers' compensation leave.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive benefits and elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his regular net salary and the net payments received under the Workers' Compensation Act. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible

under the Workers' Compensation Act. (Ord. of 7/1/91, Art. VII, Sec. 8)

Section 2-8089 Death leave.

An employee may have up to two days leave at full pay granted when attending the funeral of an immediate family as defined in Article F, section 2-8075(c) of these policies. Additional time to settle affairs of the family may be taken with the approval of the department head and should be charged to vacation leave. Leave to attend funerals of other than the immediate family may be granted by the department head and charged to vacation leave. (Ord. of 7/1/91, Art. VII, Sec. 9)

Section 2-8090 Temporary disability leave.

Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness.

Leave without pay may be available for a period of time before the employee is disabled, when known in advance, and a period of time after the disability ends.

The employee may elect to use accumulated vacation leave (1) before going on sick leave, (2) after accumulated sick leave has been exhausted, and/or (3) after the temporary disability has ended. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of section 2-8087 of this article. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. (Ord. of 7/1/91, Art. VII, Sec. 10)

Section 2-8091 Military leave.

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed 10 workdays military training leave annually with partial compensation. If the compensation received while on military leave is less than the net salary that would have been earned during this same period as a town employee, the employee shall receive partial compensation equal to the difference in the net salary earned as a reservist or guardsperson and the net salary that would have been earned during this same period as a town employee. The effect will be to maintain the employee's net salary at the normal level during this period.

If such military duty is required beyond this 10 workday period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and

other benefits shall continue to accrue as if the employee physically remained with the town during this period. Regular employees who are guardspersons and reservists have all job rights specified in the Veterans Readjustment Assistance Act. (Ord. of 7/1/91, Art. VII, Sec. 11)

Section 2-8092 Civil leave.

A town employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave.

While on civil leave, benefits and leave shall accrue as though on regular duty. (Ord. of 7/1/91, Art. VII, Sec. 12)

Section 2-8093 Educational leave with pay.

A leave of absence with pay during regular working hours will be granted to an employee to take courses required by the Town of Stantonsburg as a condition of employment. The town shall reimburse the employee for tuition, fees, and books for the courses, provided the employee submits a receipt for such expenses.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which town employees are entitled. (Ord. of 7/1/91, Art. VII, Sec. 13)

Sections 2-8094 through 2-8100 reserved.

ARTICLE H

Separation, Disciplinary Action,
and Reinstatement

Section 2-8101 Types of separation.

All separations of employees from positions in the service of the town shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal, or death.

(a) Resignation: A minimum of two weeks notice is expected of all resigning personnel. Such notice should be given to the department head (or in the case of department heads, to the town manager). Employees who do not give proper notice (two weeks for most employees, 30 days for department heads) will not be paid for their accumulated vacation leave balance upon termination.

Three days without reporting to work or contacting the appropriate official shall be considered a resignation.

(b) Reduction in force: In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority, in that order, in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least two weeks notice of anticipated layoff. No regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

(c) Disability: An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment and reasonable accommodations, as required by the American with Disabilities Act (ADA), cannot be made. Action may be initiated by the employee or the town, but in all cases it shall be supported by medical evidence as certified by a competent physician. The town may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the town's service for which the employee may be suited.

(d) Death: All compensation due in accordance with Article G, section 2-8084 of these policies will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

(e) Dismissal: All dismissals shall be preceded by an automatic three day suspension without pay pending completion of an investigation, including an employee hearing, by the town manager. If the town manager determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three day suspension.
(Ord. of 7/1/91, Art. VIII, Sec. 1)

Section 2-8102 Disciplinary actions.

An employee may be suspended, demoted or dismissed by the town manager because of failure in performance of duties or failure in personal conduct. The town manager shall provide the employee with a written notice including the recommended effective date, reasons for the action, and appeal rights available to the employee.

(a) Failure in performance of duties: Failure in the performance of duties includes any aspects of the employee's job which are not performed as required to meet the standards set by the town manager.

The following causes relating to failure in the performance of duties are representative, but not all inclusive, of those considered to be adequate grounds for suspension, demotion or dismissal:

(1) Inefficiency, negligence or incompetence in the performance of duties;

(2) Careless, negligent or improper use of town property or equipment;

(3) Physical or mental incapacity to perform duties;

(4) Discourteous treatment of the public or other employees;

(5) Absence without approved leave;

(6) Habitual improper use of leave privileges;

(7) Habitual pattern of failure to report for duty at the assigned time and place.

Prior to making a decision to terminate employment, the employee will have the opportunity to discuss the dismissal and the reasons for the dismissal recommendation with the supervisor or town manager.

(b) Failure in personal conduct: An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to town service without warning by the town manager in order to avoid undue disruption of work, protect the safety of persons or property, or for other serious reasons.

The following causes relating to failure in personal conduct are representative, but not all inclusive, of those considered to be adequate grounds for suspension, demotion, or dismissal:

(1) Fraud in securing appointment;

(2) Conduct unbecoming a public officer or employee;

(3) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either;

(4) Misappropriation of town funds or property;

(5) Falsification of town records for personal profit or to grant special privileges;

(6) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;

(7) Willful damage or destruction of property;

(8) Willful acts that would endanger the lives and property of others;

(9) Acceptance of gifts in exchange for "favours" or "influence";

(10) Incompatible outside employment or conflict of interest;

(11) Violation of political activity restrictions.

(c) Disciplinary suspension: An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

(d) Immediate disciplinary suspension: An employee may be suspended without notice by the town manager for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee he shall tell the employee to leave town property at once and remain away until further notice.

(e) Nondisciplinary suspension: During the investigation, hearing or trial of an employee on any criminal charge or during the course of any civil action involving an employee, the town manager may suspend the employee without pay for the duration of the proceedings as a nondisciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the nondisciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of nondisciplinary suspension may be authorized by the town manager, if the suspension is terminated with full reinstatement of the employee.

An employee demoted or dismissed for causes relating to personal conduct shall be given a statement of the charges, be allowed to respond in writing, have a hearing and be given a prompt written statement of the decision of the town manager. A copy of the statement shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel folder.

(f) Employee appeal: A regular employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article I of these policies.

(g) Reinstatement: An employee who resigns while in good standing or who is dismissed because of reduction in force may be reinstated within one year of the date of separation, with the approval of the department head. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with these policies and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstance of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.
(Ord. of 7/1/91, Art. VIII, Sec. 2)

Sections 2-8103 through 2-8110 reserved.

ARTICLE I

Grievance Procedure

Section 2-8111 Policy and purpose.

It is the policy of the town to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. The purposes of these policies are:

- (a) To provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
- (b) To encourage employees to express themselves about the conditions of work which affect them as employees;
- (c) To promote better understanding of policies, practices and procedures that affect employees;
- (d) To develop in supervisors a greater sense of responsibility in their dealings with employees;
- (e) To provide applicants and employees a procedure to address alleged acts of illegal discrimination because of age, sex, race, color, national origin, religion, creed, disability, or political affiliation and acts of sexual harassment.
(Ord. of 7/1/91, Art. IX, Sec. 1)

Section 2-8112 Definition.

A grievance is any dispute concerning the interpretation or application of this personnel chapter, or any other policy, practice or procedure affecting working conditions for the town. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of work rules, unsatisfactory physical facilities or equipment, or other complaints related to conditions of work or disciplinary action. Nothing in these policies shall be interpreted to change the status of any employee from that of an employee at will. (Ord. of 7/1/91, Art. IX, Sec. 2)

Section 2-8113 Procedure.

When an employee (or applicant) has a claim or complaint, the successive steps described below are to be taken toward resolution of the matter.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation and response at that level. Time limits may be extended when mutually agreed upon.

Employees (applicants) who use this procedure shall be free from discrimination, coercion, restraint, or reprisal.

(a) Step one. The employee with a grievance shall present the matter orally or in writing to the department head within 10 working days of its occurrence or within 10 working days of the time the employee learns of its occurrence. If the exact date cannot be established for the occurrence of a grievance circumstance, the 10 working day limit will be waived, but the employee should file the grievance within a reasonable time period. The department head should be and is encouraged to consult with any employee or other person deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five working days.

(b) Step two. If the decision is not resolved at Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the town manager within 10 working days. The town manager, or his designee, shall hold a hearing thereon, consult with whatever sources deemed appropriate, allow the employee to examine all the evidence and present his/her case and give an answer in writing within 10 working days. One copy of the decision will be sent to the employee by certified mail and one copy placed in the employees personnel file. There shall be no appeal from this decision by the town manager. (Ord. of 7/1/91, Art. IX, Sec. 3)

Section 2-8114 Discrimination appeal procedure.

Any applicant for town employment, town employee, or former town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability except where specific requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the town manager using the grievance procedure outlined in section 2-8113 of this article if so desired. An employee or applicant must appeal an alleged act of discrimination within 30 days of the alleged discriminatory action. (Ord. of 7/1/91, Art. IX, Sec. 4)

Section 2-8115 Back pay awards.

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal, and discrimination cases. (Ord. of 7/1/91, Art. IX, Sec. 5)

Sections 2-8116 through 2-8120 reserved.

ARTICLE J

Employee Benefits

Section 2-8121 Insurance benefits.

The town offers group hospitalization insurance to employees. The town may make other group insurance plans available for its employees upon authorization of the town council. (Ord. of 7/1/91, Art. X, Sec. 1)

Section 2-8122 Unemployment insurance.

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978. Town employees who are laid off or released from the town service may apply for unemployment compensation through the local office of the Employment Security Commission who will determine the employee's eligibility for this benefit. (Ord. of 7/1/91, Art. X, Sec. 2)

Section 2-8123 Old age and survivor's insurance.

The town, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and eligible groups and classes of such employees. (Ord. of 7/1/91, Art. X, Sec. 3)

Section 2-8124 Retirement benefits.

The town provides retirement benefits for its employees through the North Carolina Local Governmental Employees' Retirement System (Resolution adopted 4/7/1986).

Each employee working 1000 hours or more annually shall be required to join the town's retirement plan. (Ord. of 7/1/91, Art. X, Sec. 4)

Section 2-8125 401K plan.

The town allows employees to defer a portion of their income before taxes into a 401K tax deferment plan. To encourage participation by employees, the town will match the non-law enforcement employee's contribution at a rate of fifty (50%) percent of the employee's deferral up to an amount equal to one (1%) percent of the employee's gross annual salary. (Ord. of 7/1/91, Art. X, Sec. 5)

Section 2-8127 Employee uniforms.

All field employees and employees meeting the public in other than town facilities, will be furnished uniforms. These uniforms are furnished for identification purposes and will be worn by the above employees only when on duty. Cleaning and replacement of the uniforms will be provided by the town and employees are required to follow procedures outlined for turn-in to facilitate cleaning of uniforms.

Any employee terminating from town employment or changing positions to one not requiring a uniform, will turn in all uniforms immediately. The costs of uniforms not returned will be deducted from the final, or next scheduled, paycheck. No payment for accumulated leave will be paid to a terminating employee who fails to return town uniforms. (Ord. of 7/1/91, Art. X, Sec. 7)

Sections 2-8128 through 2-8130 reserved.

ARTICLE K

Personnel Records and Reports

Section 2-8131 Personnel records maintenance.

Such personnel records as are necessary for the proper administration of the personnel system will be maintained. The town shall maintain, in personnel records, only information that is relevant to accomplishing personnel administration purposes.

The following information on each town employee shall be maintained:

- (a) Name;
- (b) Age;
- (c) Date of original employment or appointment to town service;
- (d) Current position title;
- (e) Current salary;
- (f) Date and amount of most recent change in salary;
- (g) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
- (h) Office to which employee is currently assigned.
- (i) Immigration Form I-9.
(Ord. of 7/1/91, Art. XI, Sec. 1)

Section 2-8132 Access to personnel records.

As required by G.S. 160A-168, any person may have access to the information listed in section 2-8131 of this article for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the town council may adopt. Access to such information shall be governed by the following provisions:

(a) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; and purpose for which information is requested. This information must be retained for a period of two years.

(b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.

(c) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.

(d) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.
(Ord. of 7/1/91, Art. XI, Sec. 2)

Section 2-8133 Confidential information.

All information contained in a town employee's personnel file, other than the information listed in section 2-8131 of this article will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:

(a) The employee or his duly authorized agent may examine all portions of his personnel file, except, (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

(b) A licensed physician designated in writing by the employee may examine the employee's medical record.

(c) A town employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

(e) An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of

a personnel file when such information is deemed by the department head to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(f) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(g) The town council may inform any person of the employment or nonemployment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the council shall determine in writing that the release is essential to maintaining the level and quality of town services. This written determination shall be retained in the office of the town clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

(h) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

(i) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

(Ord. of 7/1/91, Art. XI, Sec. 3)

Section 2-8134 Records of former employees.

The provisions for access to records apply to former employees as they apply to present employees. (Ord. of 7/1/91, Art. XI, Sec. 4)

Section 2-8135 Remedies of employees objecting to material in file.

An employee who objects to material in his file may place in the file a statement relating to the material considered to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures. (Ord. of 7/1/91, Art. XI, Sec. 5)

Section 2-8136 Penalty for permitting access to confidential file by unauthorized person.

G.S. 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500. (Ord. of 7/1/91, Art. XI, Sec. 6)

Section 2-8137 Penalty for examining and/or copying confidential material without authorization.

G.S. 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of \$500. (Ord. of 7/1/91, Art. XI, Sec. 7)

Section 2-8138 Destruction of records regulated.

No public official may destroy, sell, loan, or otherwise dispose of any public record except in accordance with G.S. 121-5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the offices where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than \$10, not more than \$500 as provided in G.S. 132-3. (Ord. of 7/1/91, Art. XI, Sec. 8)

Sections 2-8139 through 2-8140 reserved.

ARTICLE L

Implementation of Policies

Section 2-8141 Conflicting policies repealed.

All policies, ordinances or resolutions that conflict with the provisions of these policies are hereby repealed. (Ord. of 7/1/91, Art. XI, Sec. 1)

Section 2-8142 Separability.

If any provision of these policies or any rule, regulation or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby. (Ord. of 7/1/91, Art. XI, Sec. 2)

Section 2-8143 Violations of policy provisions.

An employee violating any of the provisions of these policies shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same. (Ord. of 7/1/91, Art. XI, Sec. 3)

Section 2-8144 Effective date.

These policies shall become effective upon adoption. (Ord. of 7/1/91, Art. XI, Sec. 4)

Sections 2-8145 through 2-8150 reserved.

ARTICLE M

Safety and Loss Control Program

Section 2-8151 Statement of policy.

The Town of Stantonburg realizes that it has the responsibility to provide a safe work environment for its employees and that each pursue the highest standards in his/her assigned activities, all municipal employees must recognize that the well being of persons involved in the protection of our physical resources are as important as the activity and work being performed.

The Town of Stantonburg is committed to doing all in its power to make its safety and loss control program a success and expects all municipal employees to assist in this effort by contributing expertise and by following all established rules and procedures. (Ord. of 8/5/91)

Section 2-8152 Responsibilities.

(a) Mayor and town council. The mayor and town council support a town wide safety program through personnel policies and budgetary considerations.

The mayor/town manager, through the safety committee, is responsible for overall management and administration of the comprehensive safety program.

(b) Safety committee. This committee will function as an advisory body to develop and recommend to the mayor/town manager matters of policy and procedure affecting administration of the Town of Stantonburg safety program. Specifically the committee is responsible for:

(1) Planning and recommending policies and procedures affecting the development and administration of an aggressive accident prevention program.

(2) Reviewing statistical data, records and reports of safety matters to determine the effectiveness of the program.

(3) Serving as the accident review board by reviewing investigation reports, meeting with the employee and his/her immediate supervisor to gather additional information and recommending appropriate disciplinary action, in accordance with town policy, to the department head in the event of avoidable accident with personal injury or property damage.

(c) Safety coordinator. The safety coordinator is directly responsible for the implementation and operation of the safety program which will include training, accident and insurance follow-up, and vehicle and building safety. The safety coordinator will represent the mayor/town manager in all safety matters and can stop a work operation temporarily when serious injury or property damage is possible.

(d) Department heads. Each department head is designated as responsible to the mayor/town manager for employee safety. The department head has supervisory responsibility for all safety functions and activities within his/her area. Each department head will:

(1) Hold each supervisor accountable for injuries incurred by his/her employees. To provide leadership by setting a proper example for all employees, be responsible for successfully operating the department safety program and completing the departments safety objectives.

(2) Develop policies and procedures and ensure they are complied with by all personnel under his/her direction.

(3) Ensure that all employees, new and old, are trained or re-trained in the accepted methods.

(4) Provide personal protective equipment and instruction when necessary and follow-up on proper use of equipment.

(5) Require monthly employee safety meetings to review accidents, analyze their causes, and promote free discussion of hazardous work problems and possible solutions.

(6) Encourage safety suggestions and written comments from employees and adopt those that are feasible.

(7) Require accidents to be promptly reported, thoroughly investigated by supervisory personnel and properly recorded.

(8) Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed.

(9) Ensure that all employees are physically and mentally capable of performing their tasks.

(e) Supervisors. Supervisors will assume the responsibility of thoroughly instructing their personnel in safe practices to observe in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority.

Supervisors will act positively to eliminate any potential hazards within any activities under their jurisdiction and they will set the example of good safety practice in all spheres of their endeavors. Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records be complete and accurate and that all accidents be fully reported. Principal duties of supervisors are as follows:

- (1) Enforce all safety rules and procedures.
 - (2) Make certain all injuries are reported promptly and treated properly and all accidents are reported, even if injury is not apparent.
 - (3) Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment.
 - (4) Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work.
 - (5) Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation.
 - (6) Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.
 - (7) Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action.
 - (8) Develop and administer an effective program of good house-keeping and maintain high standards of personnel and operational cleanliness throughout all operations.
 - (9) Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendations of the safety coordinator.
 - (10) Conduct safety briefings and encourage the use of employee safety suggestions.
 - (11) Give full support to all safety procedures, activities and programs.
- (f) Employee. Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their fellow workers. Employees are required to:
- (1) Use the safety equipment which has been provided for use in performing daily work assignments.
 - (2) Wear the prescribed uniform and safety shoes, as required.

(3) Not operate equipment for which training or orientation has not been received.

(4) Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.

(5) Report defective equipment immediately to a supervisor.

(6) Report dangerous or unsafe conditions that exist in the work place as well as throughout the municipality. This would include defective sidewalks, broken curbs, hanging tree limbs, loose hand-rails, open man-holes, sunken basins and sewers, missing or damaged traffic signs or signals, etc.

(7) Report all injuries and accidents regardless of the severity as soon as practical.

(8) Protect unsafe conditions that result from municipal work that could present a hazard to the public.

(9) Take care not to abuse tools and equipment, so that these items will be in useable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used.

(10) Participate in all required safety and occupational health training and be certain that they understand instructions completely before starting work.

(11) Serve on a safety committee or inspection team when appointed or elected.

(Ord. of 8/5/91, Sec. I)

Section 2-8153 Operations.

(a) Safety committee meetings. The safety coordinator will provide an agenda and maintain minutes of the meeting. Meetings will be held once each month at a predesignated time and place.

(b) Monthly safety training/New employee orientation. All section supervisors will conduct a monthly safety meeting with their employees. Date, those in attendance and the topic of the discussion will be documented. All newly assigned employees will receive a safety orientation before going to work in their designated duty section. Orientation should be conducted by the employee section supervisor. It will be documented and signed by both the supervisor and employee and the copy placed in the employee's personnel records.

Since the need for safety training varies according to the degree of exposures to hazardous conditions, it is impractical to establish mandatory minimum amounts of training to provide each month. As a rule of thumb, however, 20 to 30 minutes per month is suggested. Documentation of training sessions should be submitted to the safety

coordinator on a monthly basis. The safety coordinator will act as liaison in procuring instructors and visual aids on request.

(c) Accident investigation. Accident investigation will be performed by the immediate supervisor of the employee involved. If two or more employees were separately involved in the accident, the supervisor of each will perform independent investigations. Any accident involving death, permanent disability, temporary disability, hospitalization, medical treatment, loss of time from work by town employee, damage to or destruction of any property or injury to a visitor will be investigated.

The purpose of accident investigation is to prevent the reoccurrence of accidents by identifying contributing causes, determining corrective measures necessary to eliminate causes, and disseminating information on accident prevention to all employees. Accurate, complete accident reports are essential to identify and remedy causes. Copies of accident investigations shall be forwarded to the safety coordinator.

The accident investigation should be initiated as soon as possible after the occurrence of the accident.

(d) Self inspections. The purpose of self inspections is to identify hazardous work conditions and materials or methods that may result in an accident so that these hazards can be corrected. Each activity and facility will be inspected not less than once every three months. The department head is responsible for preparing an inspection schedule for all activities for his/her department. The department head will also designate inspectors for their department and inspection checklists should be used to record findings. Upon completion of the inspection checklists, recommendations will be furnished to the department head and safety coordinator. The department head will take whatever corrective action deemed appropriate, maintain a record of completion of such corrective action and furnish the safety coordinator a record of completion.

(e) Safety bulletin board and safety suggestion box. Each department will be responsible for maintaining a safety bulletin board and a safety suggestion box. The bulletin board will be maintained in a neat and orderly manner at all times. Only safety information will be displayed. A safety suggestion box will be maintained for employees to submit safety suggestions. These suggestions will be discussed at departmental safety training meetings and by the safety committee, if applicable.

(Ord. of 8/5/91, Sec. II)

Section 2-8154 Discipline and incentive programs.

(a) Disciplines. It is recognized that some town employees will violate work rules/policies and commit unsafe acts that may or may not result in an accident causing injury or damage. As a result, each violation or action will require immediate corrective action by supervisors and administrators. It should be emphasized that safe work

rules/policies and driving procedures must be enforced for the protection of the employee and the town.

The cost of the accident should not dictate the corrective action to be administered. Management should discourage any implication that it is acceptable to have an inexpensive accident, but it is unacceptable to have an expensive accident to occur. The same action that causes little accidents also causes the big accidents, therefore, the emphasis is placed on accident prevention.

Careful consideration has been given to the wide range of town employees whose job classifications include the responsibility of operating motor vehicles and motorized equipment. It has been determined, therefore, that all employees who operate a vehicle or other equipment, are obligated to take the necessary precautions to avoid accidents and injuries. Distinctions will not be made as to the frequency and distance that a vehicle or other equipment is operated.

The fact that one job classification requires more driving or operating hours than another job classification is not adequate justification to provide different expectations for safe motor vehicle and motorized equipment operation. Although one job classification may require a more highly skilled operator than another, it is the supervisor's responsibility to insure that all equipment operators are properly trained to operate the assigned equipment safely and efficiently. It is also the supervisor's responsibility to enforce the applicable safety rules and review each employee's previous accident record to determine the need for additional training.

For disciplinary purposes, only accidents or safety violations occurring after the inception of this program will be considered. However, if an employee is on probation or suspension for violations at the inception of this program, there will be no change in status until the disciplinary period has been completed.

(b) Disciplinary actions shall be handled pursuant to the existing disciplinary procedures set forth in the town's personnel policy and disciplinary procedures.*

(c) Incentives. Through years of experience, employers have found that recognition of effort and achievement is one of the most basic and powerful forces for motivating an individual. As part of a comprehensive safety program, an incentive program not only utilizes rewards for those who deserve them, but it also underscores the safety effort through continuous reminders to work, drive and live safely. While some feel that it is not necessary to reward an individual for doing what they are already being remunerated to do, the town is emphasizing the importance of recognizing and rewarding those employees who meet and/or surpass job performance and safety expectations.

As a result, in order to focus attention on the need for both safe work and driving habits, the town has established a monetary

*Editor's Note: See Article H of this chapter.

incentives program in recognition of those employees who perform their work without injury and/or operate equipment without preventable accidents. Types of awards are as follows:

(1) Safe driver award - Awarded to each employee who normally drives a vehicle as major portion of his/her duties and who has not had an avoidable accident during any one calendar year.

(2) Safety suggestion award - Awarded to the employee who submits a used safety suggestion during any one calendar year and who has had no avoidable accidents during the past year.

(3) Safe worker award (high hazard) - Awarded annually to the municipal employees in high hazard jobs, as determined by department heads, who have completed a year without a preventable injury or a preventable vehicle accident.

(4) Safe worker award (low hazard) - Awarded annually to the municipal employees in low hazard jobs, as determined by department heads, who have completed a year without preventable injury or a preventable vehicle accident.

The safety committee will be responsible for establishing prizes, and other forms of recognition for each award. Actual awards may include a free dinner, a gift chosen from a catalogue by the employee, a day off from work, etc. The safety committee serves as the accident review board to determine if injuries and accidents are preventable. Employees in high hazard jobs are eligible for awards of higher value than those in low hazard jobs. (Ord. of 8/5/91, Sec. III)

Section 2-8155 Safety rules and procedures.

Safety rules and procedures should be developed and monitored by each department. The department heads, supervisors and employees should all contribute to this task for their respective area. The attached rules and procedures provide a starting point.

Remember, for safety rules to be effective, employees must know that they are supported by management and will be enforced.

(a) General rules and procedures for municipal employees. These general rules and procedures apply to all departments.

(1) Good housekeeping is maintained throughout all operations.

(2) All employees will be properly trained before they are allowed to assume routine duties.

(3) All employees will be trained in proper lifting techniques and body mechanics and should not lift an object where proper lifting techniques cannot be used.

(4) Hard hats will be provided for and used by all employees exposed to overhead hazards (electrical Class B hard hats required).

(5) Eye and ear protection will be provided for use by all employees exposed to related hazards, i.e., grinding, cutting, chipping, welding, battery charging, jack hammering, etc.

(6) "Caution" signs will be posted in shop areas and on major mobile equipment warning that eye protection be worn where eye hazards exist.

(7) Emergency eye wash and showers will be available to employees who may be exposed to hazardous chemicals and substances.

(8) Employees will be required to wear appropriate footwear as determined by the departmental safety committee.

(9) All employees will be provided with and required to wear gloves when conditions dictate.

(10) First aid kits will be available to employees at all times.

(11) Designated employees will be properly trained and certified in first aid.

(12) Water coolers will be available at all job-sites.

(13) All vehicles and equipment will be inspected before starting each shift.

(14) Employees working near vehicular traffic will be provided with and required to wear high visibility clothing, i.e., reflective vest.

(15) A sufficient number of fluorescent plastic cones, signs, and warning devices will be available and used when work activities are near vehicular traffic.

(16) All gasoline which is transported in vehicles will be contained in approved safety containers.

(17) Hand rails will be installed on all permanent stairs leading to overhead storage areas.

(18) Standard guard rails, toe boards, and wire mesh will be installed along the front of overhead storage areas.

(19) Overhead cranes and hoists will be equipped with a hook safety latch mechanism and labeled with maximum safe load limit.

(20) Adequate overhead and roll over protection will be installed on mobile equipment.

(21) Hand cars, hoist, dollies or other devices will be used for lifting or moving heavy objects or materials.

(22) Guards and safety devices will be kept in place and in working condition on all equipment, tools, etc.

(23) All flat belts, V-belts, chains and sprockets will be properly guarded.

(24) All hand tools will be inspected to ensure their safe working condition.

(25) All electric fans will be equipped with proper guarding.

(26) Bench grinders will be securely mounted, equipped with protective eye shields and a properly adjusted tool rest, and have an adequate guard over the end spindle.

(27) All tools and electrical equipment will be either double insulated or equipped with three-prong plugs to ensure proper grounding.

(28) Adequate portable lighting will be available for use during emergency situations.

(29) An evacuation plan will be developed and posted in every public building.

(30) All electric switch boxes and electric panels will be closed and properly marked.

(31) NO SMOKING signs will be located in appropriate areas and followed by all employees and visitors, i.e., storage areas for compressed gases or combustible/flammable materials, refueling pumps and battery charging areas.

(32) All compressed gas cylinders will be properly secured in an upright position.

(33) All flammable or combustible materials will be properly stored and bonded.

(34) There will be an adequate number of appropriate and properly located fire extinguishers that are inspected monthly by the occupants of the area.

(35) All exits will be properly marked and free of obstructions.

(36) All employees will wear seat belts.

(37) Whenever two employees are available, one will assist the other in backing all city vehicles with limited sight visibility.

(b) Safety rules and procedures for police department.

- (1) All candidates for employment as sworn law enforcement personnel will be administered a thorough physical examination prior to employment.
- (2) This examination should include a stress type electrocardiogram when deemed necessary by the examining physician.
- (3) All officers should receive a semi-annual blood pressure check.
- (4) Supervision should keep a record of the results of the blood pressure checks.
- (5) All officers should receive an annual physical.
- (6) The department should have written guidelines regarding operations, i.e., apprehension, search, handcuffing, weapons handling, use of deadly and non-deadly force, high speed pursuits, etc.
- (7) All officers will be properly trained and supervised in the safe performance of their duties prior to being allowed to perform routine activities. Training shall be documented.
- (8) The department prohibits horseplay involving officers while on duty.
- (9) Officers will be required to use seat belts while driving official vehicles.
- (10) Officers will inspect their vehicles prior to beginning their shifts.
- (11) All vehicles will be inspected by a qualified mechanic on at least a quarterly basis.
- (12) All cruisers used for transporting prisoners should be equipped with a safety shield or screen.
- (13) The department will have a policy prohibiting the transportation of a shotgun with a shell in the chamber.
- (14) Officers will be required to qualify with the firearms used and with live ammunition on at least an annual basis.
- (15) The qualifying exercise will include night firing.
- (16) Officers will be provided with bullet proof vests that will be worn at all times the officer is on duty, except when specifically authorized by the supervisor.
- (17) Officers involved in directing traffic will be provided with highly visible clothing and/or reflective wands, flares, etc.

(18) All police officers will be trained to respond to the release of hazardous substances in accordance with OSHA 1910.120.

(c) Safety rules and procedures for fire department.

(1) Candidates for fire fighting positions will be administered a thorough physical examination prior to employment, including certification for use of SCBA.

(2) These physical examinations will include a stress type electrocardiogram and a pulmonary function test.

(3) All members of the department will receive a semi-annual blood pressure check.

(4) Supervisors will keep a record of the results of the blood pressure check.

(5) Fire fighters will receive an annual physical exam, a stress type electrocardiogram, and pulmonary function test.

(6) Fire fighters will be properly trained in the use of personal protective equipment.

(7) Fire fighters will wear NFPA approved protective equipment and clothing during training sessions and fire fighting.

(8) The diaphragm in the control valve of breathing apparatus' will be inspected in accordance with manufacturer's specifications.

(9) Fire fighters will wear a self-contained breathing apparatus when entering a potentially hazardous area.

(10) Wheel chocks and outriggers will be used anywhere except on apparatus floor.

(11) The department will participate in a comprehensive pre-planning system in determining hazardous chemicals and explosives.

(12) Drivers and fire fighters will utilize seat belts or safety harness while in transit to and from a response to a fire.

(13) Drivers will be trained in safe defensive/emergency driving techniques.

(14) Responding vehicles will be inspected at the beginning of each shift and documented.

(15) Vehicles will be inspected by a qualified mechanic on at least a quarterly basis.

(16) Fire fighters will comply with NC traffic laws, rules, and regulations.

(17) Fire fighters will use appropriate warning devices (audio and visual) when responding to an emergency call.

(18) Fire fighters will don personal equipment prior to an emergency response on all vehicles.

(19) The department prohibits horseplay while on duty.

(20) Fire fighters will be trained in proper lifting techniques and body mechanics and should not attempt to lift an object where proper lifting techniques cannot be used.

(21) Warning signs will be installed in the immediate vicinity of the fire station identifying it to pedestrians and vehicular drivers.

(22) Ladders, pike poles, and other items projecting from vehicles will be equipped with covers to prevent "head bump" accidents.

(23) Smoke detectors will be installed adjacent to the sleeping quarters in the fire stations.

(24) Routes to the slide poles will be well-lighted, free of projections, and equipped with appropriate safety enclosures.

(25) Fire fighters will be adequately trained to respond to the release of hazardous substances in accordance with OSHA 1910.120.

(d) Safety rules and procedures for sanitation department.

(1) Adequate hand rails and foot platforms will be provided on all sanitation vehicles.

(2) Sanitation trucks will be thoroughly cleaned daily.

(3) Backup alarms will be installed on all mobile equipment.

(4) A standard policy that prohibits employees from mounting or dismounting from a moving vehicle will be enforced.

(5) Sanitation workers will be provided with an animal repellent.

(6) Sanitation workers will be equipped with and required to wear gloves, safety glasses and brightly colored clothing that are approved by the department.

(7) Sanitation trucks will keep warning lights flashing during rounds.

(e) Safety rules and procedures for streets department.

(1) Management should develop standard procedures for entering confined spaces and underground areas in compliance with OSHA law, i.e., checklists, permits, etc.

(2) Supervisors should be provided with and required to use appropriate equipment to determine the amount of oxygen and toxic or flammable gases in confined underground areas.

(3) Employees should be properly trained in the use of monitoring devices, rescue equipment and other safety equipment.

(4) Excavations and trenches will be designed by a competent person in accord with OSHA standards.

(5) An adequate means of exit should be provided (ladder) in excavations and trenches. This is required for excavations and trenches of four or more feet.

(6) All excavated materials should be stored at least two feet from the trench.

(7) Backup alarms should be installed and operable on all mobile equipment with limited sight visibility.

(8) Supervisors should ensure that all workers are properly trained in the use of their respective personal protective equipment.

(9) Vehicles should be equipped with adequate warning lights.

(10) A respiratory program in compliance with OSHA regulations will be implemented, i.e., physicals, use of SCBA's, testing of equipment and fit, etc.

(f) Safety rules and procedures for maintenance/garage/warehouse/shop.

(1) A protective cage will be used when changing or filling split rim tires.

(2) An exhaust ventilation system will be installed in areas designated for vehicular repair and used when a vehicle engine is operated for more than 60 seconds.

(3) Guard rails will be installed around the grease pit when not in use.

(4) A designated area with a no smoking sign and clear of all spark producing devices will be used for charging automotive type batteries.

(5) Safety lights will be used for drop cords while working under vehicles.

(6) All welders will be properly grounded, located in a dry area, and equipped with properly insulated terminals.

(7) Safety devices will be used to prevent the dump and bodies falling while maintenance is being performed.

- (8) Safety devices will be used when working on hydraulic cylinders while under pressure (back hoes, loaders, etc.)
- (9) All items or materials will be stacked in a safe manner.
- (g) Safety rules and procedures for electric department.
- (1) All rubber goods will be electrically tested on regularly scheduled intervals.
- (2) Aerial bucket liners and boom will be electrically tested at intervals of six months to one year depending on use.
- (3) Only trained employees with adequate supervision will be allowed to work on energized lines.
- (4) Hard hats will be worn by all workers on maintenance and construction crews.
- (5) Safety belts will be properly maintained and inspected before each use.
- (6) Outriggers will always be in the lowered position when the aerial bucket is in use.
- (7) Aerial vehicles will be adequately grounded when working near energized lines.
- (8) Wheel chocks will be used on aerial vehicles.
- (9) All vehicles designed as personnel carriers with articulating and extensible booms will be equipped with both upper and lower platform controls.
- (10) Workers will be required to wear a safety belt with the lanyard attached at the boom while working from an aerial bucket.
- (11) Rubber gloves will be worn by all employees working on energized lines.
- (12) Employees will cover the nearest and lowest wires first when applying protective rubber equipment.
- (13) All grounds will be placed and removed with hot sticks.
- (14) All energized lines will be isolated with protective equipment when employees are working in the vicinity.
- (15) Hand lines will be used for raising and lowering materials.
- (16) All hand lines will be constructed of nonconductive material.
- (17) Wet, dirty, or salty rope will be discarded.

- (18) Adequate emergency lighting will be available for night use.
- (19) Rubber protective equipment will remain on energized lines no more than eight hours.
- (20) Gaffs and other sharp objects will be stored in separate compartments from rubber protective equipment.
- (21) The use of electric tools or lights with extended cords will be prohibited in aerial buckets.
- (22) All limb/bush chippers will be equipped with a protective flap to minimize the possibility of an employee being struck by flying debris.
- (23) All vehicles will be equipped with warning lights.
- (24) Employees will wear a shirt that covers the width of the shoulders and upper part of the body at all times while on the job.
- (25) Grounds will be installed when working on non-energized lines.
- (26) Passengers seat belts shall be utilized.
- (27) Electrical workers will be certified in first aid and cardio-pulmonary resuscitation (CPR).
- (h) Safety rules and procedures parks/recreation/landscaping/cemetery/golf courses departments.
- (1) A "Danger Chlorine" sign will be attached to the chlorinator room door.
- (2) The door to the chlorinator room will be locked when unattended.
- (3) The chlorinator room will be equipped with an adequate exhaust fan with a switch located outside.
- (4) Respirator equipment will be located adjacent to the chlorinator room.
- (5) Employees who are involved in the use of chlorine will be thoroughly trained.
- (6) A respiratory program in compliance with OSHA regulations will be implemented, i.e., physicals, use of SCBA's, testing of equipment and fit, etc.
- (7) Granular chlorine will be stored in a dry location free of petroleum products and proper respirator equipment provided and used.

(8) All employees should be properly trained in the use and handling of insecticides, herbicides and toxic, corrosive and caustic materials. Containers should be properly labelled.

(9) Excavations and trenches will be designed by a competent person in accord with OSHA standards.

(10) An adequate means of exit should be provided (ladder) in excavations and trenches. This is required for excavations and trenches of four or more feet.

(11) All excavated materials should be stored at least two feet from the trench.

(12) Playgrounds will be inspected weekly. Inspections will be documented.

(13) A designated area with a no smoking sign and clear of all spark producing devices will be used for charging automotive type batteries.

(14) Equipment and materials being hauled should be tied down properly.

(15) "Caution Men at Work" or "Caution - Men Working" signs should be placed in public parks during maintenance.

(i) Safety rules and procedures for water/sewer/waste treatment.

(1) Approved respirator equipment will be located adjacent to the chlorinator room.

(2) Employees involved with the use of chlorine will be thoroughly trained.

(3) A respiratory program in compliance with OSHA regulations will be implemented, i.e., physicals, use of SCBA's, testing of equipment and fit, etc.

(4) The door to the chlorinator room will be locked when unattended.

(5) The chlorinator room will be equipped with an adequate exhaust fan with the switch located outside.

(6) Granular chlorine will be stored in a dry location free of petroleum products and a respirator used when material is being handled.

(7) Excavations and trenches will be designed by a competent person in accord with OSHA standards.

(8) An adequate means of exit should be provided (ladder) in excavations and trenches. This required for excavations and trenches of four or more feet.

(9) All excavated materials should be stored at least two feet from the trench.

(10) Management should develop standard procedures for entering confined spaces and underground areas in compliance with OSHA law, i.e., check lists, permits, etc.

(11) Supervisors should be provided with and required to use appropriate equipment to determine the amount of oxygen and toxic or flammable gases in confined underground areas.

(12) Employees should be properly trained in the use of monitoring devices, rescue equipment and other safety equipment.

(13) Life jackets and lifelines will be provided and used when work is being performed around water, storage tanks, reservoirs, digesters, or settling tanks.

(14) All chemicals will be properly stored and labelled. Employees should be properly trained in use of chemicals.

(j) Statement and signature of employee required.

STATEMENT AND SIGNATURE OF EMPLOYEE

I have read and understand the Town of Stantonburg's safety policy and program. I accept my responsibilities as outlined by the document.

Signature

Date

(Ord. of 8/5/91, Sec. IV)

Town of Stantonburg Salary Grades & Steps (Effective 7/1/00)

Grade	Hire Rate	A	B	C	D	E	F	G	H	I	J	K	L	M	N	Q	P
10	15156	15525	15913	16302	16709	17117	17545	17972	18423	18872	19343	19814	20310	20805	21326	21846	22392
11	15913	16302	16709	17117	17545	17972	18423	18872	19343	19814	20310	20805	21326	21846	22392	22939	23513
12	16709	17117	17545	17972	18423	18872	19343	19814	20310	20805	21326	21846	22392	22939	23513	24086	24688
13	17545	17972	18423	18872	19343	19814	20310	20805	21326	21846	22392	22939	23513	24086	24688	25290	25922
14	18423	18872	19343	19814	20310	20805	21326	21846	22392	22939	23513	24086	24688	25290	25922	26554	27219
15	19343	19814	20310	20805	21326	21846	22392	22939	23513	24086	24688	25290	25922	26554	27219	27882	28579
16	20310	20805	21326	21846	22392	22939	23513	24086	24688	25290	25922	26554	27219	27882	28579	29277	30009
17	21326	21846	22392	22939	23513	24086	24688	25290	25922	26554	27219	27882	28579	29277	30009	30740	31510
18	22392	22939	23513	24086	24688	25290	25922	26554	27219	27882	28579	29277	30009	30740	31510	32278	33086
19	23513	24086	24688	25290	25922	26554	27219	27882	28579	29277	30009	30740	31510	32278	33086	33891	34739
20	24688	25290	25922	26554	27219	27882	28579	29277	30009	30740	31510	32278	33086	33891	34739	35585	36475
21	25922	26554	27219	27882	28579	29277	30009	30740	31510	32278	33086	33891	34739	35585	36475	37365	38300
22	27219	27882	28579	29277	30009	30740	31510	32278	33086	33891	34739	35585	36475	37365	38300	39233	40214
23	28579	29277	30009	30740	31510	32278	33086	33891	34739	35585	36475	37365	38300	39233	40214	41195	42225
24	30009	30740	31510	32278	33086	33891	34739	35585	36475	37365	38300	39233	40214	41195	42225	43255	44337
25	31510	32278	33086	33891	34739	35585	36475	37365	38300	39233	40214	41195	42225	43255	44337	45418	46554
26	33086	33891	34739	35585	36475	37365	38300	39233	40214	41195	42225	43255	44337	45418	46554	47690	48882
27	34739	35585	36475	37365	38300	39233	40214	41195	42225	43255	44337	45418	46554	47690	48882	50074	51326
28	36475	37365	38300	39233	40214	41195	42225	43255	44337	45418	46554	47690	48882	50074	51326	52578	53893
29	38300	39233	40214	41195	42225	43255	44337	45418	46554	47690	48882	50074	51326	52578	53893	55207	56587
30	40214	41195	42225	43255	44337	45418	46554	47690	48882	50074	51326	52578	53893	55207	56587	57967	59417

Appendix A
(Section 2-8031)
Town of Stantonburg
Salary Schedule
July 1, 1991

Salary Grade Number	Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Step 7		Step 8	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
1 (A)	\$9,401.00	\$9,877.00	\$10,124.00	\$10,377.00	\$10,636.00	\$10,902.00	\$11,175.00	\$11,454.00	\$11,740.00	\$12,034.00	\$12,335.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00
(SM)	\$391.71	\$411.54	\$421.83	\$432.38	\$443.17	\$454.25	\$465.63	\$477.25	\$489.17	\$501.42	\$513.96	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46
(W)	\$180.79	\$189.94	\$194.69	\$199.58	\$204.54	\$209.65	\$214.90	\$220.27	\$225.77	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37
(H)	\$4.52	\$4.75	\$4.87	\$4.98	\$5.11	\$5.24	\$5.37	\$5.51	\$5.64	\$5.79	\$5.93	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71
2 (A)	\$10,124.00	\$10,377.00	\$10,636.00	\$10,902.00	\$11,175.00	\$11,454.00	\$11,740.00	\$12,034.00	\$12,335.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00
(SM)	\$411.54	\$432.38	\$443.17	\$454.25	\$465.63	\$477.25	\$489.17	\$501.42	\$513.96	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92
(W)	\$189.94	\$199.58	\$204.54	\$209.65	\$214.90	\$220.27	\$225.77	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96
(H)	\$4.75	\$4.98	\$5.11	\$5.24	\$5.37	\$5.51	\$5.64	\$5.79	\$5.93	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05
3 (A)	\$10,377.00	\$10,902.00	\$11,175.00	\$11,454.00	\$11,740.00	\$12,034.00	\$12,335.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00
(SM)	\$432.38	\$454.25	\$465.63	\$477.25	\$489.17	\$501.42	\$513.96	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88
(W)	\$199.58	\$209.65	\$214.90	\$220.27	\$225.77	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25
(H)	\$4.98	\$5.24	\$5.37	\$5.51	\$5.64	\$5.79	\$5.93	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41
4 (A)	\$10,902.00	\$11,454.00	\$11,740.00	\$12,034.00	\$12,335.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00	\$15,790.00	\$16,185.00
(SM)	\$454.25	\$477.25	\$489.17	\$501.42	\$513.96	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88	\$657.92	\$674.38
(W)	\$209.65	\$214.90	\$220.27	\$225.77	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25	\$303.65
(H)	\$5.24	\$5.51	\$5.64	\$5.79	\$5.93	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78
5 (A)	\$11,454.00	\$12,034.00	\$12,335.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00	\$15,790.00	\$16,185.00	\$16,590.00	\$17,005.00
(SM)	\$477.25	\$501.42	\$513.96	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88	\$657.92	\$674.38	\$691.25	\$708.54
(W)	\$220.27	\$225.77	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04
(H)	\$5.51	\$5.79	\$5.93	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.98	\$8.18
6 (A)	\$12,034.00	\$12,643.00	\$12,959.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00	\$15,790.00	\$16,185.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,866.00
(SM)	\$501.42	\$526.79	\$539.96	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88	\$657.92	\$674.38	\$691.25	\$708.54	\$726.25	\$744.42
(W)	\$231.42	\$237.21	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19
(H)	\$5.79	\$6.08	\$6.23	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.98	\$8.18	\$8.38	\$8.59
7 (A)	\$12,643.00	\$13,283.00	\$13,615.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00	\$15,790.00	\$16,185.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,866.00	\$18,313.00	\$18,771.00
(SM)	\$526.79	\$553.46	\$567.29	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88	\$657.92	\$674.38	\$691.25	\$708.54	\$726.25	\$744.42	\$763.04	\$782.13
(W)	\$243.13	\$249.21	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17
(H)	\$6.08	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.98	\$8.18	\$8.38	\$8.59	\$8.80	\$9.02
8 (A)	\$13,283.00	\$13,955.00	\$14,300.00	\$14,652.00	\$15,009.00	\$15,405.00	\$15,790.00	\$16,185.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,866.00	\$18,313.00	\$18,771.00	\$19,333.00	\$19,900.00
(SM)	\$553.46	\$581.46	\$596.00	\$610.92	\$626.21	\$641.88	\$657.92	\$674.38	\$691.25	\$708.54	\$726.25	\$744.42	\$763.04	\$782.13	\$801.77	\$821.97
(W)	\$255.44	\$261.83	\$268.37	\$275.08	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17	\$360.98	\$369.98
(H)	\$6.39	\$6.55	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.98	\$8.18	\$8.38	\$8.59	\$8.80	\$9.02	\$9.24

Appendix A (con't)
(Section 2-8031)
Town of Stantonburg
Salary Schedule
July 1, 1991

Salary Grade Number	Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Step 7		Step 8	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
9 (A)	\$13,955.00	\$14,304.00	\$14,652.00	\$15,003.00	\$15,405.00	\$15,760.00	\$16,165.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00
(SM)	\$381.46	\$396.00	\$410.92	\$426.21	\$441.88	\$457.92	\$474.38	\$491.25	\$508.54	\$526.25	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25
(W)	\$263.37	\$273.08	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73
(H)	\$6.71	\$6.88	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.96	\$8.16	\$8.38	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72
10 (A)	\$14,652.00	\$15,003.00	\$15,405.00	\$15,760.00	\$16,165.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00
(SM)	\$410.92	\$426.21	\$441.88	\$457.92	\$474.38	\$491.25	\$508.54	\$526.25	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88
(W)	\$281.96	\$289.02	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40
(H)	\$7.05	\$7.23	\$7.41	\$7.59	\$7.78	\$7.96	\$8.16	\$8.38	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21
11 (A)	\$15,405.00	\$15,760.00	\$16,165.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00
(SM)	\$441.88	\$457.92	\$474.38	\$491.25	\$508.54	\$526.25	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62
(W)	\$296.25	\$303.65	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08
(H)	\$7.41	\$7.59	\$7.78	\$7.96	\$8.16	\$8.38	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73
12 (A)	\$16,165.00	\$16,590.00	\$17,005.00	\$17,430.00	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00	\$22,870.00	\$23,442.00
(SM)	\$474.38	\$491.25	\$508.54	\$526.25	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62	\$752.92	\$776.75
(W)	\$311.25	\$319.04	\$327.02	\$335.19	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08	\$439.81	\$450.81
(H)	\$7.78	\$7.96	\$8.16	\$8.38	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73	\$11.00	\$11.27
13 (A)	\$17,005.00	\$17,430.00	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00
(SM)	\$508.54	\$526.25	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62	\$752.92	\$776.75	\$801.17	\$826.21
(W)	\$327.02	\$335.19	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08	\$439.81	\$450.81	\$462.08	\$473.63
(H)	\$8.16	\$8.38	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73	\$11.00	\$11.27	\$11.55	\$11.84
14 (A)	\$17,865.00	\$18,313.00	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00
(SM)	\$544.42	\$563.04	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62	\$752.92	\$776.75	\$801.17	\$826.21	\$851.88	\$878.17
(W)	\$343.58	\$352.17	\$360.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08	\$439.81	\$450.81	\$462.08	\$473.63	\$485.48	\$497.52
(H)	\$8.59	\$8.80	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73	\$11.00	\$11.27	\$11.55	\$11.84	\$12.14	\$12.44
15 (A)	\$18,771.00	\$19,240.00	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00
(SM)	\$582.17	\$601.67	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62	\$752.92	\$776.75	\$801.17	\$826.21	\$851.88	\$878.17	\$905.13	\$932.88
(W)	\$350.96	\$370.00	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08	\$439.81	\$450.81	\$462.08	\$473.63	\$485.48	\$497.52	\$510.06	\$523.88
(H)	\$9.02	\$9.25	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73	\$11.00	\$11.27	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07
16 (A)	\$19,721.00	\$20,214.00	\$20,719.00	\$21,237.00	\$21,768.00	\$22,312.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,561.00
(SM)	\$621.71	\$642.25	\$663.29	\$684.88	\$707.00	\$729.62	\$752.92	\$776.75	\$801.17	\$826.21	\$851.88	\$878.17	\$905.13	\$932.88	\$961.33	\$990.58
(W)	\$379.25	\$388.73	\$398.44	\$408.40	\$418.62	\$429.08	\$439.81	\$450.81	\$462.08	\$473.63	\$485.48	\$497.52	\$510.06	\$523.88	\$538.88	\$554.88
(H)	\$9.48	\$9.72	\$9.96	\$10.21	\$10.47	\$10.73	\$11.00	\$11.27	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.74

Appendix A (con't)
(Section 2-8031)
Town of Stantonsburg
Salary Schedule
July 1, 1991

Salary Grade Number	Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Step 7		Step 8	
	A	B	A	B	A	B	A	B	A	B	A	B	A	B	A	B
17 (A)	\$20,719.00	\$21,758.00	\$22,312.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00
(SM)	\$983.29	\$984.88	\$929.67	\$932.92	\$976.75	\$1,001.17	\$1,028.21	\$1,051.88	\$1,078.17	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63
(W)	\$408.40	\$408.40	\$429.08	\$430.81	\$450.81	\$452.08	\$473.63	\$485.48	\$497.62	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52
(H)	\$9.96	\$10.21	\$10.47	\$11.00	\$11.27	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79
18 (A)	\$21,768.00	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00
(SM)	\$907.00	\$929.67	\$976.75	\$1,001.17	\$1,028.21	\$1,051.88	\$1,078.17	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50
(W)	\$418.62	\$429.08	\$450.81	\$452.08	\$473.63	\$485.48	\$497.62	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46
(H)	\$10.47	\$10.73	\$11.00	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54
19 (A)	\$22,870.00	\$23,442.00	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00
(SM)	\$952.92	\$976.75	\$1,001.17	\$1,028.21	\$1,051.88	\$1,078.17	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17
(W)	\$439.81	\$450.81	\$473.63	\$485.48	\$497.62	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92
(H)	\$11.00	\$11.27	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93
20 (A)	\$24,028.00	\$24,629.00	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00	\$33,932.00	\$34,801.00
(SM)	\$1,001.17	\$1,028.21	\$1,051.88	\$1,078.17	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17	\$1,414.67	\$1,450.04
(W)	\$462.08	\$473.63	\$485.48	\$497.62	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92	\$669.25
(H)	\$11.55	\$11.84	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93	\$16.32	\$16.73
21 (A)	\$25,245.00	\$25,876.00	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00	\$33,932.00	\$34,801.00	\$35,671.00	\$36,593.00
(SM)	\$1,051.88	\$1,078.17	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17	\$1,414.67	\$1,450.04	\$1,486.29	\$1,523.46
(W)	\$485.48	\$497.62	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92	\$669.25	\$685.98	\$703.13
(H)	\$12.14	\$12.44	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93	\$16.32	\$16.73	\$17.15	\$17.58
22 (A)	\$26,523.00	\$27,186.00	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00	\$33,932.00	\$34,801.00	\$35,671.00	\$36,593.00	\$37,477.00	\$38,414.00
(SM)	\$1,105.13	\$1,132.75	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17	\$1,414.67	\$1,450.04	\$1,486.29	\$1,523.46	\$1,561.54	\$1,600.58
(W)	\$510.06	\$522.81	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92	\$669.25	\$685.98	\$703.13	\$720.71	\$738.73
(H)	\$12.75	\$13.07	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93	\$16.32	\$16.73	\$17.15	\$17.58	\$18.02	\$18.47
23 (A)	\$27,866.00	\$28,553.00	\$29,277.00	\$29,963.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00	\$33,932.00	\$34,801.00	\$35,671.00	\$36,593.00	\$37,477.00	\$38,414.00	\$39,374.00	\$40,358.00
(SM)	\$1,161.08	\$1,190.13	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17	\$1,414.67	\$1,450.04	\$1,486.29	\$1,523.46	\$1,561.54	\$1,600.58	\$1,640.58	\$1,681.58
(W)	\$535.88	\$549.29	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92	\$669.25	\$685.98	\$703.13	\$720.71	\$738.73	\$757.19	\$776.12
(H)	\$13.40	\$13.73	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93	\$16.32	\$16.73	\$17.15	\$17.58	\$18.02	\$18.47	\$18.93	\$19.40
24 (A)	\$29,277.00	\$30,009.00	\$30,779.00	\$31,528.00	\$32,316.00	\$33,124.00	\$33,932.00	\$34,801.00	\$35,671.00	\$36,593.00	\$37,477.00	\$38,414.00	\$39,374.00	\$40,358.00	\$41,367.00	\$42,398.00
(SM)	\$1,219.88	\$1,250.38	\$1,281.63	\$1,313.67	\$1,346.50	\$1,380.17	\$1,414.67	\$1,450.04	\$1,486.29	\$1,523.46	\$1,561.54	\$1,600.58	\$1,640.58	\$1,681.58	\$1,723.63	\$1,766.83
(W)	\$563.02	\$577.10	\$591.52	\$606.31	\$621.46	\$637.00	\$652.92	\$669.25	\$685.98	\$703.13	\$720.71	\$738.73	\$757.19	\$776.12	\$795.52	\$815.40
(H)	\$14.08	\$14.43	\$14.79	\$15.16	\$15.54	\$15.93	\$16.32	\$16.73	\$17.15	\$17.58	\$18.02	\$18.47	\$18.93	\$19.40	\$19.89	\$20.40

Appendix A (con't)
(Section 2-8031)
Town of Stantonburg
Salary Schedule
July 1, 1991

Salary Grade Number	Step 1	Step 2		Step 3		Step 4		Step 5		Step 6		Step 7		Step 8	
		A	B	A	B	A	B	A	B	A	B	A	B	A	B
25 (A)	30759.00	31528.00	32318.00	33124.00	33942.00	34801.00	35671.00	36583.00	37477.00	38414.00	39374.00	40358.00	41367.00	42401.00	43461.00
(SM)	1281.53	1313.67	1346.50	1380.17	1414.67	1450.04	1486.29	1523.46	1561.54	1600.58	1640.58	1681.56	1723.63	1766.71	1810.88
(W)	591.52	608.31	621.46	637.00	652.92	669.25	685.98	703.13	720.71	738.73	757.19	776.12	795.52	815.40	835.79
(H)	14.79	15.16	15.54	15.93	16.32	16.73	17.15	17.58	18.02	18.47	18.93	19.4	19.86	20.39	20.99

Appendix B
(Section 2-8021)

Town of Stantonburg

Classification Plan

(Schematic List of Classes by Functional Groups)

<u>CLASS TITLE</u>	<u>CLASS CODE</u>
<u>Administration</u>	
Town Manager	100.01
Town Clerk/Finance Officer	100.02
Utility & Tax Collector	100.03
Superintendent of Utilities	100.04
 <u>Electric</u>	
Power Line Technician	200.01
Line Technician	200.02
 <u>Police</u>	
Police Chief	300.01
Police Officer	300.02
 <u>Utility and Street Operations</u>	
Fleet Service Worker	400.01
Utility Worker	400.02
Equipment Operator	400.03
Sanitation Equipment Operator	400.04
General Maintenance Worker I	400.05
General Maintenance Worker II	400.06
Waste Water Technician/Plant Operator	500.01

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Appendix C
(Section 2-8031)

Town of Stantonburg
Allocation of Classes to Salary Grades

<u>Salary Grade</u>	<u>Salary Range</u>	<u>Position Title</u>
1	9,401-13,283	-
2	9,877-13,955	-
3	10,377-14,662	-
4	10,902-15,405	General Maintenance Worker I
5	11,454-16,185	-
6	12,034-17,005	General Maintenance Worker II
7	12,643-17,866	-
8	13,283-18,771	-
9	13,955-19,721	Equipment Operator Fleet Service Worker Utility Worker
10	14,662-20,719	Police Officer Sanitation Equipment Operator/Foreman Utility and Tax Collector
11	15,405-21,768	-
12	16,185-22,870	Line Technician
13	17,005-24,028	Police Chief Power Line Technician Town Clerk/Finance Officer Waste Water Technician/Plant Operator
14	17,866-25,245	-
15	18,771-26,523	-
16	19,721-27,866	-
17	20,719-29,277	-
18	21,768-30,759	-
19	22,870-32,316	-
20	24,028-33,952	-
21	25,245-35,671	-
22	26,523-37,477	-
23	27,866-39,374	-
24	29,277-41,367	-
25	30,759-43,461	-

NORTH CAROLINA LEAGUE OF MUNICIPALITIES

CHAPTER 9

Agreements for Services

- Article A. Inspection Agreements with County*
- Section 2-9001 Enforcement and permits issued by county.
Section 2-9002 Permits issued by town.
Section 2-9003 Fee schedule for county permits.
Section 2-9004 Enforcement by town.
Section 2-9005 Priority of inspections.
Section 2-9006 Certificate of occupancy required prior to provision
 of utility services.
Section 2-9007 Effective date.
Sections 2-9008 through 29010 reserved.
- Article B. Mutual Aid Assistance
- Section 2-9011 Authorization to enter agreement.
Section 2-9012 Authorization to permit work at other agencies.
Section 2-9013 Jurisdiction and powers.
Section 2-9014 Authorization to request aid.

ARTICLE A

Inspection Agreements with County

Section 2-9001 Enforcement and permits issued by county.

The county, through its Inspections Department, will enforce the North Carolina State Building Code, comprised of Volumes I, I-B, II, III and IV, or as the same may be hereafter changed by amendment, within the jurisdiction of the town. In addition to the inspections required to be made in enforcing said North Carolina State Building Code, the county will issue all building, electrical, plumbing, insulation and mechanical permits required to be issued within the jurisdiction of the town. (Ord. of 12/9/91)

Section 2-9002 Permits issued by town.

Except for building, electrical, plumbing, insulation and mechanical permits, the town, within its jurisdiction, will issue all other applicable permits, including zoning permits. (Ord. of 12/9/91)

*Editor's Note: For complete agreement see Ordinance of 12/9/91.

Section 2-9003 Fee schedule for county permits.

Permit fees shall be based on the fee schedule in effect for the county, or as same may hereafter be changed by amendment. All permit fees shall be paid by applicant to the Wilson County Planning and Inspection Department. (Ord. of 12/9/91)

Section 2-9004 Enforcement by town.

Except as herein specified, the town shall enforce all zoning, subdivision and other local ordinances and regulations within its jurisdiction with its own personnel. (Ord. of 12/9/91)

Section 2-9005 Priority of inspections.

The county shall give inspections within its jurisdictions first priority and the town and others for which such services are provided by contract, second priority. (Ord. of 12/9/91)

Section 2-9006 Certificate of occupancy required prior to provision of utility services.

The town, if it has its own utility department, shall not provide electrical, water, sewer, gas or any of these services to any structure or building subject to this agreement which is within its jurisdiction until a certificate of occupancy has been issued by the county. (Ord. of 12/9/91)

Section 2-9007 Effective date.

This agreement shall be effective as of January 7, 1992. (Ord. of 12/9/91)

Sections 2-9008 through 29010 reserved.

ARTICLE B

Mutual Aid Assistance

Section 2-9011 Authorization to enter agreement.

The chief of police is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies provided that the head of the requesting agencies request assistance in writing. (Res. of 5/11/92)

Section 2-9012 Authorization to permit work at other agencies.

The chief of police is hereby authorized to permit officers of the Stantonburg Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity, and, to this extent may lend equipment and supplies. (Res. of 5/11/92)

Section 2-9013 Jurisdiction and powers.

While working with the requesting agency, a Stantonburg police officer shall have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agencies. (Res. of 5/11/92)

Section 2-9014 Authorization to request aid.

The chief of police is hereby further authorized to request mutual assistance from other law enforcement agencies in accordance with such reasonable arrangements, terms, and conditions as may be agreed upon between the respective heads of the law enforcement agencies. (Res. of 5/11/92)

PART 3 PUBLIC SAFETY

PART 3

Public Safety

- Chapter 1. Law Enforcement
- Chapter 2. Fire Protection and Prevention
- Chapter 3. Emergency and Rescue
- Chapter 4. Control and Prohibition of Open Burning
- Chapter 5. Signs Prohibiting the Carrying of Concealed Weapons

CHAPTER 1

Law Enforcement*

Article A. Police Department; In General

- Section 3-1001 Creation.
- Section 3-1002 Composition of department.
- Section 3-1003 Duties of police.
- Section 3-1004 Supervision of department.
- Section 3-1005 Personnel.
- Sections 3-1006 through 3-1020 reserved.

Article B. Police Department Operating Regulations

- Section 3-1021 Control and supervision.
- Section 3-1022 Power and authority.
- Section 3-1023 Conditions of employment.
- Section 3-1024 Uniforms.
- Section 3-1025 Requirements of employment.
- Section 3-1026 Specific functions of chief of police.
- Sections 3-1027 through 3-1030 reserved.

Article C. Policy for Reserve or Auxiliary Police Officers

- Section 3-1031 Criteria for appointment.
- Section 3-1032 Equipment.
- Section 3-1033 Insurance coverage.
- Section 3-1034 On-duty periods.
- Section 3-1035 Disciplinary actions.
- Section 3-1036 Separation from reserve or auxiliary status.

*Editor's Note: See Part 2, Chapter 9, Article B. for Mutual Aid Assistance Agreement.

ARTICLE A

Police Department; In General

Section 3-1001 Creation.

The police department of the town is hereby created, subject to the terms, authority, and conditions set out in sections 3-1002 through 3-1040 below.

State Law Reference: Municipal law enforcement in general, G.S. 160A-281, et seq.

Section 3-1002 Composition of department.

The police department of the town shall consist of a chief of police, officers and policemen of designated grade as the town board deems necessary.

Section 3-1003 Duties of police.

The police department shall carry out all orders of the board, enforce all laws and ordinances of the town and the State of North Carolina, and shall at all times preserve the peace, protect the property and the safety of the citizens of Stantonsburg.

Section 3-1004 Supervision of department.

The chief of police shall have immediate direction and control of the members of the police department, subject, however, to the supervision of the town board and to rules, regulations and orders that the town board may prescribe.

Section 3-1005 Personnel.

The town board shall have the duty of hiring persons as may be necessary to man the police force of the town and to provide the town with adequate police protection, together with the duty of discharging such members.

Sections 3-1006 through 3-1020 reserved.

ARTICLE B

Police Department Operating Regulations

Section 3-1021 Control and supervision.

The chief of police of the town, subject to the general supervision of the town board, is held responsible for the discipline, good order, and proper conduct of the department and the various duties thereof, and for the proper enforcement of the laws of the town.

Section 3-1022 Power and authority.

(a) The members of the town police department shall have all the power and authority now, or which may hereafter be invested in local law enforcement officers for the preservation of the peace of the town, for suppressing disturbances, and arresting offenders.

(b) Except when pursuing an offender of the law or happening upon persons in the act of committing some offense, or when directed by a superior officer or when acting pursuant to official request for assistance, the police shall carry out their duties when on duty within the law enforcement jurisdiction of the town.

State Law Reference: Jurisdiction of policemen, G.S. 160A-286, 15A-402.

Section 3-1023 Conditions of employment.

Members of the police department shall be appointed by the town board after due examination by the board and based upon the results of the examination. Unless provided otherwise by the board, members of the police department shall be subject to the general personnel policies of the town.

Section 3-1024 Uniforms.

All police officers shall wear uniforms, and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the town if such uniforms and equipment were furnished by the town.

Section 3-1025 Requirements of employment.

Every person appointed as a law enforcement officer shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;

- (3) be of good moral character and possess correct habits;
- (4) be fingerprinted and a search made of local, state and federal fingerprint files;
- (5) not have been convicted of a felony or an offense involving moral turpitude;
- (6) have a high school diploma or its equivalent;
- (7) satisfactorily complete the certification requirements of the State of North Carolina;
- (8) pass an examination conducted by a physician employed by the town; and
- (9) be interviewed and approved by the town board or its designee.

State Law Reference: State law now requires that local law enforcement officers be certified by the Criminal Justice Training and Standards Council; G.S. 7A, et seq.

Section 3-1026 Specific functions of chief of police.

The specific functions of the chief of police in the town are:

- (1) to issue to the force under his command, such orders and directives as may be necessary to preserve the public peace, prevent crime, arrest offenders, and to protect public and private property and persons in the town;
- (2) to enforce the laws, ordinances, police regulations and executive orders applicable to his jurisdiction;
- (3) to suspend from duty any members of the department for incompetence, neglect of duty, immorality, drunkenness, drinking intoxicants when on duty, or who shall be found unfit for duty when called on emergency service, or who fail to obey orders given by proper authority, and in addition for any just or reasonable cause in the judgment of the town board; and
- (4) to require the proper submission and handling of the necessary and required reports.

ARTICLE C

Policy for Reserve or Auxiliary Police Officers

Section 3-1031 Criteria for appointment.

(a) The chief of police, with approval from the town manager, may submit applications to the North Carolina Justice Standards Division for certification as reserve or auxiliary police officers of the Town of Stantonsburg. Not to exceed five officers at any one given time.

(b) If accepted by the town manager and the North Carolina Justice Standards Division, these applicants will be sworn as officers of the Stantonsburg Police Department.

(c) Once sworn the reserve or auxiliary officer will assume the duties, powers, and responsibilities as defined by the North Carolina General Statutes and the policies, procedures, and ordinances of the Town of Stantonsburg as set forth by the town council pertaining to police officers.

(d) Reserve or auxiliary Stantonsburg police officers will not be compensated for their work and are not eligible for the employee benefits provided by the Town of Stantonsburg to its workforce.

(e) Reserve or auxiliary police officers are subject to all rules, guidelines, procedures, and general orders established by the chief of police.
(Ord. of 5/11/92)

Section 3-1032 Equipment.

(a) Equipment provided by the Town of Stantonsburg:

(1) If the reserve or auxiliary police officer is required by the chief of police to work in uniform, the following items will be provided by the Town of Stantonsburg:

- a. one short sleeve shirt
- b. one long sleeve shirt
- c. one pair of uniform pants
- d. one necktie

(2) Ammunition:

a. All law enforcement officers employed in the State of North Carolina are required by the Justice Standards Division to be qualified by a Division approved firearms instructor with the service weapon the officer carries. This qualification includes meeting the current established qualification score on the firing range. In

addition, the ammunition used to qualify, must be the same brand and type that is carried in the reserve or auxiliary service weapon.

b. The ammunition used for qualification purposes and the ammunition carried in the service weapon by the reserve or auxiliary officer will be furnished by the Town of Stantonburg. No other ammunition will be authorized for use while performing the duties of a Stantonburg police officer. The use of unauthorized ammunition shall be grounds for immediate separation from the Stantonburg Police Department as a reserve or auxiliary police officer.

(b) Equipment provided by the reserve or auxiliary officer:

(1) Service weapon (obtainment of proper permits is required). Reserve or auxiliary police officer will be responsible for providing their own service weapons. Three types of service weapons are acceptable. However, the particular brand and model must be approved by the chief of police prior to utilization. Reserve or auxiliary officers should seek approval of the desired weapon prior to purchase.

a. 9 mm semi automatics

b. 38 caliber revolvers

c. 357 caliber revolvers (while using only 38 caliber ammunition)

(2) Uniform leather accessories

(3) Additional accessories:

a. handcuffs

b. name plates

c. plain clothes holsters and ammunition carriers.
(Ord. of 5/11/92)

Section 3-1033 Insurance coverage.

The Town of Stantonburg will provide the reserve or auxiliary officer with workman's compensation insurance and liability coverage while on duty for the Town of Stantonburg. (Ord. of 5/11/92)

Section 3-1034 On-duty periods.

(a) Each reserve or auxiliary officer will be required to volunteer 16 hours of work each month to the Town of Stantonburg subject to the following:

(1) No reserve or auxiliary officer shall be on duty as Stantonburg police officer unless they are working with a full or

part-time paid Stantonburg police officer without prior approval from the chief of police.

(2) While on duty, the reserve or auxiliary officer shall consider the full or part-time Stantonburg officer their superior and shall conduct themselves accordingly. The final decision on all matters shall be made by the full or part-time Stantonburg police officer in charge. All such decisions shall be followed by the reserve or auxiliary officer unless such decision is deemed illegal. The reserve or auxiliary officer's concerns about such decisions shall be brought to the attention of the chief of police.

(3) In addition to the required 16 hours per month service, reserve or auxiliary officers training deemed necessary by the chief of police or mandated by the Criminal Justice Standards Division.

(4) Whenever possible, all charges will be made by the full or part-time Stantonburg officer. This is to ensure that all cases are prosecuted in court on a timely basis.
(Ord. of 5/11/92)

Section 3-1035 Disciplinary actions.

(a) All reserve or auxiliary officers are subject to same disciplinary actions as full or part-time officers contained in the current policies and procedures of the Town of Stantonburg at the time of the infraction.

(b) In addition, reserve or auxiliary officers that fail to comply with this policy or orders from the chief of police are subject to being separated from reserve or auxiliary status with the Stantonburg Police Department by the chief of police. The chief of police shall report such separation to the town manager within three days.
(Ord. of 5/11/92)

Section 3-1036 Separation from reserve or auxiliary status.

(a) Transfer to paid duty with the Town of Stantonburg. Reserve or auxiliary officers may apply for any full or part-time position that becomes available within the Stantonburg Police Department.

(b) Transfer to another law enforcement agency. Reserve or auxiliary officers who wish to accept a full-time or part-time sworn law enforcement position with another agency may do so at any time without prior notice to the chief of police. Reserve or auxiliary certification will continue to be maintained at the Stantonburg Police Department if the officer so desires, provided the officer continues to adhere to the guidelines established herein. The chief of police must be notified within five days of such appointment to another law enforcement agency.

(c) Disciplinary separation. In the event a reserve or auxiliary officer is separated from the Stantonburg Police Department for any reason, all equipment issued by the Town of Stantonburg must be returned to the chief of police within five days of such separation. If the separation is for disciplinary reasons, the officer's badge and any issued identification shall be returned to the chief of police prior to leaving the police department.
(Ord. of 5/11/92)

CHAPTER 2

Fire Protection and Prevention

Article A. Volunteer Fire Department

- Section 3-2001 Organization.
- Section 3-2002 Duties of chief.
- Section 3-2003 Same; duties as fire inspector.
- Section 3-2004 General authority at fires.
- Section 3-2005 Interfering with firemen or fire apparatus.
- Section 3-2006 Only firemen may ride on trucks without permission.
- Section 3-2007 Interfering with fire alarm apparatus.
- Section 3-2008 Compensation of members.
- Section 3-2009 Assistance from other municipalities.
- Section 3-2010 Report to board.
- Section 3-2011 Testing of hydrants.
- Section 3-2012 Tampering with fire hydrants unlawful.
- Sections 3-2013 through 3-2020 reserved.

Article B. Fire Prevention and Hazards

- Section 3-2021 Adoption of fire prevention code.
- Section 3-2022 Lots kept free from fire hazard.
- Sections 3-2023 through 3-2030 reserved.

Article C. Fire Limits

- Section 3-2031 Description.

ARTICLE A

Volunteer Fire Department

Section 3-2001 Organization.

The fire department shall consist of the chief of the fire department and a sufficient number of firemen to maintain and operate the department. The board of commissioners shall approve the appointment of the chief. The department may, from time to time, adopt its own rules and regulations governing the department, subject to the approval of the board.

State Law Reference: Municipal fire protection generally, G.S. 160A-291, et seq.

Section 3-2002 Duties of chief.

The chief, subject to supervision by the board shall:

(1) have general control of the department, the personnel, apparatus and fire alarm systems;

(2) command the department and supervise the fire-fighting and extinguishing of all fires and shall have the authority to keep away from the vicinity of all fires any and all idle, disorderly or suspicious persons;

(3) inspect or cause to be inspected all trucks and other equipment of the fire department to ascertain that the equipment is being kept in proper condition. He shall report annually to the board the condition of all equipment; and

(4) inspect or cause to be inspected all fire hydrants and fire alarm systems and make a report of such inspections to the board.

Section 3-2003 Same; duties as fire inspector.

(a) The chief is to assume the functions of fire inspector. As such, he, or his designated agents, shall have authority to enter any and all premises, at a reasonable time, for purposes of inspection.

(b) He shall make annual, routine inspections of all structures located within the fire district.

(c) He shall upon receipt of a complaint forthwith investigate.

(d) He shall investigate the causes of fires and shall keep records of his findings as to origin, location, owner, extent of damage and injury, and amount of insurance carried. The findings must be reported to the North Carolina Insurance Commissioner at regular intervals.

(e) He shall cause the removal of fire hazards by serving proper orders to the owner or agent of premises in question, the orders to state a reasonable time limit. Failure to comply with the order shall be considered a misdemeanor.

Section 3-2004 General authority at fires.

(a) The officer in command shall have authority to summon aid, and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

(b) During the continuance of a fire, the fire chief, his assistant or the mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the fire department or the police department who may be in charge.

(c) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the fire department.

(d) In the event of an alarm of fire, the apparatus of the fire department responding to it shall have the right-of-way in and upon all streets, lanes, alleys, and other public ways.

State Law Reference: Approach of emergency vehicles; driving over fire hose; obstructing fire apparatus, G.S. 20-157.

Section 3-2005 Interfering with firemen or fire apparatus.

No person shall interfere with a fireman in the discharge of his duty or hinder him in the performance of his duty, nor shall any person other than members of the fire department loiter about any fire station or change, handle or meddle in any manner with any fire engine or any other fire apparatus.

Section 3-2006 Only firemen may ride on trucks without permission.

No person other than a bona fide member of the fire department shall mount any fire engine or apparatus before it leaves the station, while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of the engine or other apparatus.

Section 3-2007 Interfering with fire alarm apparatus.

No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatus connected therewith.

Section 3-2008 Compensation of members.

The members of the fire department shall receive such compensation as the board shall direct.

Section 3-2009 Assistance from other municipalities.

(a) The fire chief is hereby authorized to negotiate with other localities for mutual fire aid agreements. Any agreement shall be effective upon approval of the governing bodies of the participating governments. In the event that no agreement is in effect with an outside fire department:

(1) When an outside department makes a call within the town, the town shall pay a fixed amount to be established for the calls; and

(2) The fire chief may direct calls to be made outside the town so long as the locality receiving the fire call pays the charge provided for above for each call answered.

(b) The board may establish a schedule of supplementary compensation for firemen answering out-of-town calls.

State Law Reference: Fire protection outside corporate limits, G.S. 160A-293.

Section 3-2010 Report to board.

The fire chief may be required to make an annual written report, accompanied by affidavit, of all meetings of the fire department personnel, all fires occurring in the town, and all out-of-town calls made by members of the department.

Section 3-2011 Testing of hydrants.

The fire chief shall have all fire hydrants tested periodically and shall notify the proper town officials of any hydrants that are not in good working order.

Section 3-2012 Tampering with fire hydrants unlawful.

It shall be unlawful for any person, firm, establishment or corporation to injure, deface, open the valves of, tamper with, or otherwise use the fire hydrants of the town, except fire department personnel of the town, while engaged in the official performance of their fire-fighting duties.

Sections 3-2013 through 3-2020 reserved.

ARTICLE B

Fire Prevention and Hazards

Section 3-2021 Adoption of fire prevention code.

The current edition of the fire prevention code recommended by the American Insurance Association is hereby adopted by reference as fully as though set forth herein as the fire prevention code for the town. An official copy of the code shall be kept on file in the office of the clerk.

Section 3-2022 Lots kept free from fire hazard.

It shall be unlawful for any person to permit or suffer rubbish, refuse or articles of combustible or inflammable nature to accumulate or remain on any lot or premises.

Sections 3-2023 through 3-2030 reserved.

ARTICLE C

Fire Limits

Section 3-2031 Description.

The following described territory shall be known as the fire district for the town:

The area bounded by Yelverton Street (from Thompson Avenue to Greenwood Avenue), Greenwood Avenue (from Yelverton Street to Travis Street), Travis Street (from Greenwood Avenue to Thompson Avenue), and Thompson Avenue (from Travis Street to Yelverton Street).

State Law Reference: Establishment of fire limits, G.S. 160A-435; Restrictions within fire limits, G.S. 160A-436.

CHAPTER 3

Emergency and Rescue

Article A. Emergencies

Section 3-3001 State of emergency; curfew authorized.
Section 3-3002 Curfew for Minors
Sections 3-3003 through 3-3010 reserved.

Article B. Civil Preparedness

Sections 3-3011 through 3-3020 reserved.

Article C. Emergency Medical Service

(Reserved)

ARTICLE A

Emergencies

Section 3-3001 State of emergency; curfew authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of a state of emergency, and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized.

(c) The mayor is hereby authorized and empowered to limit by proclamation the application of all or any part of the restrictions to any area specifically designated or described within the corporate limits of the town and to specific hours of the day or night; and to exempt from all or any part of the restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit;

and other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town. In case of the absence or disability of the mayor, the mayor protem of the Board of Commissioners shall have and exercise of all of the powers herein given the mayor.

(d) The mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the board.

(e) During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:

(1) prohibit or regulate the possession on one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;

(2) prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;

(5) prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; and

(6) prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other place of public assembly.

(f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this article.

State Law Reference: Authority of the mayor to declare an emergency, G.S. 14-288.12.

Section 3-3002 Curfews for minors.

(a) The purpose of this section shall be to establish a curfew for minors in the Town of Stantonburg, thus assisting the parents and guardians of minors in the ever-increasing difficult task of child rearing, and to promote the health, safety, and welfare of both minors and adults in the Town of Stantonburg by creating an environment offering protection and security for all concerned.

(b) As used in this section the following definitions shall apply:

(1) "Public place." Areas such as, but not limited to, all common areas open to all for common use; any street, alley, highway, sidewalk, park, playground, any public places, to which the general public has access and a right to resort for business, entertainment or other lawful purpose, including business establishments opened to the public for the conduct of business, including any store, shop, restaurant, tavern, cafe, theater, drug store, poolroom, or other public place devoted to providing services, products, amusement or entertainment to the general public.

(2) "Guardian." Any person having legal custody or legal care and management of the person of a child defined as a minor by this ordinance, including a natural or adoptive parent, a step parent, a legal guardian, a person who stands in loco parentis, or any person or individual to whom legal custody has been given by a court.

(3) "Minor." A person who has not reached his or her sixteenth birthday and is not married, legally emancipated, or a member of the armed services of the United States.

(c) A curfew applicable to minors is established and shall be enforced as follows:

(1) Time limits. It is unlawful for any minor to be or remain upon or in any public place as defined in this ordinance in the Town of Stantonburg between 11:30 p.m. Friday and 5:00 a.m. on Saturday, or between 11:30 p.m. Saturday and 5:00 a.m. on Sunday, or between the hours of 10:00 p.m. and 5:00 a.m. of the following morning on Sunday, Monday, Tuesday, Wednesday and Thursday.

(2) Exceptions. The restrictions provided by subsection (c)1 shall not apply to any minor who is accompanied by a guardian, parent or other person charged with the care and custody of such minor, or other responsible person over 18 years of age accompanying said minor with the permission of a guardian, parent or other person charged with the care and custody of such minor, nor shall the restriction apply to any minor who is traveling between his home and place of employment, church, municipal building, school, or a bona fide civic or charitable organization where a function is being held, or to any minor traveling in response to a bona fide medical emergency for him or herself or a member of his or her immediate family. The restrictions provided by subsection (c)1 also do not apply to a minor who is carrying out an

emergency errand or an errand for parents or guardian, and the restrictions do not apply to a minor engaged in inter or intrastate travel or while accompanied by the minor's guardian.

(3) Responsibility of adults. It is unlawful for any parent, guardian, or other person having the care and custody of any minor to allow or permit such minor to be in or upon, or remain in or upon a public place within the Town of Stantonburg within the curfew hours set by subsection (c)1, except as otherwise provided in subsection (c)2.

(4) Responsibility of business establishments. It is unlawful for any person, firm, corporation or other entity operating a place of business or amusement to allow or permit any minor to be in or upon, or to remain in or upon, any places of business or amusement operated by such person, firm, corporation or other entity within the curfew hours set by subsection (c)1, except as otherwise provided in subsection (c)2.

(5) Enforcement.

a. When a minor is found to be in violation of this section, the officer will complete the applicable juvenile custody report. After completing the report, the officer shall take the juvenile to the residence of his or her guardian, unless the residence of the minor's guardian lies outside the extraterritorial zoning jurisdiction of the Town of Stantonburg. In such event, the officer shall seek the assistance of the Wilson County Sheriff's Department in transporting the juvenile to the residence of his or her guardian. A written warning shall be issued to the guardian of said minor and a copy of the written warning shall be attached to the juvenile custody report.

1. The written warning shall describe the act or conduct of the minor that constitutes a violation of this curfew ordinance, shall advise the guardian that if the guardian allows, permits or has allowed or permitted the minor to commit a second or subsequent violation of this section, that the guardian shall be subject to criminal prosecution as described in the "Responsibility of Guardian" clause of this section for allowing a violation of this curfew section to occur. The written warning shall also advise the guardian that in all cases in which the minor is under 12 years of age, a report will be made to the Wilson County Department of Social Services.

2. A copy of the written warning shall be attached to the juvenile custody report and turned in to the police department with the issuing officer's daily report. The written warning and the juvenile custody report will be entered in the Stantonburg Police Department's record system.

3. The chief of police or his designee shall review all reports on a daily basis. If a juvenile custody report has been filed pertaining to a violation of this section, the chief of police or his designee will search and examine the appropriate records and make a de-

termination as to whether the violation is a first offense or is a second or subsequent offense.

b. If after checking the appropriate records, it is determined that the juvenile is a first offender, the record will be filed and no further action will be taken. If upon checking the appropriate records, it is determined that the juvenile has a record of prior violations of this curfew section, the guardian identified in accordance with subsection (a) under this enforcement provision shall be subject to a criminal citation pursuant to the "aiding and abetting by adult or guardian" clause of this section. The reporting officer will be notified and the appropriate action will be taken. A copy of any such action shall be added to the appropriate file within the Stantonburg Police Department's records system, serving as a part of the case file for any criminal action.

c. If the juvenile is under 12 years of age, a report will also be made and forwarded to the Wilson County Department of Social Services.

(6) Aiding and abetting by any adult, guardian or parent. It shall be a violation of this section for any adult, guardian, parent or custodian to allow, permit, encourage or aid or abet or in any way assist a minor in the violation of subsection (c)1 of this section, except as otherwise provided in subsection (c)2.

(7) Refusal of guardian or parent to take custody of a minor. If any guardian or parent refuses to take custody of his or her minor child found to be in violation of this section, the police officer with custody of such minor shall contact the Wilson County Department of Social Services and release the minor into the custody of that agency, pending further investigation by the police department and the department of social services. The adult refusing to take custody of his or her minor child found in violation of this section shall be subject to a criminal citation pursuant to subsection (c)6 of this section.

(8) Emergency curfew. Nothing herein shall be deemed to limit the authority of the mayor of the Town of Stantonburg to declare a state of emergency and issue a proclamation imposing an emergency curfew pursuant to Article A, Chapter 3, Part 3, Section 3-3001 of the Code of Stantonburg.

(9) Violation constitutes a misdemeanor. Violation of this curfew section shall constitute a Class 3 misdemeanor as defined in N.C.G.S. Section 14-3(a).

(10) Punishment. The punishment for violation of this section shall be a fine of up to \$100.
(Ord. of 9/8/98)

Sections 3-3003 through 3-3010 reserved.

ARTICLE B

Civil Preparedness

Sections 3-3011 through 3-3020 reserved.

ARTICLE C
Emergency Medical Service

(Reserved)

CHAPTER 4

Control and Prohibition of Open Burning

Section 3-4001 Open burning prohibited.
Section 3-4002 Permit not in violation of law.
Section 3-4003 Person present.
Section 3-4004 Penalty.
Section 3-4005 Effective date.

Section 3-4001 Open burning prohibited.

It shall be unlawful for any person, firm or corporation to burn or cause to be burned any trash, refuse, shavings, paper, leaves, grass, brush, litter or other material of any kind within the corporate limits of the Town of Stantonsburg without first obtaining from the fire chief or his designee a written permit disclosing the person authorized to burn a fire, the location of burning, and any other conditions required by the issuing officer. (Ord. of 6/10/91)

Section 3-4002 Permit not in violation of law.

No burning permit shall be issued which is in violation of any state, local or federal laws. (Ord. of 6/10/91)

Section 3-4003 Person present.

No open burning for which a permit may be lawfully issued shall be allowed without a competent person being present at all times until the fire is completely extinguished. (Ord. of 6/10/91)

Section 3-4004 Penalty.

The violation of any provision of this chapter shall constitute a misdemeanor punishable upon conviction by a fine not exceeding \$50 or by imprisonment not exceeding 30 days, as provided in G.S. 14-4. (Ord. of 6/10/91)

Section 3-4005 Effective date.

This chapter shall be in full force and effect from and after the 10th day of June, 1991. (Ord. of 6/10/91)

CHAPTER 5

Signs Prohibiting the Carrying of Concealed Weapons

Section 3-5001 Posting of signs required.
Section 3-5002 Location of signs.
Section 3-5003 Severability; conflict of laws.
Section 3-5004 Effective date.

Section 3-5001 Posting of signs required.

The Town Manager is hereby authorized and instructed to post conspicuous signage at appropriate locations on or within each park and each building or portion of a building owned, leased as lessee, operated, occupied, managed or controlled by the Town, as well as the appurtenant premises to such buildings, indicating that carrying a concealed handgun is prohibited therein. (Ord. of 1/15/96)

Section 3-5002 Location of signs.

Signs on buildings shall be visibly posted on the exterior of each entrance by which the general public can access the building. The Town Manager shall exercise discretion in determining the number and appropriate location of signs to be placed on or within appurtenant premises and parks. (Ord. of 1/15/96)

Section 3-5003 Severability; conflict of laws.

If this chapter or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the chapter which can be given separate effect and to that end the provisions of this chapter are declared to be severable. All ordinances or parts of ordinances in conflict with this chapter are hereby repealed. (Ord. of 1/15/96)

Section 3-5004 Effective date.

This chapter shall be effective on and after January 15, 1996.
(Ord. of 1/15/96)

PART 4 PUBLIC WORKS

PART 4

Public Works

Chapter 1. Streets and Sidewalks

Chapter 2. Garbage and Refuse Collection and Disposal

CHAPTER 1

Streets and Sidewalks

Article A. Acceptance and Improvement of Public Streets

Section 4-1001 Board approval of new streets.
Sections 4-1002 through 4-1020 reserved.

Article B. Excavation and Repair

Section 4-1021 Excavations; permit required.
Section 4-1022 Same; application for permit; fees.
Section 4-1023 Liability for excavations.
Section 4-1024 Street repair; after excavation.
Section 4-1025 Excavations; leaving unprotected.
Section 4-1026 Streets not to be damaged.
Section 4-1027 Erecting poles.
Section 4-1028 House moving.
Section 4-1029 Damage to municipal property.
Section 4-1030 Driveways; permit required.
Section 4-1031 Same; application.
Section 4-1032 Same; standards.
Sections 4-1033 through 4-1040 reserved.

Article C. Street Naming

(Reserved)

ARTICLE A

Acceptance and Improvement of Public Streets

Section 4-1001 Board approval of new streets.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the board

must give its approval, finding that (i) the street complies with engineering standards set by the board, and that (ii) the best interests of the town would be served by accepting the street as a town street.

Sections 4-1002 through 4-1020 reserved.

ARTICLE B

Excavation and Repair

Section 4-1021 Excavations; permit required.

No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit therefor has been issued by the manager or some other officer of the town vested with authority; provided, that a permit shall not be required where the work is performed under a contract with the town but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the person shall notify the clerk, the public works department and the police department at least two (2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

State Law Reference: Establishment of, and control over, municipal streets, G.S. 160A-296.

Section 4-1022 Same; application for permit; fees.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in section 4-1021, shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. The application shall be accompanied by a fee which shall be established by the board.

Section 4-1023 Liability for excavations.

Any person obtaining a permit as provided for in sections 4-1021 and 4-1022 herein agrees as a condition of the issuance of the permit, to indemnify and hold harmless the town against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations, excluding only the liability of the town for its sole negligence except in connection with general supervision of work performed by the person.

Section 4-1024 Street repair; after excavation.

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications issued by the director of public works or his duly authorized representative. Any person neglecting, refusing, or failing to

comply with any provisions of this section shall be guilty of a violation thereof; and where any neglect, refusal or failure is continued, after notice from the director or his authorized representative, every day's continuance thereafter shall constitute a separate and distinct offense.

Section 4-1025 Excavations; leaving unprotected.

It shall be unlawful for any person who obtains a permit under the sections of this article to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk or public place of the town without placing and maintaining proper guard rails three (3) feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work. It shall be unlawful to cut drains or ditches across the sidewalks or streets unless boxing is used and the drains or ditches covered on a level with the sidewalk.

Section 4-1026 Streets not to be damaged.

It shall be unlawful for any person to drag, or run or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt or other type of permanently paved street of the town which shall be liable in any way to injure or cut the surface thereof.

Section 4-1027 Erecting poles.

It shall be unlawful for any person to erect or cause to be erected any pole on the streets or sidewalks of the town without first obtaining permission from the board.

Section 4-1028 House moving.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

Section 4-1029 Damage to municipal property.

No person shall injure, tamper with, remove, paint upon or deface any bridge, culvert, ditch and drain, sign, sign post, street light, traffic signal, bulletin board or other municipal property upon the streets and sidewalks or elsewhere except employees of the town in the performance of their duties.

Section 4-1030 Driveways; permit required.

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor

has been issued by the town board or some other officer of the town vested with such authority.

Section 4-1031 Same; application.

(a) All persons desiring a driveway permit shall make application therefor, which application shall show:

(1) the name and address of the owner or agent in charge of the property abutting and proposed work area;

(2) the name and address of the party doing the work;

(3) the location of the work area;

(4) attached plans showing details of the proposed alteration;

(5) the estimated cost of the alteration; and

(6) other information as the issuing officer shall find reasonably necessary to the determination of whether a permit should issue hereunder.

(b) The application shall be accompanied by a fee which shall be established by the board.

Section 4-1032 Same; standards.

The town board shall issue a permit hereunder when it finds:

(1) that the plans for the proposed operation have been reviewed by the director of utilities, to whom they shall be forwarded within a reasonable time for receipt thereof;

(2) that the work shall be done according to the standard specifications of the town for public work of like character;

(3) that the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to and from the property affected and adjacent properties; and

(4) that the health, welfare and safety of the public will not be unreasonably impaired.

Sections 4-1033 through 4-1040 reserved.

ARTICLE C
Street Naming

(Reserved)

CHAPTER 2

Garbage and Refuse Collection and Disposal

Section 4-2001	Garbage required to be promptly removed.
Section 4-2002	Town garbage and trash collection and street sweeping schedule.
Section 4-2003	Receptacles for wet garbage.
Section 4-2004	Collection of dry garbage and yard rubbish.
Section 4-2005	Construction waste.
Section 4-2006	Receptacles for certain business establishments.
Section 4-2007	Cans or containers to be kept clean.
Section 4-2008	Placing cans or containers.
Section 4-2009	Removal of dead animals.
Section 4-2010	Town vehicle maintenance.

Section 4-2001 Garbage required to be promptly removed.

No garbage that has become decayed or that shall be a menace to health or cleanliness shall be allowed to remain in any building or on any premises longer than is necessary to remove and deposit same in a garbage can or container.

Section 4-2002 Town garbage and trash collection and street sweeping schedule.

Garbage will be picked up twice a week. Trash will be picked up once a week with the exception of leaf season and with provisions for call-in pickup. The town manager is to set the schedule as to which days.

Street sweeping will be limited to once a week in the business district and twice a month in the residential area. The town manager is to set the schedule as to which days. (Ord. of 10/8/90)

Section 4-2003 Receptacles for wet garbage.

All wet garbage shall be deposited in strong, sound cans of not more than 20 gallon capacity, which shall at all times be covered with a tightfitting, flyproof top, and each of the cans shall be equipped with two (2) handles; provided, however, that cans of less capacity than 15 gallons need be equipped with only one (1) handle.

Section 4-2004 Collection of dry garbage and yard rubbish.

(a) Trash, paper, ashes, rags and other dry refuse of this kind must be deposited in cans as provided or placed in any type of strong, firm container which can be easily handled by one person.

Certain dry articles may be placed at the edge of the street or curb for collection if the specifications of the town are met.

(b) All yard rubbish, which includes tree limbs, leaves, shrubbery, weeds, plants or grass, shall be placed at the edge of the street or curb for collection by the town. Yard rubbish may also be deposited in cans as provided, or placed in any type of strong, firm container which can easily be handled by one person, provided said can or container is placed at the edge of the street or curb prior to collection by the town. However, yard rubbish should not be mixed with other types of collectible dry refuse or trash.

(c) Limbs, stumps, and/or other debris from extensive tree trimming or tree removal done by private contractor is not collectible by the town. Said limbs, stumps and/or debris must be disposed of by the occupier of the land, by private means or by the town at the expense of the occupier of land at a rate to be determined by the town manager.

(Ord. of 6/7/93)

Section 4-2005 Construction waste.

The town will not remove building or construction wastes.

Section 4-2006 Receptacles for certain business establishments.

The proprietor of every business and the occupant of every building where garbage accumulates shall maintain a covered rat proof garbage receptacle. The term "garbage" as herein used means table refuse, feeds, food stuffs, and other edible materials attractive to and consumed by rodents.

Section 4-2007 Cans or containers to be kept clean.

Garbage cans or containers must be kept clean.

Section 4-2008 Placing cans or containers.

Garbage cans or containers must be placed behind each residence or dwelling in a clearly visible location.

Section 4-2009 Removal of dead animals.

Dead animals will be removed from the streets and sidewalks by the town.

Section 4-2010 Town vehicle maintenance.

Strict vehicle maintenance shall be enforced on all town vehicles. (Ord. of 10/8/90)

PART 5 MUNICIPAL UTILITES

PART 5

Municipal Utilities

Chapter 1.	Utility Billing Schedule
Chapter 2.	Water and Sewer Service
Chapter 3.	Electric System

CHAPTER 1

Utility Billing Schedule*

Article A. General Provisions

Section 5-1001	Council to regulate.
Section 5-1002	Permit required.
Section 5-1003	Electrical, water, or sewer account.
Section 5-1004	Rates and connection charges.
Section 5-1005	Work on electrical system.
Section 5-1006	Tampering with lines.
Sections 5-1007 through 5-1014	Reserved.

Article B. Deposits

Section 5-1015	Residential, commercial, or industrial customers.
Section 5-1016	Refund policy.
Section 5-1017	Exemptions.
Section 5-1018	Final disposition.
Section 5-1019	Voluntary discontinuance of service.
Section 5-1020	Involuntary discontinuance of service.

ARTICLE A

General Provisions

Section 5-1001 Council to regulate.

The council shall have complete control and prescribe all rules and regulations for the operation of the town's electric power system. The council may elect some qualified person to supervise the electric power system, set his compensation, and prescribe his duties. (Ord. of 3/9/92)

*Editor's Note: Prior ordinances codified herein include portions of an ordinance of 9/1/89.

Section 5-1002 Permit required.

No person, firm, or corporation shall connect with the electrical system in the town until they have obtained permission from the town to so connect and paid appropriate fees to the town clerk. (Ord. of 3/9/92)

Section 5-1003 Electrical, water, or sewer account.

(a) The applicant for electrical, water, and/or sewer services within the town's service area will be liable for the payment of all such services furnished.

(b) Upon failure of the customer to pay the amount charged for electrical, water, and/or sewer services within the time set forth on billing, such services may be discontinued without prejudice to the right of the town to recover for the services rendered before discontinuance. Services will not be restored until the account is paid. (Ord. of 3/9/92)

Section 5-1004 Rates and connection charges.

Electrical, water, or sewer rates and connection charges shall be determined from time to time by the council, a copy of which shall be kept on file in the office of the town clerk. (Ord. of 3/9/92)

Section 5-1005 Work on electrical system.

All work on the electrical system and all connections or disconnections thereto shall be performed by the authorized employees of the town or their representatives or electricians approved by the town. All work shall be performed in accordance with the electrical code of the town and the amendments thereto that the council may from time to time adopt. (Ord. of 3/9/92)

Section 5-1006 Tampering with lines.

No person shall tamper or in any manner manipulate the electrical lines, nor shall any person tamper with or harm in any manner whatsoever any electrical line. (Ord. of 3/9/92)

Section 5-1007 through 5-1014 Reserved.

ARTICLE B

Deposits

Section 5-1015 Residential, commercial, or industrial customers.

(a) Applicants for new electrical, water, and/or sewer services or re-establishment of such services shall be required to complete an

application form provided by the Town Clerk, and to make a deposit guaranteeing payment of charges for services. The amount of the deposit shall be determined from time to time by the Town Council and the deposit schedule shall be kept on file in the office of the Town Clerk. Provided, however, that when any application for new or re-established electrical, water, and/or sewer services is rejected during the Town's credit review process due to poor credit history of the applicant, then the applicant shall be required to make a deposit of an amount equal to twice the then existing deposit schedule or an amount equal to two-twelfths (2/12) of the estimated annual charges for services whichever is greater.

(b) The town shall require a deposit from a customer for re-establishment of electric, water, and/or sewer services if:

(1) The customer's electric, water, or sewer services have been discontinued for nonpayment of a bill on any two occasions within the prior 24 months.

(2) Service is discontinued for altering or tampering with an electric or water meter.

Correspondingly, a customer with a deposit on account with the town who violates any of the above provisions will be required to increase said deposit to an amount equal to twice the amount on deposit or two-twelfths of the estimated annual bill, whichever is greater.

(Ord. of 3/9/92; Ord. of 1/15/96)

Section 5-1016 Refund policy.

(a) On a quarterly basis during the months of January, April, July, and October of each year, the town shall review its residential customer deposit accounts. The town clerk is authorized to refund residential customers their deposits provided that during the past 24 consecutive months the residential customer has not had service discontinued for any reason, the residential customer has not had two occasions in which a bill was not paid when it became due during the last 24 consecutive months, or the residential customer has not had a check given for payment dishonored during the last 24 consecutive months. Deposits of residential customers shall be retained by the town until the customer qualifies for a refund or until services are terminated.

(b) Commercial or industrial customers with three consecutive years of satisfactory payment history may petition the council for a deposit refund.

(Ord. of 3/9/92)

Section 5-1017 Exemptions.

Churches, colleges, public schools, and hospitals, and local, state, or federal agencies shall be exempt from furnishing deposits for electrical, water, and/or sewer services. (Ord. of 3/9/92)

Section 5-1018 Final disposition.

For customers whose deposit for electrical, water, and/or sewer services has not been refunded and whose services have been terminated, the deposit shall be applied to any unpaid charges or indebtedness to the town and any balance refunded. (Ord. of 3/9/92)

Section 5-1019 Voluntary discontinuance of service.

Customers desiring to discontinue electrical, water, and/or sewer services shall give notice to the town at least 24 hours prior to the discontinuance and the customer will be responsible for all services consumed until the time of disconnection. (Ord. of 3/9/92)

Section 5-1020 Involuntary discontinuance of service.

(a) The town will discontinue electrical, water, and/or sewer services for any of the following reasons:

(1) If payment for electrical, water, and/or sewer services is not received at the town clerk's office by 5:00 p.m. on the tenth of the billing month, a \$10. penalty will be charged as a late payment fee and the customers's utilities will be disconnected on or after the twelfth. Upon disconnection, a \$15. reconnection fee plus the required late payment fee and any applicable deposit must be paid prior to reinstatement of electrical, water, and/or sewer services; or

(2) Failure to make a required deposit guaranteeing payment of charges for electrical, water, and/or sewer services or failure to increase a deposit when required by these rules; or

(3) Refusal of access to premises; or

(4) Damage to or loss of town property for which the customer is responsible; or

(5) A check submitted for payment that is returned for "non-sufficient" funds or "account closed" will result in discontinued electric, water, and/or sewer services. To reconnect the electric, water, and/or sewer services a \$20. bad check fee plus a \$15. reconnect fee in addition to applicable late fees and deposits must be paid; or

(6) Upon two checks being returned for "non-sufficient" funds or "account closed" within the prior 24 months, the customer will be required to pay all future bills for electrical, water, and/or sewer services with cash.

(b) When the town discontinues electrical, water, and/or sewer services and the customer does not pay the balance due on his account, then one and one-half percent interest per month will be added to the unpaid balance until the account is paid, or the town council forgives the account.

(c) When the town discontinues electric, water, and/or sewer services, service will be reinstated only after all bills for prior electrical, water, and/or sewer services due are paid in full and applicable deposit, fees, and penalties have been paid.

(d) If the customer is receiving service at more than one location, service at any or all locations may be discontinued if charges for services at any one or more locations are not paid within the time specified by these rules.

(e) It is the policy of the town to discontinue electric, water, and/or sewer services only after an opportunity to be heard has been given on disputed bills. All bills shall contain in clearly visible and easily readable provisions:

(1) The title,

(2) The town official in charge of billing,

(3) The fact that all bills are due and payable upon receipt,

(4) That if any bill is not paid on or before the tenth of the month, a \$10. late payment fee will be assessed. The customer's electrical, water, and/or sewer services will be discontinued for nonpayment on or after the twelfth and an additional \$15. reconnect fee will be charged, and

(5) That any customer disputing the correctness of the charges for electrical, water, and/or sewer services shall have the right to a hearing at which time he may be represented in person or by counsel or by any other person of his choosing and may present orally or in writing his complaint and contentions to the town manager who shall be authorized to order the customer's service not be disconnected and shall have the authority to make a final determination of the customer's complaint. All disputed bills must be presented at the Town Hall within five days from the date of the bill.

(f) Requests for delays or waiver of payment will not be accepted, only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or a resort to the hearing procedure provided herein, service will be discontinued at the time specified.

(g) Electric or water meter altering or adjustments are unlawful and shall result in the immediate termination of services. Prior to restoration of services, the town shall require payment of a \$75. penalty plus the estimated usage, as estimated by the town manager; plus a \$25. reconnect fee; plus any required late payment fees; plus a

deposit as determined by the town manager. In addition, the town reserves the right to prosecute.

(h) The Town of Stantonburg will make a good faith effort to mail out utility bills no later than the twenty-fifth of the month.
(Ord. of 3/9/92)

CHAPTER 2

Water and Sewer Service

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ARTICLE A

General Provisions

Section 5-2001 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Administrator." Person designated by the board to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

(2) "B.O.D. (biochemical oxygen demand)." The quantity of oxygen, expressed in milligrams per liter, required to satisfy the five-day oxygen demand of a million pounds of domestic sewage or industrial wastes, or a combination of both, when tested in accordance with the procedures given in the latest edition of "Standard Methods of the Examination of Water and Sewage," published by the American Public Health Association. B.O.D. is a measure of the polluttional strength of wastes of any nature.

(3) "Combined sewer." A sewer receiving both surface runoff and sewage.

(4) "Domestic sewage." Liquid wastes from bathrooms, toilet rooms, kitchens, and home laundries.

(5) "Garbage." Solid wastes from the preparation, cooking, handling, and dispensing of food.

(6) "Industrial wastes." Liquid wastes from institutional, commercial, and industrial processes and operations, as distinct from domestic sewage.

(7) "Liquid wastes." Waste products that are either dissolved in or suspended in a liquid.

(8) "Natural outlet." That body of water, stream, or water-course receiving the discharge waters from the sewage treatment plant, or formed by the discharge of the sewage treatment plant.

(9) "pH." The logarithm (base 10) of the reciprocal of the weight of the hydrogen ions in grams per liter of solution. It indicates the acidity and alkalinity of a substance. A pH value of 7.0 is considered neutral. A stabilized pH is one that does not change beyond the specified limits when the waste is subjected to aeration. A pH value below 7.0 is acid, and above 7.0 is alkaline.

(10) "Properly shredded garbage." The wastes from the preparation, cooking, and dispensing of food, shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

(11) "Sanitary sewer." A pipe or conduit that carries sewage or polluted industrial wastes, and to which storm, surface and ground waters or unpolluted industrial wastes are not intentionally admitted.

(12) "Sanitary sewer system." The sanitary sewer system owned and operated by the town, including all sanitary sewer lines and pipes, the sewage treatment plant, and all other facilities used in connection with the collection, treatment, and disposal of sewage. The term "sewer system" is sometimes used interchangeably.

(13) "Sewage." Liquid wastes.

(14) "Sewage treatment plant." The facility owned by the town where sewage is collected and treated.

(15) "Sewage treatment system." Sanitary sewer system.

(16) "Suspended solids." Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(17) "Water system." The water utility system owned and operated by the town, including all devices and facilities for the treatment, storage, and distribution of water.

Section 5-2002 Penalties and remedies.

(a) As provided in Article D, termination of service is a remedy available to the town to enforce any of the provisions of this chapter.

(b) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. 14-4: sections 5-2016, 5-2031(a) and (b), 5-2036, 5-2077, 5-2078, 5-2081, 5-2082, 5-2083.

(c) A violation of any of the sections listed in division (b) other than section 5-2078 shall subject the offender to a civil penalty of \$25. A violation of any of the provisions of section 5-2078 shall subject the offender to a civil penalty of \$200. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(d) The town may seek to enforce any of the provisions of this chapter through an appropriate equitable action.

(e) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(f) If a violation of any of the provisions of this chapter results in a danger to the public health or safety, the town may abate such a nuisance.

(g) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

Sections 5-2003 through 5-2005 reserved.

ARTICLE B

Service Regulations

Section 5-2006 Application for service.

Application for water or sewer service shall be made at the town hall during normal business hours. Application shall be made on the

forms prescribed, shall be made in the name of the customer who will be responsible for payment of bills, and shall be signed by the customer or by his authorized agent.

Section 5-2007 Denial of service for nonpayment of prior accounts.

(a) The town may reject an application for service if there is an outstanding amount due the town for water or sewer service in the applicant's name.

(b) A lessee making an initial application for service to his leased dwelling shall not be refused service by the town solely because of an outstanding amount owed the town by another customer for service previously furnished to that same address.

Section 5-2008 Deposit.

(a) Every applicant for service shall make a cash deposit with the town in the amount set forth in its rate schedule. The purpose of this deposit is to provide security for the payment of all charges by the customer. The town retains the right, upon 30 days' written notice, to require the customer to increase the deposit a maximum of twice the amount of the highest monthly bill theretofore rendered.

(b) Initial deposits shall be made with the service applications. Additional deposits, if required pursuant to division (a), shall be made within 30 days after receipt by the customer of the written notice specified in division (a).

(c) A separate deposit shall be paid on each installed water meter.

(d) No interest shall be paid on the deposit.

(e) Upon termination of service, the deposit shall either be applied to an outstanding bill or refunded to the customer, as provided in sections 5-2031 and 5-2032.

Section 5-2009 Rates.

(a) The board may adapt and amend from time to time a schedule of rates and changes relating to water and sewer services provided by the town. A copy of this schedule shall be maintained and shall be available for public inspection during regular office hours in the office of the town clerk.

(b) The town shall notify each user, at least annually in conjunction with a regular bill, of the current rate, and of that portion of the user charges which are attributable to waste water treatment services.

(c) The town shall review periodically, but at least every two years, the town sanitary sewer user charge system, including the waste water contribution of users and user class, and the total cost

of operation and maintenance of the treatment works; and shall revise the charges, as needed, to reflect the actual cost and expenses of the system, including actual treatment work, operation, maintenance, and replacement cost.

(d) The user charge system shall be designed to produce revenue adequate to cover the system cost, including operation, maintenance, and replacement. The system shall provide that each user which discharges pollutants to the system, causing an increase in the cost of managing the effluent or sludge from the treatment works, shall pay for that increased cost.

(e) There shall be a surcharge for those discharging pollutants exceeding the domestic pollutant limitation. Where extra-strength wastes are treated by the town, the user contributing the waste shall be charged as follows:

(1) B.O.D. in excess of 300 ppm, at \$35 per 1,000 pounds B.O.D.

(2) S.S. in excess of 300 ppm, at \$35 per 1,000 pounds S.S.

Section 5-2010 Minimum service charge.

(a) The minimum service charge, as provided in the rate schedule, shall be made for each meter installed regardless of location. In addition, if more than one building is served by a single meter, the town may charge a separate minimum service charge to each building served.

(b) The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied, unless service has been terminated.

(c) Charges for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.

Section 5-2011 Access to premises.

Duly-authorized agents of the town shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing town property, inspecting piping or apparatus, reading or testing meters, or for any other purpose in connection with the town's service or facilities. Application for service shall constitute consent by the customer to access to his premises for these purposes.

Section 5-2012 Meter reading and determination of charges.

(a) Ordinarily, meters will be read once per month and bills rendered once per month. However, the town reserves the right to vary this schedule if necessary or desirable.

(b) When two or more meters are installed in the same premises for different customers, the town shall clearly identify which meter serves which customer.

(c) Where there are multiple dwelling units on one lot, unless separate meters are installed for individual dwelling units, the property owner or landlord shall be ultimately responsible for the bill for meters jointly used by one or more tenants.

(d) Readings from different meters will not be combined into one account for billing.

(e) Subject to section 5-2015, a charge shall be made for all water passing through the customer's meter.

(f) Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

Section 5-2013 Bills.

(a) Bills shall be mailed out monthly and shall be due upon receipt. Bills become delinquent after the tenth day of the month, and a late payment charge shall be assessed in accordance with the rate schedule in effect at the time. After the fifteenth day of the month, an additional late charge shall be added to delinquent bills, and the town shall have the right to discontinue service to the customer. If a delinquent account is disconnected, there shall be a reconnection charge assessed prior to reconnecting the service.

(b) Bills shall notify customers of the provisions of division (a), and shall contain a phone number where a town employee can be contacted concerning questions about the bill.

Section 5-2014 Meter testing.

If the customer believes that a water meter on his premises is not registering his water consumption accurately, he may request a test of the meter by the town. If an inspection reveals that the meter is registering accurately, the customer shall be charged for this service pursuant to section 5-2009. The standard for meter accuracy is $\pm 2.5\%$.

Section 5-2015 Calculation of bill where equipment fails.

If the seal of the meter is broken by other than the town's representatives, or in the event that the meter fails to register the use of water, the customer shall be charged an amount determined by applying the current rate to the average consumption of water at that address for the previous three months.

Section 5-2016 Prohibited activities.

No unauthorized person may:

(1) Supply or sell water from the town system to other persons, or carry away water from any hydrant, public water fountain, or other public outlet without specific authorization from the town.

(2) Manipulate, tamper with, or harm in any manner whatsoever any water line, sewer line, main, or appurtenance, or any other part of the water or sewer system, including, but not limited to, any testing or inspection device used to measure the character or concentration of wastes discharged into the sanitary sewer system.

(3) Tamper with the water meter so as to alter the true reading for the amount of water consumed.

(4) Attach or cause to be attached any connection to the water line before the water meter.

Section 5-2017 Town property and maintenance thereof.

All meters and cut-off boxes located before the meters shall remain the property of the town, and shall be kept in good repair and working order by the town.

Sections 5-2018 through 5-2020 reserved.

ARTICLE C

Town and Customer Responsibilities

Section 5-2021 Town's responsibility and liability.

The town shall:

(1) Maintain the water and sewer lines within the town's rights-of-way and easements.

(2) Reserve the right to refuse service if there is a cross-connection to a private water supply, no backflow protection, or no sewer cleanout.

(3) Assume liability for damage only if the damage results directly from the town's negligence.

(4) Assume no liability for damage done by or resulting from any defects in the piping, fixtures, or appliances on the customer's premises.

(5) Assume no liability for the negligence of third persons.

(6) The town board shall operate a sewage treatment facility as authorized by G.S. 160A-311, and shall appoint a superintendent to carry out the administrative provisions of this chapter.

Section 5-2022 Customer's responsibilities.

The customer shall:

(1) Maintain the piping system on his property at his expense in a safe and efficient manner. The town shall not undertake to repair the customer's connections to the water or sewer line until it has been determined that the disrepair, stoppage, or other cause or impediment to the proper functioning of the line exists within the portion of the lateral between the main line and the property line. If the property owner or his representative claims that the cause of the disturbance or stoppage exists on that portion of the lateral lying between the main line and the property line, and an investigation discloses that the cause of the disturbance actually exists in that portion of the line lying between the property line and the structure which is served by the line, the property owner shall pay to the town the actual cost to the town of making that investigation. If, however, upon investigation it is found that the cause of the disturbance or disrepair is in that portion of the line lying between the property line and the main line, the town shall make repair without additional cost to the property owner.

(2) Guarantee protection for town facilities or equipment located on the customer's property.

(3) Pay the cost of relocating town-owned facilities and equipment, if done at the customer's request.

(4) Not make or cause to be made any cross-connection with a private water supply.

(5) Install proper and adequate backflow prevention devices.

(6) Install a pressure-reducing valve, if deemed necessary by the administrator.

(7) Install a sewer cleanout to town specifications, if deemed necessary by the administrator.

(8) Be responsible to the town for damage to town property that is the fault of the customer. The cost of repairing or replacing such property will be added to the customer's bill.

Sections 5-2023 through 5-2025 reserved.

ARTICLE D

Service Termination and Reinstatement

Section 5-2026 Termination or interruption of service by town.

(a) The town may terminate service for any of the following reasons:

(1) Refusal by the customer to pay in full an account that remains delinquent in excess of five days.

(2) Prevention of fraud or abuse by a customer.

(3) Failure of the customer to comply with any of the provisions of this chapter.

(b) Before service is terminated, the customer shall be notified of the proposed termination, and given an opportunity to be heard on the matter as provided in this article.

(c) The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:

(1) Emergency repairs.

(2) Insufficient supply or treatment capacity.

(3) Strike, riot, flood, accident, act of God, or any other unavoidable cause.

(d) The town shall make a good faith effort to notify affected customers before service is discontinued or interrupted as provided in division (c). However, the customer, by making application for service, agrees to hold the town harmless from liability for any damages that may occur due to discontinuance or interruption of service for the above mentioned causes.

Section 5-2027 Notice of proposed termination of service and right of hearing.

(a) On the day that an account becomes delinquent (see section 5-2013), or as soon thereafter as possible, the town shall mail to the customer a notice informing the customer of the amount owed, and stating that:

(1) The customer's account is delinquent and is subject to a penalty charge in accordance with the current rate schedule.

(2) The customer is entitled to be heard, before service termination by a designated employee at a specified address or telephone number during stated business hours, if there is any dispute over the amount of the bill.

(3) Unless the bill is paid in full or otherwise resolved by a specified date, the town may terminate service without further notice.

(b) The service termination date stated in the notice described in division (a) shall be the later of the following:

(1) The fifth day after the date the notice is mailed; or

(2) The fifth day after the account becomes delinquent (see section 5-2013).

(c) If the town proposed to terminate service for any reason other than nonpayment, the town shall first mail to the customer a notice informing the customer:

(1) That the town proposes to terminate service without further notice on a specified date, which date shall be not earlier than the fifth day after the notice is mailed.

(2) What the reasons for the proposed termination are, and what, if anything, the customer may or must do to avoid termination of service.

(3) That the customer is entitled to be heard by a designated employee, at any time prior to termination of service, at a specified address or telephone number during stated business hours, if there is any question about the accuracy or legitimacy of the reasons stated for the proposed termination.

Section 5-2028 Hearing.

(a) The hearing provided for in section 5-2026 may be held by phone, or, at the request of the customer, the customer may meet in person with the employee at the office of the employee, as specified in the notice described in section 5-2027.

(b) The hearing shall be conducted informally. The customer shall be given every reasonable opportunity to bring to the attention of the designated employee information that bears upon the reasons for the proposed termination.

Section 5-2029 Stay of termination pending hearing outcome.

(a) So long as the hearing provided for in section 5-2026 is requested and held before the service termination date indicated in the notice required by section 5-2027, the town shall postpone the proposed termination date until three days after the written decision is served on the customer as provided in division (b).

(b) As soon as reasonably possible after the hearing, the employee conducting the hearing shall inform the customer in writing of his decision and the reasons therefor. If the proposed termination relates to an unpaid account, the writing shall also inform the customer that unless the account is paid in full within three days after the notice is served, the service will be terminated. This decision may be served upon the customer personally or mailed by certified mail, return receipt requested.

(c) If the customer fails to make a timely request for the hearing provided for in section 5-2026, or, following a hearing, fails to comply with the decision of the town within the time specified in division (b), the town may terminate service without further notice.

Section 5-2030 Lessee may take responsibility for payments.

(a) Whenever a water meter serves a single dwelling unit, or, in the case of nonresidential structures, a single tenant; and the occupant of the dwelling unit or the tenant is not the person responsible for water or sewer payments (i.e., is not the customer);

and the customer becomes delinquent in his payments, then a copy of the notice of proposed termination required by section 5-2026 shall be sent to the occupant of the dwelling unit or the tenant of the nonresidential structure. The notice shall include or be accompanied by a statement setting forth the rights of the occupant or tenant (the lessee) as provided in division (b).

(b) When a lessor becomes delinquent in his water or sewer payments, a lessee may take responsibility for the payments, and may thereby become the customer in accordance with the provisions of article A. The lessee shall not be responsible for the debts of the lessor.

Section 5-2031 Procedure for service termination and reinstatement.

(a) Water and sewer service termination shall be effected only by authorized agents of the town.

(b) When service is terminated, discontinued, or interrupted for any reason set forth in section 5-2026, it shall be unlawful for any person other than a duly-authorized agent or employee of the town to do any act that results in the resumption of service.

(c) When service is terminated for nonpayment of bills, the service application deposit shall be applied to the outstanding bill.

(d) If there are deposit funds remaining after the deposit is applied to the outstanding bill, the excess shall be refunded to the customer. If a portion of the bill remains outstanding, the town may proceed to collect the balance using any lawful procedure.

(e) Before service will be reinstated, the customer shall be required to make full payment of any charges still outstanding on his account. In addition, the customer shall also re-deposit with the town an amount equal to his application deposit or the amount of the bill outstanding at the time of termination, whichever is greater.

(f) A charge for service reinstatement shall be made pursuant to section 5-2009.

Section 5-2032 Termination at customer's request.

(a) The customer shall request that service be discontinued (for a change in occupancy or other reason) at least one day before the customer desires the termination to become effective.

(b) The customer shall be responsible for all water consumed and for prorated service up to the time service is terminated, or until one day following receipt of the request for termination, whichever occurs sooner.

(c) When all charges for service are paid in full, the customer's deposit shall be refunded. The deposit will be refunded pursuant to section 5-2008.

(d) The customer shall be entitled to be heard by a designated employee concerning any dispute about the amount of the deposit refund. The employee shall inform the customer in writing of his decision and the reasons therefor as soon as reasonably possible.

Sections 5-2033 through 5-2035 reserved.

ARTICLE E

Connections to the Water and Sewer Systems Where Service is Available

Section 5-2036 Connection required.

(a) Every person who owns improved property within the corporate limits of the town shall be required, within 60 days of receipt of notice from the town, to connect the improved property to the public water and sewer systems, unless service is not available, as defined in division (b).

(b) For purposes of this chapter, water or sewer service, respectively, is not available if there is no water or sewer line installed along the street adjacent to the property, or within 200 feet of the property. In addition, no property owner shall be required to connect to the public water or sewer system if he must first purchase an easement in which to install water or sewer lines.

(c) As used in this section, the term "improved property" means property that has been developed for any use that requires a supply of water or the availability of sewage treatment or disposal facilities.

(d) It shall be unlawful to use private sewer systems within the town where the public system is available.

Section 5-2037 Permit for connection required.

No person may connect or be connected to the water or sewer system of the town until a permit for a connection has been issued pursuant to section 5-2038. After connection in accordance with this article, service may be initiated in accordance with the procedures set forth in article B of this chapter.

Section 5-2038 Application for connection permit.

(a) Every application for a water or sewer connection shall state the name of the owner of the lot; the name of the street on which the lot is situated; the number of the building, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired; the character of the surface of the abutting street; and any other additional information required by the administrator. Every application shall be signed by the person making the application.

(b) Every application for connection shall be accompanied by the service connection fee specified in section 5-2009.

Section 5-2039 Rejection of permit application.

Upon application for a connection permit, the town may reject the application and decline to provide service for the following reasons:

- (1) Service is not available under the standard rate.
- (2) The cost of service is excessive.
- (3) The provision of service to the applicant will adversely affect the supply of water to other customers, or will adversely affect the town's sewage treatment capabilities.
- (4) Other good and sufficient reasons.

Section 5-2040 Construction of connections.

(a) Water and sewer connections shall be constructed simultaneously whenever connections are to be made to both systems.

(b) When a permit has been issued by the town for a connection to existing water or sewer lines located within a public right-of-way, the town shall do the excavating, lay the pipe, install a meter, make the connections (tap-on) to the main, fill the excavation, and replace the surface of the street.

(c) The customer may request that the water meter be placed on his premises; however, the final decision for meter placement lies with the town.

(d) When the meter is placed on the customer's premises:

(1) The town shall provide a cut-off valve directly before the meter.

(2) The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times, to the meter reader.

(e) The customer's piping and apparatus shall be installed by a licensed plumber at the customer's expense in accordance with all applicable building and plumbing codes and the town's regulations and in full compliance with the sanitary regulations of the state commissions for health services.

(f) Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the town's mains.

Section 5-2041 Separate connections required for each lot.

(a) For the purposes of this chapter, "lot" shall mean a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed, deed of trust, or a recorded

map, and which is recognized as a separate legal entity for purposes of transfer of title.

(b) There shall be for every lot to which water or sewer service is available:

(1) A separate connection with the water main of the town, and a separate service pipe, tap, and meter.

(2) A separate connection with the sewer main of the town.

Section 5-2042 Requirements for connection of service where multiple buildings or structures are located on one lot.

Where there are multiple buildings or structures situated on one lot, and where the lot owner desires to have a common water connection (including a private water distribution system), and a common sewer connection (including a private sewage collection system), he must meet the following requirements:

(1) The building or buildings to be served shall be in compliance with all applicable zoning regulations.

(2) The building permit and plot shall show a single owner and shall indicate the complex of buildings to be constructed on a single lot.

(3) The applicant shall be required to submit to the town a site plan showing the proposed water and sewer systems. Such plans shall be prepared by a registered professional engineer who shall also provide satisfactory inspection of the work. The plans shall include:

a. Size of water lines, materials to be used for construction, valve locations, and hydrant locations. All construction from the property line to the water meter shall be in accordance with town standards and specifications. Construction beyond the water meter may be with materials permitted in the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

b. Size of sewers and materials to be used for construction. All sewer lines eight inches or larger in size shall be constructed in accordance with town specifications and standards. All sewer lines smaller than eight inches shall be constructed in accordance with the plumbing code. All construction shall be performed by either a licensed master plumber or a licensed utility contractor.

(4) Should a building served by a common connection be conveyed to a new owner, the town shall require a separate water and sewer connection from that building to the mains in the street, except in the case of condominium or townhouse developments.

Section 5-2043 Town inspection.

By making application for service, the customer agrees that the town possesses the right to inspect the private water distribution systems, water connections, sewage collection system, and sewer connections before they are connected to the town water and sewer systems. The town shall be given notice to inspect before the pipes are covered and the systems are connected.

Section 5-2044 Laterals to remain town property.

All meters, meter boxes, pipes, and other equipment furnished and used by the town or its contractors in installing any water or sewer connections shall be and remain the property of the town.

Section 5-2045 Maintenance of private distribution and collection systems.

(a) In addition to the requirements of section 5-2042, all owners of lots on which private water distribution and sewer collection systems are situated shall maintain the systems properly. Failure to maintain the systems shall constitute a nuisance which may be abated. However, notwithstanding the availability of these procedures, if a lot owner does not respond to an emergency situation where a lack of water or sewer service poses an immediate threat to public health, the town may summarily abate the nuisance and bill the lot owner for costs incurred by the town.

(b) It shall be unlawful to permit the discharge of septic tank effluent or cesspool overflow into any drain, ditch, stream, or well penetrating water-bearing formation.

(c) There shall be no private sewage disposal facilities within the town, unless the owner thereof has obtained a permit from the county health department and the lot or tract of land upon which the private system is located shall comply with all of the regulations of the state and the county health department, including, but not limited to, minimum lot size, percolation of soils, and the like.

Sections 5-2046 through 5-2050 reserved.

ARTICLE F

Water and Sewer Extensions

Section 5-2051 Extensions of service to in-town property: general policy.

The town recognizes its basic responsibility to provide water and sewer service to all properties within the corporate limits on a nondiscriminatory basis, and, subject to the availability of funds, to extend its service lines to all such properties unless it is unreasonable to do so. The town may determine that an extension of service is unreasonable for the following reasons:

(1) The cost of service extension is excessive in terms of the number of customers to be served or because of topographical, engineering, technical, or other problems.

(2) The provision of service will adversely affect the supply of water to other customers, or will adversely affect the town's sewage treatment capabilities.

(3) Other good and sufficient reasons.

Section 5-2052 Extensions to developed property within the town.

(a) Except as provided in section 5-2053 (extension within new subdivisions and other developments), the cost of extending water or sewer service to properties within the corporate limits shall be borne initially by the town. However, the town may recoup its costs, in whole or in part, by charging front footage fees at the time of connection to the water or sewer system, or by levying special assessments on benefited property.

(b) Except as provided in section 5-2053, water and sewer main extensions to serve properties within the town shall be done by town forces or under a contract let by the town.

(c) Water mains shall be extended only within the rights-of-way of publicly dedicated and opened streets. Sewer lines shall also be located within such rights-of-way, except where the topography makes this impracticable. However, in no case will sewer lines be extended by the town across private property, unless the town has obtained adequate permanent easements for the lines.

(d) To preserve road surfaces, whenever the town installs water or sewer line extensions in paved streets within the town, as well as whenever the town paves unpaved streets where water or sewer lines exist, the town may install lateral lines to serve undeveloped as well as developed properties.

Section 5-2053 In-town extensions to new subdivisions and other new developments.

As indicated in section 5-2051, the town's responsibility is to extend its water and sewer lines to properties within the town.

Section 5-2054 Extensions outside of town.

(a) The town has no responsibility to provide water or sewer service to property located outside the corporate limits. However, upon request, the town may extend its water or sewer lines to serve properties outside the town when it determines that it is in the town's best interest to do so.

(b) Any owner of property outside the corporate limits who seeks an extension of the town's water or sewer system to serve his property may make an application for that extension to the town.

The owner shall provide all information the town deems necessary to determine whether the requested extension is feasible and in the town's best interest.

(c) The responsibility for and the entire cost of extending a water or sewer line to serve property outside the town shall be borne by the property owner requesting the extension. In addition, the entire cost of extending lines within new subdivisions or developments outside of town shall be borne by the subdivider or developer.

Section 5-2055 Extensions made by other than town forces.

(a) All additions to the town's water or sewer system installed by other than town forces, whether inside or outside the town, shall be installed in accordance with the provision of this chapter, as well as other town specifications and requirements. Among other matters, such specifications shall govern the size of all lines, their location, grade, materials used, manner of installation, and provision for future extensions.

(b) No construction on any addition to the town's water or sewer system shall commence until detailed plans have been reviewed and approved by the administrator. These plans shall include whatever information the administrator deems reasonably necessary to determine whether the proposed extension complies with all applicable town specifications and requirements.

(c) Water lines intended for addition to the publicly-owned water system will be allowed to connect to the system only if installed within the right-of-way of a publicly dedicated and opened street, except that the town may accept an offer of dedication of lines installed within unsubdivided commercial or industrial developments if necessary easements are provided. Sewer lines shall also be installed within public street rights-of-way wherever practicable, but the town may accept sewer lines constructed on private property, where the topography makes this necessary, if adequate permanent easements are provided.

(d) To protect street surfaces, the town may require that whenever extensions of water or sewer lines are made to properties or within new subdivisions, laterals be extended to all properties expected to tap on to those water or sewer lines.

(e) By making application for extension to the town's water or sewer system, the person responsible for the extension agrees to indemnify and hold the town harmless from all loss, cost, damage, liability, or expense resulting from injury to any person or property arising out of the extension of the service lines.

Section 5-2056 Inspection by town of work done by others.

(a) All work on the extension of water or sewer lines not performed by town forces (whether inside or outside the town) shall be subject to inspection by the town. If, in the judgment of the

administrator, there is a demonstrated lack of competent supervision by a contractor, the administrator may at his option:

(1) Halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or

(2) Provide constant inspection by town personnel at the expense of the applicant.

(b) Inspection of a project by the town does not consist of or imply supervision. The person requesting the extension is solely responsible for insuring that the project is completed according to town specifications if the work is not done by town forces, and may be required to rearrange or do over any work to bring it into conformity with those specifications and requirements.

Section 5-2057 Dedication of water and sewer line extensions.

(a) All water and sewer mains constructed and connected with the facilities of the town pursuant to this article shall be conveyed to and become the property of the town, upon completion and acceptance by the town. Connection to the system and acceptance by the town shall constitute dedication of a water or sewer main extension by the person responsible for the extension.

(b) Following dedication as provided in division (a), the town shall have exclusive control of all water or sewer lines, and shall be responsible for their maintenance, repair, and operation. However, the conveyor of additions to the system shall guarantee the entire project against defective material and workmanship for a period of twelve months from the date of completion and acceptance of the project, including such incidental damages as may arise from such claims.

Sections 5-2058 through 5-2064 Reserved.

Article G

Fire Protection Service

Section 5-2065 Fire hydrants.

(a) The developers of subdivisions and unsubdivided developments, whether inside or outside the town, may be required, as a condition of connecting to the town's water system, to install fire hydrants in accordance with town requirements and specifications. Among other matters, these requirements and specifications may govern the number, locations, and type of hydrants required.

(b) The town may contract with a developer to install fire hydrants required pursuant to division (a), but in all cases the full cost of providing for the hydrants shall be borne by the developer.

(c) Connection to the town's water system of any hydrant constructed pursuant to division (a) shall constitute dedication to the town of the hydrant.

(d) All hydrants located within the right-of-way of a dedicated street or on other town property shall be maintained by the town without charge, except that the town may include a hydrant maintenance charge in the fire protection service fees charges to the county for any area served by the town outside its corporate limits.

(e) No person, other than an authorized representative of the town, may draw water from or otherwise tamper with any hydrant.

Section 5-2066 Fire protection service lines.

(a) Subject to the provisions of this article, the town may allow fire protection service connections to be made to the town's water lines.

(b) All fire protection service connections shall be made in accordance with town requirements and specifications, and only after the town has reviewed and approved detailed plans for the fire protection service lines and facilities. Final connection to the town system shall not be made until the administrator has inspected and approved the installed fire protection system.

(c) Private fire protection systems, including standpipes, sprinkler systems, and private reservoir systems, shall be constructed and installed only by persons properly licensed to do the work. Lateral extensions and taps shall be made by the town, and fees shall be charged therefor as provided in section 5-2009.

(d) Backflow prevention conforming to town specifications shall be installed at such points in the fire protection system as necessary to assure protection of the water supply.

Section 5-2067 Metering of fire protection service lines.

(a) The town may require the owner of any fire protection line to install at his expense either a detection check valve with bypass meter, or a full flow fire line meter. Such a valve or meter may be required upon the initial connection of the fire line to the town's system, and shall be required if the town subsequently has reason to believe that unmetered water is being lost, or used for other than fire protection purposes, from any such line.

(b) When a detector check meter indicates usage of water for other than fire protection, the owner shall be required, at his expense, to furnish and install a full flow meter of approved design. This meter shall be arranged to meter all water supplied to the premises for all purposes, including fire protection.

Sections 5-2068 through 5-2075 reserved.

ARTICLE H

Sanitary Sewer Use

Section 5-2076 Article applies primarily to industrial wastes.

Many of the provisions of this article explicitly apply only to industrial wastes. The remaining provisions apply to wastes of all types, but, as a practical matter, only industrial wastes are likely to be affected by them in most instances.

Section 5-2077 Storm water prohibited.

No person may discharge or cause to be discharged into any sanitary sewer any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, or unpolluted industrial or commercial process water.

Section 5-2078 Prohibited uses.

Subject to the provisions of sections 5-2079 and 5-2080, no person may discharge or cause to be discharged any of the following described waters or wastes to any part of the town's sanitary sewer system.

(1) Any clothing, rags, textile remnants, and the like, except scraps or fibers that will pass through a one-quarter-inch mesh screen, or its equivalent in screening ability.

(2) Any liquid or vapor having a temperature higher than 150°F.

(3) Any water or waste containing more than 100 milligrams per liter (mg/l) of fats, oils, or grease.

(4) Any liquids, solids, or gases that may cause fire or explosion or be in any way injurious to persons, any portion of the town's sewage treatment system, or the operation of this system.

(5) Any liquid wastes in which the suspended solids exceed 600 milligrams per liter.

(6) Any liquid wastes having a B.O.D. of more than 600 milligrams per liter.

(7) Any waters or wastes having a stabilized pH lower than 6.0 or higher than 9.0, or having other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage treatment system.

(8) Any waters or wastes containing any toxic or poisonous substances or any other materials, including, but not limited to, heavy metals or chemicals, in sufficient quantities to interfere with the biological processes used in the sewage treatment works, or that will pass through the sewage treatment works and harm persons, livestock, or aquatic life utilizing the natural outlet.

(9) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle those materials at the sewage treatment plant.

(10) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(11) Any garbage that has not been properly shredded.

(12) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, feathers, tar, plastic, wood, paunch manure, butcher's offal, or any other solid or viscous substances capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage collection system or the sewage treatment works.

(13) Any materials that form excessive amounts of scum that may interfere with the operation of the sewage treatment works or cause undue additional labor in connection with its operation.

(14) Any liquid wastes containing dyes or other colors that cannot be removed by biological processes, or that require special chemical treatment.

(15) Any waters or wastes that require excessive quantities of chlorine for stabilization in addition to biological treatment. The amount of excess demand will be determined by comparing the chlorine demand of the waste in question with the average chlorine demand of all other wastes entering the plant.

(16) Any waters or wastes containing radioactive waters or wastes in quantities that may prove injurious to the treatment process or any portion of the sewage treatment system, or to persons, animals, or plant life.

(17) There shall be no waste water of any kind discharged into the storm drains of the town.

(18) There shall be no ground paper products of any sort discharged into the town's sewer system.

Section 5-2079 Waiver of discharge restrictions.

(a) A major purpose of this article is to provide for the treatment by the town of as much of the liquid waste produced within the town's service areas as possible, while still protecting the town's sewage treatment system. Therefore, the board may waive the provisions of section 5-2078 when, in its judgment, the quantity of waste discharge by any person is so small in relation to overall flow into the town's sewage treatment system as to make the offending characteristics of the waste negligible.

(b) A waiver granted in accordance with division (a) shall be considered a temporary measure and shall not ripen into a vested right. Such waivers may be revoked by the board at any time when it determines it is in the interest of the town's sewage treatment system to do so.

Section 5-2080 Special agreements.

Notwithstanding the provisions of section 5-2078, the town may enter into special agreement with any person whereby wastes of unusual strength or character may be admitted into the sanitary sewers for treatment by the town, either before or after approved pretreatment or prehandling, and subject to appropriate payments to the town to cover the extra costs associated with treatment of the wastes.

Section 5-2081 Permit required for discharge of industrial wastes.

(a) Subject to division (b), no person may discharge industrial wastes into the town's sewage treatment system without a permit issued by the administrator.

(b) Persons discharging industrial wastes into the town's sewage treatment system on the effective date of this section shall have a grace period of three months to comply with the provisions of division (a), and shall thereafter be bound by its requirements.

(c) Application for the permit specified in division (a) shall be made to the administrator, and the applicant shall provide whatever information is reasonably required by the administrator. The permit shall be issued if the administrator concludes that the applicant will comply with all of the requirements of this article.

(d) The permit requirement set forth in this section for industrial waste discharge is in addition to any other provisions of this chapter relating to applications for service, connections, or extensions to the town's sewer system.

(e) After the initial permit is granted, no person may make or cause to be made any substantial change in the nature, character, or volume of industrial wastes discharged into the town's sanitary sewer system until a permit is issued by the administrator authorizing the change. This permit shall be applied for and issued in the same manner as the initial permit under this section.

Section 5-2082 Preliminary treatment facilities.

(a) Users shall make wastewater acceptable under the limitations established herein before discharging into any town sewer. Any facilities required to pretreat wastewater to a level acceptable to the town shall be provided and maintained at the user's expense. Pretreatment facilities shall be operated continuously during periods of wastewater discharge to the town sewers in such a manner as to produce a pretreated discharge acceptable to the town as defined in this chapter. Detailed plans showing the pretreatment facility and operating procedures shall be submitted to the town for review, and shall be approved by the town before construction of the facility. The review and approval of plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this chapter. Any

subsequent changes in the pretreatment facility or method of operation shall be reported to and be approved by the town.

(b) To equalize flows and to avoid temporary overloads, any person who discharges into the town's sanitary sewer system waste having a volume in excess of 50,000 gallons in any 24-hour period may be required by the town to construct suitable storage tanks or equivalent devices according to town specifications relating to type of construction, storage capacity, and similar matters. The control of the volume of discharges of waste shall be by a waterworks-type rate controller or equivalent device, the setting and operations of which shall be subject to the reasonable direction of the administrator.

(c) Whenever the total volume of wastes to be discharged by any person in any one day has considerable variation in polluttional value, the person may be required to construct holding or storage tanks in order to control the discharge of wastes over a 24-hour period. These tanks shall be in duplicate and be so equipped as to mix the waste so thoroughly that its quality will be uniform when discharged into the sanitary sewer system.

(d) Grease, oil, and sand interceptors shall be provided when, in the opinion of the administrator, they are necessary for the proper handling and control of liquid wastes containing grease, oil, or sand in excessive amounts. Such interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hotels, hospitals, or other institutions. These interceptors shall be located as to be readily accessible for cleaning and inspection, and shall be maintained by the owner at his expense in continuously efficient operation at all times.

(e) Plans, specifications, and other pertinent information relating to proposed preliminary treatment or handling facilities, including the construction of storage tanks, inspection or control manholes, and controlling devices as required under this section, shall be submitted to the administrator for approval, and no construction of such facilities shall be commenced until this approval is obtained in writing.

(f) Where preliminary treatment or handling facilities are provided for any purpose, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

Section 5-2083 Inspection manhole.

(a) Any person discharging industrial wastes into the town's sanitary sewer system may be required to construct and maintain a suitable inspection or control manhole either downstream or from any treatment or storage facility or, if such facilities are not required, at or before the point where the wastes enter the sanitary sewer.

(b) The manhole shall be located and constructed in a manner approved by the administrator, and shall contain the equipment determined by the administrator to be necessary for proper sampling and control of waste discharges.

Section 5-2084 Determination of character and concentration of wastes.

(a) Industrial waste discharged into the town's sanitary sewer system shall be subject to periodic inspection to determine the character and concentration of the waste. The administrator shall conduct such inspections as often as deemed reasonably necessary to insure compliance with the provisions of this chapter.

(b) By making application for sanitary sewer service, the industrial waste customer agrees that duly-authorized and identified town employees shall be permitted to enter the premises under the customer's control to carry out the inspections required in division (a). Whenever feasible, the town shall notify the customer before carrying out inspections.

(c) Inspections made pursuant to division (a) do not relieve the person discharging wastes into the sanitary sewer system of responsibility for any loss, damage, or penalty resulting from the discharge of wastes into the sanitary sewer system.

(d) Samples taken as part of the inspections authorized by this section shall be collected in such manner as to be representative of the actual quality of the waste. Laboratory methods used in the examination of waste shall be those set forth in "Standard Methods," as hereinbefore described, a copy of which is on file at the office of the administrator for inspection by interested parties.

Section 5-2085 Authority for temporary exclusion.

Authority is hereby given to the administrator to exclude temporarily any industrial waste, whether pretreated or not, from the sanitary sewers whenever, in his opinion, such action is necessary for the purpose of determining the effects of the wastes upon any part of the sewage treatment system.

Section 5-2086 Charges for Industrial Wastes.

(a) Customers discharging industrial wastes into the town's sanitary sewer system shall be subject to surcharges that reflect the additional treatment demands of industrial wastes. Therefore, the amount of an industrial waste customer's bill depends upon the character and concentration of the wastes discharged as well as the quantity. Charges will be in accordance with the schedule of rates set forth in section 5-2009.

(b) The volume of flow used in determining the total discharge of industrial wastes shall be based upon metered water consumption as shown in the records of meter readings maintained by the administrator.

(c) In the event that a person discharging wastes into the sanitary sewers produces evidence satisfactory to the administrator that more than 10% of the total volume of water used for all purposes does not reach the sanitary sewers, then the administrator and the customer may agree to sue an estimated percentage of total water consumption as a basis for calculation of sewer use charges.

(d) Where a person discharging industrial wastes into the public sewers procures all of or any part of his water supply from sources other than the town, the person so discharging such waste shall install and maintain at his own expense water meters of a type approved by the administrator for the purpose of determining the proper volume of industrial waste discharged to the sewers.

Section 5-2087 Users outside town limits.

Any person, firm, or corporation located outside the town limits that is permitted to hook on to the town's sewer system shall comply with all of the rule, regulations, and standards set forth in this sewer use chapter.

Section 5-2088 Civil and criminal penalties for malicious damage.

It shall be unlawful for any person, firm, or corporation to damage any of the town's sewage treatment facility and appurtenances. Maliciously damaging any portion of the treatment facilities or appurtenances shall constitute a misdemeanor, punishable as provided by G.S. 14-4. In addition thereto, there shall be a civil penalty of \$200. assessed against the offender. The offender shall also be liable to the town for all such damages, and expenses incurred by the town in collecting those damages.

Sections 5-2089 through 5-2095 reserved.

ARTICLE I

Water Shortage Response

Section 5-2096 Purpose.

The purpose of this article is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the Town of Stantonsburg in the event a shortage is declared. (Ord. No. 5707, Sec. 1)

Section 2097 Definitions.

(a) "Allotment." The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this ordinance.

(b) "Any water." Any type of water, including fresh water, brackish water, wastewater, or reclaimed water.

(c) "Customer." Any person using water for any purpose from the Town of Stantonburgs' water distribution system and for which either a regular charge is made or, in this case of bulk sales, a cash charge is made at the site of delivery.

(d) "Emergency." Water supplies are below the level necessary, to meet normal needs and that serious shortages exist in the area.

(e) "Excess use." The usage of water by a water customer in excess of the water allotment provided under the water rationing provisions of this article for that customer, over any applicable period.

(f) "Fresh water." Water withdrawn from surface or groundwater which has not been previously used, other than brackish water.

(g) "Mandatory conservation." Raw water supplies (i.e., streamflow, reservoir levels or groundwater levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

(h) "Nonresidential customer." Commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

(i) "Rationing." Procedures established to provide for the equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

(j) "Reclaimed water." Wastewater which has been treated to allow reuse.

(k) "Residential customer." Any customers who receive water service for a single or multi-family dwelling unit. The term residential customer does not include educational or other institutions, hotels, motel, or similar commercial establishments.

(l) "Service interruption." The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.

(m) "Voluntary conservation." Conditions exist which indicate the potential for serious water supply shortages.

(n) "Waste of water." Includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

(o) "Wastewater." Water which has been previously used for industrial, municipal, domestic, or other purpose, and has not been returned to the surface or groundwater source.

(p) "Water." Water available to the Town of Stantonburg by virtue of its water rights or withdrawal permit or any treated water introduced by the Town of Stantonburg into its water distribution system, including water offered for sale.

(q) "Water use classes." Shall be established as follows:

(1) Class 1: Essential water uses.

a. Domestic use: Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

b. Health care facilities: Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

c. Public use:

1. Fire hydrants:

(i) Firefighting.

(ii) Certain testing and drills by the fire department if performed in the interest of public safety and if approved by the municipal town council.

2. Flushing of sewers and hydrants: As needed to ensure public health and safety and if approved by the town council.

(2) Class 2: Socially or economically important uses of water.

a. All domestic uses other than those included in classes 1 and 3:

1. Home water use including kitchen, bathroom and laundry use.

2. Minimal watering of vegetable gardens.

3. Watering of trees where necessary to preserve them.

b. Commercial, agricultural, industrial and institutional uses.

1. Outdoor commercial watering (public or private) using conservation measures and to the extent that sources of water other than fresh water are not available to use.

2. Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock.

3. Watering by commercial nurseries at a minimum level necessary to maintain stock.

4. Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens.

5. Use of fresh water at a minimum rate necessary to implement vegetation following earthmoving, where such vegetation is required by law or regulation.

6. Watering of golf course greens.

7. Filling and operation of swimming pools:

(i) Residential pools which serve more than 25 dwelling units.

(ii) Pools used by health care facilities for patient care and rehabilitation.

(iii) Municipal pools.

8. Commercial car and truck washes.

9. Commercial laundromats.

10. Restaurants, clubs, and eating places.

11. Air conditioning:

- (i) Refilling for start up at the beginning of the cooling season.
- (ii) Make-up of water during the cooling season.
- (iii) Refilling specifically approved by health officials and the municipal board of commissioners, where the system has been drained for health protection or repair purposes.

12. Schools, churches, motels/hotels and similar commercial establishments.

(3) Class 3: Nonessential uses of water.

(a) Ornamental purposes:

- 1. Fountains, reflecting pools, and artificial waterfalls.
- b. Outdoor noncommercial watering (public or private):
 - 1. Gardens, lawns, parks, golf courses (except greens), playing fields and other recreational areas.
 - 2. Filling and operation of recreational swimming pools which serve fewer than 25 dwellings.
 - 3. Noncommercial washing of motor vehicles.
 - 4. Serving water in restaurants, clubs, or eating places except by specific request.
 - 5. Air conditioning: refilling cooling towers after draining except as specified in Class 1.

c. Public use:

- 1. Fire hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for fire department drills, except as listed in Class 1.
 - 2. Flushing of sewers and hydrants except as listed in Class 1.
- (Ord. No. 5707, Sec. 2)

Section 5-2098 Declaration of voluntary conservation.

Whenever the Town Council of the Town of Stantonburg finds that a potential shortage of water supply is indicated, it shall be empowered to declare by adoption of an ordinance that voluntary conservation conditions exist, and that the town manager shall, on a daily basis, monitor the supply and demand upon that supply. In addition the mayor (or his/her agent) is authorized to call upon all water customers to employ voluntary water conservation measures (see Addendum)* to limit water use (especially Class 3 uses) and eliminate the waste of water. This resolution shall be published in a newspaper of general circulation in the area which qualifies under GS 1-597, and may be publicized through the general news media or any other appropriate method for making such resolutions public. (Ord. No. 5707, Sec. 3)

Section 5-2099 Declaration of mandatory conservation.

Whenever the Town Council of the Town of Stantonburg finds raw water supplies (i.e. streamflow, reservoir levels or groundwater levels) to be consistently below seasonal averages, and if they continue to decline and may not be adequate to meet normal needs, it shall be empowered to declare by adoption of an ordinance that mandatory conservation conditions exist. The Town of Stantonburg shall continue to encourage voluntary water conservation measures defined under the voluntary conservation declaration, and further shall impose a ban on all Class 3 water uses for the duration of the shortage until it is declared ended by ordinance of the governing board. Publication of these ordinances shall follow the provisions declaration in Section 5-2098 of this article. (Ord. No. 5707, Sec. 4)

Section 5-2100 Declaration of water shortage emergency.

Whenever the Town Council of the Town of Stantonburg finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by adoption of an ordinance that a water shortage emergency exists. Class 1, essential uses shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all Class 2, socially or economically important uses shall be banned in addition to the Class 3, nonessential uses. These restrictions shall continue until the emergency is declared ended by ordinance of the Town Council. Publication of these ordinances shall follow the provisions in Section 5-2098 of this article. (Ord. No. 5707, Sec. 5)

***Editor's Note:** The Addendum, referred to herein, may be found at the end of this article.

Section 5-2101 Declaration of rationing.

Whenever the Town Council of the Town of Stantonburg has declared a water shortage emergency and finds a need to provide for the equitable distribution of critically-limited water supplies, in order to balance demand on limited available supplies, and to assure that sufficient water is available to preserve public health and safety, it shall be empowered to provide for mandatory rationing by adoption of an ordinance. (Ord. No. 5707, Sec. 6)

Section 5-2102 Objectives of rationing.

An ordinance that provides for mandatory rationing shall state findings that:

(a) It is imperative that water customers achieve an immediate further reduction in water use in order to extend existing water supplies and at the same time, assure that sufficient water is available to preserve the public health and sanitation and to provide fire protection service.

(b) The immediate further reduction in water usage is another step along a continuum of responses to the present water supply shortage. Should shortage continue, further reductions in usage may be required. It must be emphasized that the additional usage reduction in the rationed area is a valid and attainable goal reflective of the conditions which currently exist.

(c) The plan provides for equitable reductions in water usage and for equal sacrifice on the part of each water customer. The success of this ordinance depends on the cooperation of all water customers in the emergency area.
(Ord. No. 5707, Sec. 6a)

Section 5-2103 Water use rationing for residential users.¹

¹May be difficult to administer.

(a) Metered residential water customers and allotments:

(1) The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.

(2) Each dwelling unit (household) shall be allotted 40 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allotment of 55 gallons.

(3) Residential water customers are required to provide Town of Stantonburg and utility personnel with reasonable access to read meters as necessary to this rationing declaration. Where access is not readily available, all reasonable efforts to contact customers in order to arrange for access to read meters shall be made. In the event a water customer does not allow entry to read the meter after reasonable efforts to arrange for such access, the dwelling unit (household) allotment will be reduced to 55 gallons per day.

(4) (i) If it is found that the residential water allotment provided under this section would create an extraordinary hardship for individual customers, as in the case of special health-related requirements, a revised allotment for the particular customer may be established.

(ii) Any person aggrieved by a decision relating to such an exemption or variance may file a complaint with the town manager (or clerk) in accordance with the Town of Stantonburg's normal administrative procedures.

(b) Nonmetered residential water customers and allotments:

(1) In order to effectively implement and monitor the residential water conservation effort, a water allotment shall be established for the entire water system based on 40 gallons per day per capita served or 50 percent of the water use by the entire system during August 2002 as notified individually by the Town of Stantonburg.

(2) The Town of Stantonburg and the utility will establish a communication system with the customers through public media to inform them of the requirements of the water rationing provisions of this article, possible conservation measures that customers may employ, the system allotment, and a regularly scheduled report of whether the usage was within the allotment.

(c) Metered and nonmetered residential customers of the same water supply system. Where a water supply system serves both metered and non-metered residential customer, the allotments and procedures provided under both subsections (a) and (b) shall be applied, as appropriate.

(d) Suggested conservation measures. See Addendum.*
(Ord. No. 5707, Sec. 6b)

***Editor's Note:** The Addendum, referred to herein, may be found at the end of this article.

Section 5-2104 Water use rationing for nonresidential water users.

(a) Nonresidential customers include commercial, industrial, public and all other such users with the exception of hospitals and health care facilities.

(b) Nonresidential water customers shall further reduce their water usage to 40 gallons per person per day or to 50 percent of use levels during August 2002.

(c) It is the primary responsibility of each nonresidential water customer to meet the mandated water use reduction goal in whatever manner possible, including limitation of operating hours or days if necessary.

(d) The Town of Stantonburg will establish a water allotment for each nonresidential water customer, based upon a required further reduction water usage from the rate of water used by the customer in effect August 2002, or the last recorded use level if no meter readings record the rate of the customer's use August 2002.

(e) Each nonresidential water user shall provide access to town personnel for the purpose of meter reading and monitoring of compliance with this article. All reasonable efforts will be made to contact customers to arrange for access.

(f) (1) If the mandated further reduction in water usage cannot be obtained without imposing extraordinary hardship which threatens health and safety, the nonresidential customer may apply to the Town of Stantonburg of a variance. For these purposes "extraordinary hardship" means a permanent damage to property or an economic loss which is substantially more severe than the sacrifices borne by other water users subject to this water rationing ordinance. If the further reduction would cause an extraordinary hardship or threaten health or safety, a variance may be granted by the town clerk and a revised water use reduction requirement for the particular customer may be established.

(2) Any person aggrieved by a decision relating to such a variance may file a complaint with the town clerk in accordance with established procedures.

(g) The Town of Stantonburg will provide each nonresidential customer with suggested means to reduce usage levels.

See Addendum.*

(Ord. No. 5707, Sec. 6c)

***Editor's Note:** The Addendum, referred to herein, may be found at the end of this article.

Section 5-2105 Water use rationing for health care facilities.

(a) Health care facilities shall comply with all restriction imposed on residential and nonresidential water customers as may be applicable to each individual institution, to the extent compliance will not endanger the health of the patients.

(b) Each health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients to achieve a further reduction in the institution's water usage.

(c) The Town of Stantonburg will provide each health care facility with suggested means to reduce usage levels.

See Addendum*
(Ord. No. 5707, Sec. 6d)

Section 5-2106 Enforcement of water rationing.

(a) The Town of Stantonburg will have primary responsibility for monitoring of compliance with the water rationing ordinance.

(b) The following provisions shall govern the implementation of temporary service interruptions:

(1) In order to effectuate compliance with this article, the Town of Stantonburg is hereby authorized and required to plan and implement temporary service interruption to all or part of its water supply system, as may be deemed appropriate, when any and/or all of the following conditions are determined to exist:

a. The mandated reduction in system-wide usage has not been achieved, and/or

b. The mandated reduction in system-wide water usage has been achieved, but has failed to have a significant impact in extending limited water supplies, and/or

c. Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.

(2) In the event it is determined that temporary service interruptions are necessary, the Town of Stantonburg shall notify its customers through the public media (newspapers, radio, and

***Editor's Note:** The Addendum, referred to herein, may be found at the end of this article.

television), at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed.

Such notice shall:

a. State the day or days when the planned, temporary service interruption will occur;

b. State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruption will cease;

c. State whether the planned, temporary service interruptions are to be imposed on the entire system, or part thereof, and, if only part(s) of the system will experience planned, temporary service interruptions, identify geographic boundaries within which such interruptions will occur; and

d. Advise all customers within the areas affected by planned, temporary service interruptions how to treat any water received from the system, for human consumption, during the period(s) of such interruptions and for such additional time as may be necessary until full pressure is restored to the system.

(3) If a planned, temporary service interruption is imposed as authorized and required by this article, the Town of Stantonburg must provide for the continued delivery of water to health care facilities within the area(s) affected by such interruptions, by means of any adequate, alternative delivery measures that may be necessary.

(4) If a planned, temporary service interruption is implemented, the Town of Stantonburg must make provisions, by any means possible, for the continued delivery of such water as may be necessary for the proper operation of sewage collection, treatment, and disposal systems and facilities.

(c) Any residential or nonresidential water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use civil penalties.

(1) "Excess-use civil penalties" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration, computed in accordance with the following schedule:

Excess Usage Per Month
First 2,000 gallons or
portion thereof

Civil Penalty for Excess
\$7.00 per 1,000
gallons or portion thereof

Each 1,000 gallons, or
portion thereof, thereafter

\$16.00

(2) Any monies collected through excess-use civil penalties shall not be accounted for as income, but shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

(d) In addition to the excess-use civil penalty, noncompliance with the water rationing provisions of this article will result in the following:

(1) For the first excess use, a warning of possible discontinuation shall be issued to the customer.

(2) For the second or subsequent excess use, service to the customer may be interrupted or shut off for a period not to exceed 48 hours, or, if the customer provides access, a flow restrictor may be installed in the customer's service line for the duration of the emergency. The cost incurred to interrupt or shut off and reinstate service, or to install and remove a flow restrictor, shall be assessed to the water customer. Before service to an individual may be terminated under this provision, actual notice of the intent to discontinue shall be given, which shall include notice that the customer may appear at designated time and place (within 24 hours) for an informal hearing to show why service should not be discontinued.

(e) Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this article.

(f) Any customer or other person aggrieved by a decision or action imposing an excess-use civil penalty or other remedy for noncompliance with the requirements of this article may proceed in accordance with the following provisions:

(1) The Town of Stantonburg shall adopt procedures which provide an opportunity for the customer or aggrieved party to rebut the finding of a violation, or provide evidence of circumstances beyond the customer's control which resulted in the violation. A record of evidence regarding disputed violations shall be kept, and a written notice of the Town of Stantonburg's final decision and action in such cases shall be provided to the customer or aggrieved party.

(Ord. No. 5707, Sec. 6e)

Section 5-2107 Shortage water rates.

Upon the declaration of a water supply shortage as provided in Sections 5-2098-5-2101 the Town Council of the Town of Stantonburg shall have the power to adopt shortage water rates by ordinance designed to conserve water supplies. Such rates may provide for, but not be limited to: (a) uniform charges for water usage per unit of use (uniform unit rate); (b) extra charges for use in excess of a specified level (excess demand surcharge); or (c) discounts for conserving water beyond specific levels. (Ord. No. 5707, Sec. 7)

Section 5-2108 Regulations.

Any person who violates the provisions of this article, who fails to carry out the duties and responsibilities imposed by this article, or who impedes or interferes with any action undertaken or ordered pursuant to this article shall be subject to the following penalties:

(a) If the town manager learns of any violation of any water use restriction imposed pursuant to this article, a written notice of the record shall be affixed to the property where the violation occurred and mailed to the customer and to any other person known to the Town of Stantonburg who is responsible for the violation or its correction. Said notice shall describe the violation and order that is to be corrected, cured, or abated immediately or within such specified time as the Town of Stantonburg determines is reasonable under the circumstances. If the order is not complied with, the Town of Stantonburg may terminate water service to the customer subject to the following procedures:

(1) The Town of Stantonburg shall give the customer notice by mail that, due to the violation, water services will be discontinued within a specified time and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the town council;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and,

(3) The town council or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of \$50. shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violation the reconnection fee shall be \$200. for the second violation and \$300. for each additional violation.

(c) Any customers may also be charged with violation of this ordinance and prosecuted in district court. Any person so charged and found guilty of violating the provisions of this article shall be guilty of a misdemeanor. Each day's violation shall constitute a separate offense. The penalty for violation shall be a maximum fine of \$50. or imprisonment for not more than 30 days.
(Ord. No. 5707, Sec. 8)

Section 5-2109 Civil penalties.

In addition to or in lieu of criminal prosecution, violation of this article may subject the offender to civil penalties in the amounts provided, or otherwise an amount of \$25. per day, collectible in a civil action in the nature of debt. (Ord. No. 5707, Sec. 9.1)

ADDENDUM
(Article I)

CONSERVATION MEASURES

Direct users to adopt the following conservation measures:

INDOOR RESIDENTIAL USE

Conservation for Voluntary and Mandatory Conservation Phases.

- Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons.
- Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.
- Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- Reduce water used per flush by installing toilet tank displacement inserts. A plastic jug may often be used as an alternative. DO NOT USE BRICKS - they disintegrate when soaked and the resulting grit hinders closing of the flap valve.
- Do not use the toilet as a trash can.
- Use sink and tub stoppers to avoid wasting water.
- Keep a bottle of chilled water in the refrigerator for drinking.
- Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install.
- Learn to read your water meter so you can judge how much water you use and what difference conservation makes.
- Take shorter showers and shallow baths. Saves about 25 gallons.
- Reduce the number of toilet flushes per day. Each flush uses about 5 gallons (2-3 if you have water saving toilets).

- Don't use a garbage disposal.
- Use non-phosphate detergent and save laundry water for lawns and plants.

Conservation for Emergency Conservation or Rationing Phase (In addition to measures listed above).

- Turn off shower while soaping up.
- Use disposable eating utensils.

OUTDOOR RESIDENTIAL USE

Conservation for Normal Conditions and Voluntary Conservation Phase Lawns.

- Water before 10:00 a.m. to prevent evaporation which occurs during the hottest part of the day. Morning is better than evening, when the dampness encourages growth of fungus.
- Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.
- Water thoroughly, not frequently: long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- Allow maximum of one inch of water per week on your lawn. To measure, place cake tins outside to collect rain and water from sprinklers.
- Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
- Position sprinklers to water the lawn, not the pavement.
- Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- Keep sprinkler heads clean to prevent uneven watering.
- Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.

- Know how to turn off an automatic sprinkler system in case of rain.
- Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

Vegetables and Flower Gardens.

- Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- Keep soil loose so water can penetrate easily.
- Keep weeds out to reduce competition for water.
- Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

Trees and Shrubs.

- Water deeply using a soil-soaker or drip-irrigation.
- Water only when needed. Check the depth of soil dryness by digging with a trowel.
- Mulch to reduce evaporation. A 2 to 3 inch layer of wood chips, pine needles, grass clippings, or straw keeps the soil cool in summer.
- Dig troughs around plants to catch and retain water.
- Water trees growing in full sun more often than those in shade.
- Do not use sprinklers. Apply water directly at base.
- Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- Postpone planting until fall or spring when there is generally less need for water.
- Install trickle-drip irrigation systems close to the roots of your plants. By dripping water slowly, the system doesn't spray water into the air. Use soil probes for large trees.
- Water when cloudy, at night, or even when a light rain is falling.

OUTDOOR RESIDENTIAL USE

Conservation for Voluntary Conservation Phase (in addition to measures listed above).

- Do not allow children to play with hose or sprinklers.
- Limit car washing.
- Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- Use leftover household water if available.
- Consider delaying the seeding or sodding of new lawns.
- Determine the amount of water being used outdoors by comparing water bills for summer and winter.

Conservation for Mandatory Conservation Phase (In addition to measures listed above).

- Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- Do not water lawns and inedible plants.
- Do not use sprinklers.

Most outdoor watering is prohibited under Emergency Conservation conditions.

HEALTH CARE FACILITY USE

- Reduce laundry usage or services by changing bed linens, etc. only when necessary to preserve the health of patients.
- Use disposable food service items.
- Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

INDUSTRIAL USE

- Identify and repair all leaky fixtures and water-using equipment. Give special attention to equipment connected directly to water lines, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners, and furnaces.

- Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.
- Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- Advise employees, students, patients, customers, and other users not to flush toilets after every use. Install toilet tank displacement inserts; place flow restrictors in shower heads and faucets; close down automatic flushes overnight.
- Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- Place water-saving posters and literature where employees, students, patients, customers, etc. will have access to them.
- Check meters on a frequent basis to determine consumptive patterns.
- Review usage patterns to see where other savings can be made.

CHAPTER 3

Electric System

Section 5-3001	Control vested in board.
Section 5-3002	Duties of superintendent.
Section 5-3003	Applications for connections.
Section 5-3004	Town to make connections.
Section 5-3005	Installations according to National Electrical Code.
Section 5-3006	No person to obtain current without payment and permit.
Section 5-3007	Right to shut off current for repairs.
Section 5-3008	Wiring and meter may be removed.
Section 5-3009	Rates.
Section 5-3010	Town membership in joint agency.

Section 5-3001 Control vested in board.

The electric light and power system owned by the town shall be under the control of the mayor and board, and the duty of securing and enforcing a full compliance with all rules and regulations governing the same shall be vested in the superintendent of utilities.

Section 5-3002 Duties of Superintendent.

Under the direction of the town manager, directs, supervises, and coordinates the operations and functions of all public works departments to ensure smooth, effective municipal government operation.

Plans, directs, controls and reviews the operation of the public works department to insure that it is operated in the most efficient manner.

Prepares and submits budget requests for the public works department.

Makes studies and investigations of the present and potential public works needs and prepares plans for the improvement and development of programs and facilities.

Screens and disposes of or corrects public complaints concerning public works departments.

Makes on-site visits as necessary to observe departmental activities to assess operational efficiency.

Consults with the town manager, department heads, legal staff, and state and local officials as required.

Under the direction of the town manager, maintains an adequate supply of parts and materials as needed; prepares specifications for materials and equipment.

Under the direction of the town manager, participates in the hiring, training, evaluation and dismissal of public works personnel.

Performs other duties as required or assigned.
(Amended, Ord. of 2/8/93)

Section 5-3003 Applications for connections.

Parties desiring connection with the electric light and power system shall make application to the town clerk, stating for what purpose the current is to be used, and all applications shall bind applicant to pay the established rate.

Section 5-3004 Town to make connections.

The town will, in every usual instance, connect to the provided weatherhead of any dwelling, commercial building, or other structure.

Section 5-3005 Installations according to National Electrical Code.

All electrical construction, all material and appliances used in connection with electrical work and the operation of all electrical apparatus within the town, shall conform to such special rules as

may be adopted by the town board and to the rules and requirements as set forth in the current issue of the National Electrical Code for the installation of wiring and apparatus for electrical purposes as they are now established, or may hereafter be amended. No current will be furnished until the electrical inspector has inspected and approved the wiring of the premises and electrical apparatus and the same has been found in such proper condition as to meet the requirements of the above and the insurance laws.

Section 5-3006 No person to obtain current without payment and permit.

No person shall obtain current for private use unless such person shall pay for the privilege and receive the usual permit to do so.

Section 5-3007 Right to shut off current for repairs.

The town reserves the right at any time to shut off the current on the transmission line, in case of accident or for the purpose of making connections or repairs.

Section 5-3008 Wiring and meter may be removed.

In case current is turned off, the connecting wires and meter may be removed, if the superintendent shall deem it advisable.

Section 5-3009 Rates.

The town will, at its option, furnish electric current or power to its customers or consumers, according to a schedule of rates, charges, and terms fixed by the town board and maintained on file at the town hall. This schedule of rates and charges is hereby incorporated by reference into this code as though set out in full.

Section 5-3010 Town membership in joint agency.

(a) The town board finds that participation in a joint municipal assistance agency will result in economies, efficiencies and other benefits with respect to the construction, ownership, maintenance, expansion, and operation of the municipality's electric system, and that participation in the agency by the municipality as a member is desirable.

(b) The town does hereby authorize the transfer to the joint municipal assistance agency of its interest in such of the assets of Electricities of North Carolina, a voluntary association, as may be determined by the Board of Directors of Electricities of North Carolina. (Ord. of 9-5-83, Secs. 1, 5)

PART 6 LICENSING AND REGULATION

PART 6

Licensing and Regulation

- Chapter 1. Businesses and Trades
- Chapter 2. Street and Sidewalk Use and Regulation
- Chapter 3. Cable Television System Franchise
- Chapter 4. Franchise to Distribute Natural Gas

CHAPTER 1

Businesses and Trades

Article A. Peddling and Soliciting

- Section 6-1001 Definitions.
- Section 6-1002 Registration.
- Section 6-1003 Door-to-door activities prohibited.
- Section 6-1004 through 6-1020 reserved.

Article B. Game Rooms

- Section 6-1021 Definition.
- Section 6-1022 License required.
- Section 6-1023 Restrictions.
- Section 6-1024 Prohibited conduct.
- Section 6-1025 Rules for operation.
- Section 6-1026 Revocation of license.
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Article C. Electronic Gaming Operations

- Section 6-1031 Definition.
- Section 6-1032 Privilege license tax.
- Section 6-1033 Regulations.
- Section 6-1034 Repealer.
- Section 6-1035 Failure to pay tax.
- Section 6-1036 through 6-1040 reserved.

ARTICLE A

Peddling and Soliciting

Section 6-1001 Definitions.

For the purpose of this article the following terms shall have the meanings respectively ascribed:

(1) "Peddler." Any person who transports goods from place to place and sells or offers for sale the goods, or who, without travelling from place to place, sells or offers for sale any goods from any vehicle or device; provided, that any person who separates the acts of sale and delivery for the purpose of evading the provisions of this article shall be deemed a peddler.

(2) "Solicitor." Any person who travels from place to place taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance, and any person who uses or occupies any building or premises for the sole purpose of taking or offering to take orders for the sale of goods for future delivery or for personal services to be performed in the future, whether or not the samples are displayed or money is collected in advance.

(3) "Transient vendor." Any person who engages in a temporary business of selling and delivering goods and who, for this purpose, uses or occupies any building or premises; provided, that no person shall be relieved from complying with the provisions of this article merely by conducting a transient business in association with any permanently established merchant.

Section 6-1002 Registration.

Each and every person doing business in the town as a peddler, solicitor or transient vendor shall file with the clerk, on a form to be provided for the purpose, a statement setting forth the following information:

- (1) name and address of individual filing statement;
- (2) name and address of principal or employer if individual is an agent or employee;
- (3) credentials showing relationship of agent or employee;
- (4) description of individual filing statement, including height, weight, sex, age, color and distinguishing characteristics, if any;
- (5) the goods to be sold or offered for sale, or the type of services to be rendered;
- (6) the period of time during which the business will be carried on in the town; and
- (7) description of automobile or other vehicle to be used in the business, including the make, model, body, style, color and license number.

Section 6-1003 Door-to-door activities prohibited.

It shall be unlawful for any peddler, solicitor, or transient vendor or other seller of merchandise to go in, or upon, private residences or the premises thereof, unless they have been requested or invited to do so by the owner or occupant of private residences in the town, for the purpose of advertising, peddling, or selling merchandise. This section shall not apply to persons soliciting funds or selling items for a religious, charitable, civic or patriotic organizations if such persons serve without compensation or remuneration.

State Law Reference: Regulation of solicitations and itinerate merchants authorized, G.S. 160A-178.

Sections 6-1004 through 6-1020 reserved.

ARTICLE B

Game Rooms

Section 6-1021 Definition.

For the purpose of this article, "game room" means any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples of game rooms, by way of illustration and not limitation, are poolrooms, bowling alleys, billiard halls, amusement centers, and the like. (Ord. of 12/6/82, Sec. 1)

Section 6-1022 License required.

(a) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license regulations of the town.

(b) In addition, every operator of a game room shall apply for and obtain a license from the town board to operate a game room. Application for such a license shall be made upon forms provided by the town clerk.

(c) An application fee of \$15 shall be paid to and collected by the town clerk when the application is submitted to cover the cost of administration of this article.

(d) It shall be unlawful to operate a game room within the town without a license as required by division (b). (Ord. of 12/6/82, Sec. 2)

Cross-reference: Privilege license taxes, sections 2-3011 - 2-3028.

Section 6-1023 Restrictions.

The town board shall not issue a license to any applicant who:

- (1) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or
- (2) Is not a resident of the state; or
- (3) Is of immoral character; or
- (4) Is an habitual user of alcoholic beverages or narcotic drugs. (Ord. of 12/6/82, Sec. 3)

Section 6-1024 Prohibited conduct.

Licensees under this article shall not, and neither shall their employees:

(1) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards, or gambling boards or devices.

(2) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene, or indecent language thereon.

(3) Employ in carrying on the business any person who has been convicted of unlawfully selling alcoholic beverages or narcotic drugs. (Ord. of 12/6/82, Sec. 4)

Section 6-1025 Rules for operation.

The following rules shall be observed by all operators of game rooms within the town.

(1) All game rooms shall be closed from 11:00 p.m. until 7:00 a.m. Monday through Thursday, and shall close at 12:00 midnight on Fridays and Saturdays.

(2) No play on any game shall be allowed during the times when game rooms are required by this article to remain closed.

(3) Game rooms may be open on Sunday only between the hours of 1:00 p.m. and 11:00 p.m.

(4) All game rooms shall be operated only on the ground floor of a building. Plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

(5) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.

(6) No loud noises shall be allowed to emanate beyond the licensed premises.

(7) There must be an adult, 18 years of age or older, managing the business on the premises during hours of operation at all times. (Ord. of 12/6/82, Sec. 5)

Section 6-1026 Revocation of license.

After giving the operator of a game room adequate notice and an opportunity to be heard, the town board may revoke the license of any game room operator who violates the provisions of section 6-1024 or section 6-1025; or is convicted of unlawfully selling alcoholic beverages or narcotic drugs. (Ord. of 12/6/82, Sec. 6)

ARTICLE C

Electronic Gaming Operations

Section 6-3031 Definitions.

For the purposes of this article, the term "electronic gaming operation" means the following:

Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals (collectively the "machines"), to conduct games of chance or simulated games of chance, including sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. The terms, "internet cafes," "internet sweepstakes," "electronic gaming machines/operations," and "cybercafés" include business enterprises where one can use a computer with internet access, usually for a fee on a per hour or per minute basis, or unmetered access with a pass for a day, month, etc. This definition does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law. (Ord. of 5/10/10, Sec. 1)

Section 6-1032 Privilege license tax.

(a) The Fee Schedule is hereby amended to include a two thousand (\$2,000.00) dollar annual privilege license tax for each electronic gaming operation.

(b) In addition to the amount levied in subsection (a), each electronic gaming operation shall pay an additional annual privilege license tax of two thousand five hundred (\$2,500.00) dollars for each electronic gaming machine used or stored as part of the electronic gaming operation.

For example, an electronic gaming operation having one machine shall pay an annual privilege license tax of four thousand five hundred (\$4,500.00) dollars, an operation having two machines shall pay an annual privilege license tax of seven thousand (\$7,000.00) dollars, and so forth. (Ord. of 5/10/10, Secs. 2, 3)

Section 6-1033 Regulations.

(a) The applicant for an electronic gaming operation privilege license shall provide the town the serial number or other identifying number of each electronic gaming machine used or stored as part of the operation. These numbers shall be written on the privilege license, and only those machines for which the serial number or other identifying number has been reported to the town may be used or stored by the electronic gaming operation. If the electronic gaming operation purchases, leases or otherwise acquires new machines or replaces existing machines with other machines, the business operator shall, within 14 days of acquisition, report the serial numbers or other identifying numbers of the acquired machines to the town so that the appropriate privilege license tax may be levied on said machines.

(b) No electronic gaming machine may be used or stored on the premises of an electronic gaming operation without the appropriate annual privilege license tax having been first paid.
(Ord. of 5/10/10, Secs. 4, 5)

Section 6-1034 Repealer.

All provisions of any town ordinance or resolution in conflict with this article are repealed. (Ord. of 5/10/10, Sec. 6)

Section 6-1035 Failure to pay tax.

If an operator of an electronic gaming operation does not pay the business license tax imposed by this article when due, such operator will receive a written warning for noncompliance, and, following written warning, the operation shall have 14 calendar days to pay the business license tax. Failure to pay the business license tax within 14 calendar days from the date of the warning shall result in enforcement action as provided in Article B of Chapter 3 of the Town Code of Ordinances. (Ord. of 5/10/10, Sec. 7)

Sections 6-1036-6-1040 Reserved.

CHAPTER 2

Street and Sidewalk Use and Regulation

Article A. Obstructing.

- Section 6-2001 Assembly on streets and sidewalks.
- Section 6-2002 Display of goods.
- Section 6-2003 Construction near sidewalk.
- Section 6-2004 Sheds and awnings.
- Section 6-2005 Shrubs and limbs or vegetation at intersection to be trimmed or cut.
- Section 6-2006 Sharp objects on streets.
- Sections 6-2007 through 6-2010 reserved.

Article B. Use and Cleanliness

- Section 6-2011 Littering prohibited.
- Section 6-2012 Same; from vehicles.
- Section 6-2013 Maintenance of public areas.
- Section 6-2014 Same; receptacles.
- Sections 6-2015 through 6-2020 reserved.

Article C. Parades and Demonstrations

- Section 6-2021 Definitions.
- Section 6-2022 Permit required.
- Section 6-2023 Standards.
- Section 6-2024 Requirements and issuance of permits.
- Section 6-2025 Certain activities prohibited.
- Section 6-2026 Revocation of permit.
- Section 6-2027 Interference prohibited.
- Section 6-2028 Additional regulations applicable to picketing.
- Section 6-2029 Exceptions.

ARTICLE A

Obstructing

Section 6-2001 Assembly on streets and sidewalks.

Except as provided in section 6-2021 et seq. of this code, it shall be unlawful for crowds or assemblages of persons to congregate on the streets or sidewalks of the town in such a way as to unnecessarily inter-

fere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

Section 6-2002 Display of goods.

It shall be unlawful for merchandise to be displayed by any person on the sidewalks in the town.

Section 6-2003 Construction near sidewalk.

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

Section 6-2004 Sheds and awnings.

It shall be unlawful for any person, firm or corporation to construct or erect, or cause to be constructed or erected, any structure, and particularly any awning or similar structure, over any sidewalk or any part of any sidewalk of the town unless permission is obtained from the town board.

Section 6-2005 Shrubs and limbs or vegetation at intersection to be trimmed or cut.

(a) Shrubs, tree limbs or other vegetation in the town shall be trimmed or cut in order to present an unobstructed view of the intersecting street to the right and left for a distance of at least 200 feet.

(b) If any person fails to trim or cut such shrubs or tree limbs or other vegetation after notice from the town clerk or chief of police, he shall be deemed to have violated the provisions of this section, and the town shall proceed to have such shrubs, tree limbs or other vegetation removed.

Section 6-2006 Sharp objects on streets.

It shall be unlawful to throw or deposit any glass, bottles, crockery, tacks, nails, hoops, wood, or other materials with nails, tacks or any other sharp pointed or sharp edged materials projecting through same on the streets of the town.

Sections 6-2007 through 6-2010 reserved.

ARTICLE B

Use and Cleanliness

Section 6-2011 Littering prohibited.

It shall be unlawful for any person or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of the private property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper, or any type of litter.

Section 6-2012 Same; from vehicles.

It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

Section 6-2013 Maintenance of public areas.

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or unpaved areas for the use of the public, either for parking or as access areas and incident to the carrying on of the principal business of any commercial establishment or premises and which parking or access areas abut or lie within 10 feet of any public street or other public way, shall keep and maintain the areas clean and free from trash, litter, rubbish and any materials liable to be blown, deposited or cast upon the street or other public way.

Section 6-2014 Same; receptacles.

Suitable receptacles may be provided in parking or access areas within the meaning of section 6-2013 hereof. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.

Sections 6-2015 through 6-2020 reserved.

ARTICLE C

Parades and Demonstrations

Section 6-2021 Definitions.

For the purpose of sections 6-2021 through 6-2029 the following terms shall have the definitions ascribed:

(1) "Block" is that portion of any street lying between its intersections with other streets.

(2) "Group demonstration" is any assembly together or concert of action between or among two (2) or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of the assembly.

(3) "Parade" is any assemblage of two (2) or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places.

(4) "Person" is any person, firm, corporation, partnership, association, or other organization, whether formal or informal.

(5) "Picket line" is any two (2) or more persons formed together for the purpose of making known any position or promotion of the persons, or on behalf of any organization or class of persons.

Section 6-2022 Permit required.

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this article.

Section 6-2023 Standards.

The chief of police shall not issue a permit for the proposed parade if he finds that:

(1) the parades, picket lines or group demonstrations are to commence before sunrise or terminate after sunset;

(2) the parades or group demonstrations are to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the chief of police or his designee;

(3) the conduct of the parade will substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(4) the conduct of the parade will require the diversion of so great a number of police officers of the town to properly police the line of movement of the parade and of contiguous areas so that adequate police protection cannot be provided the remainder of the town;

(5) the conduct of the parade will require the diversion of so great a number of ambulances so that adequate ambulance service to portions of the town not occupied by the parade and contiguous areas will be prevented;

(6) the concentration of persons, animals and vehicles at assembly points of the parade will substantially interfere with adequate fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(7) the conduct of the parade is reasonably likely to result in violence to persons or property causing serious harm to the public;

(8) the parade is to be held for the primary purpose of advertising a product, good, or event, and is designed to be held primarily for private profit; or

(9) the conduct of the parade will interfere with the movement of firefighting equipment to such an extent that adequate fire protection cannot be provided to the town. (Ord. of 9/20/90)

Section 6-2024 Requirements and issuance of permits.

The chief of police or his designee shall issue permits as required in the preceding section, and in the issuance thereof he shall:

(1) require a written application for permit to be filed not less than 24 hours in advance of the parade, picket line, or group demonstration, which application shall specify the time and place for the commencement of any picket line and the time, place, route, and duration of any parade or group demonstration;

(2) require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate;

(3) require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. The person shall be required to accompany the parade, picket line, or group demonstration and shall carry the permit with him at that time. The permit shall not be valid in the possession of any other person.

Section 6-2025 Certain activities prohibited.

The following acts or activities, when performed or undertaken in conjunction with, or as a part of any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

(1) the carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights which by their use might constitute a deadly weapon; or

(2) the taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

Section 6-2026 Revocation of permit.

The chief of police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

(1) the violation by any participant of section 6-2025 of this article; or

(2) the failure to comply with the terms and conditions of the permit.

Section 6-2027 Interference prohibited.

No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the chief of police.

Section 6-2028 Additional regulations applicable to picketing.

Picket lines and picketing shall be subject to the following additional regulations:

(1) Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular traffic.

(2) Not more than 10 pickets promoting the same objective shall be permitted to use either of the two (2) sidewalks within a single block at any one (1) time.

(3) Pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory or defamatory in nature.

(4) Pickets must march in single file and not abreast and must not march closer together than 15 feet, except in passing one another.

Section 6-2029 Exceptions.

Sections 6-2021 through 6-2028 shall not apply to:

(1) funeral processions; or

(2) any governmental agency acting within the scope of its functions.

CHAPTER 3

Cable Television System Franchise*

Section 6-3001	Findings and determinations.
Section 6-3002	Grant of nonexclusive franchise.
Section 6-3003	Definitions.
Section 6-3004	Conditions to use of streets.
Section 6-3005	Schedules, standards for construction, maintenance and operation.
Section 6-3006	Remuneration to town.
Section 6-3007	Services.
Section 6-3008	Rates and charges.
Section 6-3009	Duration of franchise; termination; transfer.
Section 6-3010	Protection of subscriber privacy.
Section 6-3011	Rights reserved to the town.
Section 6-3012	Non-waiver.
Section 6-3013	Effective date.
Section 6-3014	Acceptance.
Section 6-3015	Severability.

Section 6-3001 Findings and determinations.

The Town Council of the Town of Stantonburg, North Carolina, does hereby find, determine, and declare as follows:

(a) That after due deliberation including the consideration of the legal, character, financial, and technical qualifications of Alert Cable TV of Wilson, Inc., and its performance under its previous franchise to serve Stantonburg, the board, in open session, at its regular meetings on July 14, 1997 and on August 11, 1997, voted to award a renewal franchise to Alert Cable TV of Wilson, Inc.

(b) That the grant of this franchise is in the public interest. (Ord. of 8/11/97, Sec. I)

Section 6-3002 Grant of nonexclusive franchise.

Alert Cable TV of Wilson, Inc., its successors and/or assigns, is hereby granted the nonexclusive right, privilege and franchise to construct, operate and maintain a cable television system in the Town of Stantonburg upon the terms and conditions as set forth herein. (Ord. of 8/11/97, Sec. II)

Section 6-3003 Definitions.

For the purpose of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning

*Editor's Note: Prior ordinance history includes portions of Ordinance of 8/12/82.

given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Town Council." The governing body of the Town of Stantonsburg, North Carolina.

(b) "CATV." Cable television.

(c) "Cable television service (CATV service, cable service)." The one-way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(d) "Cable television system (CATV system, cable system)." A facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include a facility that serves only to retransmit the television signals of one or more television broadcast stations; a facility that serves subscribers without using any public right-of-way; a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§ 201-226, except that such facility shall be considered a cable system (other than for purposes of 47 U.S.C. § 541) to the extent such facility is used in the transmission of video programming directly to subscribers; or facilities of any electric utility used solely for operating its electric utility systems.

(e) "Franchise." Any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise, to construct, or have constructed, operate, maintain, and provide a CATV service in the incorporated area of Stantonsburg.

(f) "Grantee." Alert Cable TV of Wilson, Inc. and any lawful successor.

(g) "Gross annual receipts." All revenue, net of franchise fees, received directly or indirectly by the grantee, its affiliates, subsidiaries, or parent arising from or attributable to the provision of cable service within the town, including, but not limited to:

(1) Revenue from all charges for services provided to subscribers of entertainment and non-entertainment services (including leased access fees); and

(2) Revenue from the insertion of commercial advertisements upon the cable television system; and

(3) Revenue from all charges for leased use of grantee's studio, if any; and

(4) Revenue from all charges for the installation, connection and reinstatement of equipment necessary for the utilization of the cable television system and the provision of subscriber and other services; and

(5) Revenue from the sale or use or cablecast of any programming developed for community use or institutional users.

Where advertising or other revenue arising from or attributable to the sale of cable services by grantee is received by unrelated third parties not under control of grantee, and some portion of that revenue is remitted to grantee, only the portion of such revenues paid grantee shall be included in the calculation of gross annual receipts.

(h) "Person." Any person, firm, partnership, association, corporation or organization of any kind.

(i) "Property of grantee." A property owned and installed or used by grantee in the conduct of a CATV business in the town under the authority of the franchise granted pursuant to this chapter.

(j) "Street." The surface of and the space above and below the publicly owned or maintained property or right-of-way, street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the town.

(k) "Subscriber." Any person or entity receiving for any purpose the CATV service of the grantee.

(l) "Town." The Town of Stantonsburg, North Carolina, and all the territory within its existing and future territorial corporate limits. (Ord. of 8/11/97, Sec. III)

Section 6-3004 Conditions to use of streets.

(a) The poles used for a distribution service shall be, to the extent possible, those erected and maintained by either the power company, Western Union, railroad company, or the telephone company, or any or all of them, whenever agreement can be reached with the owners of such poles. Any poles, wires, cables, conduits, or other properties to be constructed or installed in streets shall be so constructed or installed in compliance with town ordinances which regulate work in the public ways of the town. They shall be located so as to cause minimum interference with the proper use of streets and to cause minimum interference with the rights of reasonable convenience of the general public and of the owners of property adjoining such streets.

(b) Installation of the facilities shall be made underground in all areas where electrical and telephone service are installed underground.

(c) The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the town by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or re-establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, or any other type of structures, or improvements by the town and the town shall not be liable for any disturbances of the grantee's installations resulting therefrom.

(d) The grantee shall obtain all necessary permits for street opening, shall have installation or construction plans approved prior to construction as may be required by the town, shall secure all necessary permits at its expense and must pay all fees charged for closing pavement cuts.

(e) Whenever grantee takes up or disturbs any pavement, sidewalk or other improvement of any street, the same shall be replaced and the surface restored in as reasonably good condition as before entry, in accordance with town ordinances which regulate work in the public ways of the town. Any opening or obstruction in the streets shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which shall be clearly designated by warning lights of approved types.

(f) In the event that the use of any part of the CATV service is disconnected for any reason for a continuous period of 12 months, or the franchise has been terminated, canceled or has expired, the town may require grantee to promptly remove from the streets or public places all such property and poles of the grantee, such removal to be done at grantee's expense.

(Ord. of 8/11/97, Sec. IV)

Section 6-3005 Schedules, standards for construction, maintenance and operation.

(a) Grantee's cable system serving the town shall be constructed, operated and maintained to provide a minimum capacity of 450 MHZ (60 channels).

(b) Construction and maintenance of the CATV system, including house connections, shall be in accordance with FCC standards, the National Electrical Safety Code and such applicable local ordinances and regulations affecting electrical installations as may be presently in effect in the town.

(c) Grantee is required to make cable television service available to all residents of the town on a non-discriminatory basis. However, grantee shall not be required to extend its cable television system in areas where there exists a density of less than 20 residential dwelling units per mile of cable plant as measured from the nearest terminal point on grantee's activated cable plant. For purposes of this chapter, residential subscribers shall include, but not be lim-

ited to, any single living unit, including single-family dwellings, apartments, motels, hotels or similar type use. In addition, the grantee shall make cable TV services available to any business, industry or non-residential unit within 300 feet of its lines. Areas annexed into the town and newly-built residences shall be provided service within 12 months of meeting the density standard described above.

(d) Grantee shall comply with all applicable FCC rules and regulations governing the provision of Emergency Alert Systems.

(e) The grantee shall so operate and maintain its cable television service so that there will be no interference with television or radio reception through individually owned receiving antennas.

(f) The town shall, if it deems it necessary, have the right and privilege to inspect the construction, installation, operation and maintenance of the cable television system by the grantee in order to satisfy itself as to the proper performance of the terms of this franchise.

(g) The grantee shall install and maintain a CATV system which shall be in accordance with the highest and best accepted standards of the industry, to the effect that subscribers shall receive the highest quality of service. In addition, the grantee shall comply with all requirements of duly constituted regulatory agencies having jurisdiction over the operation of CATV services.

(h) The operation of any CATV system shall be subject to and restricted by the rules, regulations and specifications promulgated from time to time by the Federal Communications Commission and similar federal and state agencies affecting CATV systems of the type contemplated by this chapter.

(i) Grantee further shall and agrees to keep available in its cable television system at all times maintenance and repair crews in sufficient number and capability as may be necessary and sufficient to give prompt, reasonable, and capable maintenance and repair service to the cable television system in accordance with good engineering practices. To the extent possible, grantee shall provide such adjustments and repairs as are necessary to provide a quality signal to the subscriber within two business days of the time the report of trouble is made and repairmen shall be available for such purpose during normal business hours and on an emergency basis and must respond to a call within one business day after such call is received. Grantee shall maintain a publicly listed telephone that can provide 24-hour response to service calls through the use of an answering system or service.

(j) Grantee shall maintain a business office which may be in the same building and location as its warehouse or place from which its repair and maintenance activities are conducted. Said office shall be the official office of the grantee to which all notices, correspondence, etc., from the town will be sent, and grantee shall provide the town with an official notification of the location of such office. Grantee shall also maintain a representative at its office who shall

be fully authorized to and shall make prompt investigation and resolution of all complaints regarding the quality of service, equipment malfunction, the handling of orders and service, and all other matters relating to or affecting the quality of service being rendered and to be rendered by the grantee in the operation of a cable television system in the town. Grantee shall maintain a log of subscriber complaints showing name, date, nature, and resolution.

(k) In order to promote its services to the residents of the town, grantee shall specifically be allowed to conduct marketing programs using door-to-door sales and/or telemarketing, during reasonable hours in addition to other marketing methods available.

(l) Grantee shall provide without installation charge and without the payment of a monthly or other fee, basic subscriber television service to town hall and to all firehouses, police stations and public schools in the town and located within 200 feet of grantee's activated distribution lines. Such connections provided without charge or monthly fee shall be limited to not more than one drop per building and not more than one connection per drop.
(Ord. of 8/11/97, Sec. V)

Section 6-3006 Remuneration to town.

(a) In consideration of the rights and privileges granted hereunder and upon acceptance of this franchise by the grantee, the grantee, during the life of this franchise agreement, shall pay to the town on or before the first day of March of each year a franchise fee to cover the previous calendar year, in an amount equal to five (5%) percent of the grantee's gross annual receipts as defined in Section 6-3003 hereof. Sales taxes or other taxes or fees levied directly on a per subscriber basis by any governmental body or agency shall be deducted from the gross annual receipts before computation of the annual franchise fee is made.

(b) Each annual franchise fee payment made to the town hereunder shall be accompanied by a statement of revenues, showing in detail the grantee's gross annual receipts, as defined herein, during the previous calendar year and the computation of payment.

(c) Acceptance of payments hereunder as franchise fees shall not be construed as a release or as an accord and satisfaction of any claim that the town may have further and additional sums payable under this section or for the performance of any other obligation hereunder.
(Ord. of 8/11/97, Sec. VI)

Section 6-3007 Services.

(a) The cable television service provided by the grantee shall initially consist of at least 50 channels. As grantee determines appropriate based on subscriber demand, it may increase the level of service it offers in the town.

(b) Grantee's service shall include pay-per-view and such channels and programming as the grantee deems appropriate to meet the interests of its subscribers.

(c) In the event the federal laws or regulatory agents permit the town to control, regulate or otherwise have a right to have some control over the level of service that the grantee provides, then in that event, the parties agree that the town shall be able to exercise such control at that time to the extent allowed by law. (Ord. of 8/11/97, Sec. VII)

Section 6-3008 Rates and charges.

Rates charged by grantee for its services shall be reasonable, fair and non-discriminatory. Grantee shall provide advance notice to its subscribers of changes in rates or charges, as required by applicable FCC rules and regulations. Should the town undertake regulation of grantee's basic service rates, it shall do so in a manner consistent with applicable rules and regulations of the FCC. (Ord. of 8/11/97, Sec. VIII)

Section 6-3009 Duration of franchise; termination; transfer.

(a) Term. The franchise shall be non-exclusive and shall be for a term of 15 years from and after the effective date hereof.

(b) Renewal. The franchise renewal procedures shall be conducted in a full, open and public proceeding in compliance with applicable federal laws and regulations as set out in 47 U.S.C. § 546, as may be amended from time to time.

(c) Sale or transfer. The franchise shall not be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without the prior consent of the board of commissioners expressed by resolution, which consent shall not be unreasonably withheld, and then only under such reasonable conditions as may therein be prescribed. In addition to such conditions, the successor in interest as approved by the board shall comply with the terms of this chapter with respect to filing acceptance and evidence of insurance and shall show that it is financially responsible. Provided, however, the provisions of this subsection shall not apply to a transfer in trust, mortgage or other hypothecation to secure an indebtedness nor shall they apply to a transfer to a company controlling, controlled by or under the same common control with the grantee.

(d) Termination. The board may terminate the franchise prior to the date of expiration, upon a finding made after 30 days' notice, of any proposed termination and public hearing, that:

(1) The grantee has failed to comply in some material respect with any material provision of this chapter, or has, by any act or omission, violated in some material respect any term or condition of any franchise or permit issued hereunder; or

(2) The grantee has made a material, false statement in the application for the franchise, knowing it to be false; or

(3) The grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate and proper service in accordance with the provisions of this franchise; or

(4) The grantee abandons its service or its system; or

(5) The grantee becomes insolvent, declares bankruptcy or goes into receivership; or there is a foreclosure or assignment for creditors or any similar event occurs.

Provided, however, that no notice of any proposed termination and public hearing shall be given unless the grantee shall have first been notified by the town manager in writing of its failure, act or omission and shall have been allowed 60 days or such longer time as may be reasonably determined by the town in which to effect cure, and provided, further, that any such failure, act or omission shall not be considered grounds for termination if caused by reasons outside the control of the grantee.

(e) Removal of assets. Upon denial of renewal of this franchise or upon its revocation, termination or expiration as provided for herein, the town shall have the right to require the grantee to remove, at the grantee's own expense, all portions of the cable television system belonging to the grantee from all streets and public ways within the town.

(f) Continuity of service mandatory. It shall be the right of all subscribers to receive all available services so long as their financial obligations to the grantee are met. In the event that the grantee elects to rebuild, modify or sell the system, the grantee shall make every effort to see that subscribers receive continuous service, regardless of circumstances.
(Ord. of 8/11/97, Sec. IX)

Section 6-3010 Protection of subscriber privacy.

(a) Protection of subscriber privacy mandatory. Grantee shall at all times protect the privacy of subscribers, as provided in this chapter and other applicable federal, state and local laws.

(b) Notice of privacy provisions. To the extent required by federal law or regulation, grantee shall, at the time of entering into an agreement to provide any cable service or other service to a subscriber, and at least once a year thereafter, provide notice in the form of a separate written statement to subscribers which clearly and conspicuously informs the subscribers of:

(1) The privacy rights of the subscriber under applicable federal subscriber privacy provisions;

(2) The nature of personally identifiable information collected or to be collected with respect to the subscriber and the nature of the use of such information;

(3) The nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

(4) The period during which such information might be maintained by the cable operator;

(5) The times and place at which the subscriber may have access to such information in accordance with applicable federal, state and local law.

(Ord. of 8/11/97, Sec. X)

Section 6-3011 Rights reserved to the town.

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, any right of the town to acquire the property of the grantee, either by purchase or through the exercise of eminent domain.

(b) At all reasonable times, the grantee shall permit any duly authorized representative of the town:

(1) To examine any and all financial records maintained by or under the control of the grantee relating to all revenue obtained by it from its operations under the franchise;

(2) To inspect any or all maps or other diagrams maintained by or under control of the grantee showing the location and the layout of the various components of the CATV system operated by it under its franchise;

(3) To inspect any and all installations owned, maintained, or used by the grantee in its operations under its franchise, including all towers, cables and other components of the grantee's CATV system.

(c) The grantee shall indemnify and save harmless the town, its board, officers and employees, from and against any and all claims, demands, actions, suits and proceedings by others, and against all liability to others, arising out of the exercise or enjoyment of its franchise, including, but not limited to, any liability for damages by reason of or arising out of any failure of the grantee to secure consents from the owners, authorized distributors or licenses of programs to be delivered by the grantee's CATV system and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees.

(d) Concurrently with the filing of the written acceptance as required, the grantee shall file with the town clerk, and at all times thereafter maintain in full force and effect for the term of this franchise or any renewal thereof, a good and sufficient liability in-

insurance policy or policies, or in lieu thereof a certificate or certificates of insurance demonstrating the existence of such coverage, providing \$300,000 coverage for personal injuries to each person; \$500,000 coverage for all personal injuries in each accident; and \$300,000 coverage for all property damage in each accident. The policy or policies shall include the town as an additional insured, and shall be for the purpose of insuring the town against any and all legal liability, court costs and cost of defense for any action, claim or demand for personal injury, death or property damages arising out of the operations of the grantee under this chapter. In addition, the grantee shall carry excess liability insurance coverage in an amount of \$2,000,000 and shall cause the town to be included as an additional insured.

(Ord. of 8/11/97, Sec. XI)

Section 6-3012 Non-waiver.

No provision of this agreement shall be construed as a waiver of local, state or federal law, or as a limit of liability. (Ord. of 8/11/97, Sec. XII)

Section 6-3013 Effective date.

The effective date of the franchise shall be October 14, 1997, subject to final adoption of this chapter by the board of commissioners of the town. (Ord. of 8/11/97, Sec. XIII)

Section 6-3014 Acceptance.

This franchise agreement and all of its terms and provisions shall be accepted by grantee in writing within 60 days of the grant of this franchise by the town and when accepted shall be filed with the town clerk. Concurrently with the filing of said written acceptance, grantee shall file with the town clerk all evidence of insurance required by this chapter. (Ord. of 8/11/97, Sec. XIV)

Section 6-3015 Severability.

Should any part, term, or provision of this chapter or franchise be by the courts declared to be illegal or unauthorized or in conflict with any laws of the United States or the State of North Carolina, or be in conflict with any valid rule or regulation duly promulgated by any agency or regulatory body of the United States, then that portion of this agreement may, upon request by either party, be reopened and renegotiated by the parties according to the new rules and regulations. (Ord. of 8/11/97, Sec. XV)

CHAPTER 4

Franchise to Distribute Natural Gas

Section 6-4001	The parties.
Section 6-4002	Franchise granted.
Section 6-4003	The territorial area involved.
Section 6.4004	Duration.
Section 6.4005	Natural gas.
Section 6-4006	Obligation of company to furnish natural gas.
Section 6-4007	Quality and pressure.
Section 6-4008	Conditions of revocation.
Section 6-4009	Extending mains and services.
Section 6-4010	Meters.
Section 6-4011	Disturbance of streets; restoration.
Section 6-4012	Municipality to be furnished indemnity against injuries, damage and nuisances.
Section 6-4013	Plat of gas pipes.
Section 6-4014	Reports and records.
Section 6-4015	Assignment of mortgage.
Section 6-4016	Acceptance.

Section 6-4001 The parties.

The word "municipality" means the Town of Stantonsburg, a municipal corporation organized, created and existing under and by virtue of the laws of North Carolina, and the word "company" shall mean North Carolina Natural Gas Corporation, its successors and assigns. (Ord. of 6/5/89)

Section 6-4002 Franchise granted.

Subject to the provisions of the charter of the municipality, the laws of North Carolina, so far as applicable, and to the provisions of this ordinance, the permission, right, privilege, and franchise are hereby given and granted to the company, to supply, sell, furnish and distribute natural gas to the inhabitants of the municipality, and for that purpose to lay, install, construct, operate, repair and maintain the necessary gas lines, pipes, conduits, devices, services, and other facilities in the public streets, sidewalks, alleys, avenues, highways, and other public ways in the municipality for the furnishing, distribution, and sale of natural gas to the inhabitants and consumers thereof in the municipality. (Ord. of 6/5/89)

Section 6-4003 The territorial area involved.

The area to be covered by this franchise includes the present territorial limits of the municipality and any future areas which may be annexed to the existing corporate limits of said municipality. (Ord. of 6/5/89)

Section 6-4004 Duration.

The duration of this franchise shall be for a period of 20 years from and after the enactment of this ordinance upon and after its second reading at a regular meeting of the town council of the municipality. (Ord. of 6/5/89)

Section 6-4005 Natural gas.

The term "natural gas" as used herein shall mean that gas received by the company through the various transmission lines admixed as allowed by the appropriate regulatory authorities. (Ord. of 6/5/89)

Section 6-4006 Obligation of company to furnish natural gas.

The company agrees to deliver to and distribute for the use of the inhabitants within the municipality, during the period of this franchise, and providing there is a demand for same, natural gas in sufficient quantity to supply the demand of gas customers within the municipality. (Ord. of 6/5/89)

Section 6-4007 Quality and pressure.

The quality and pressure of the natural gas to be furnished and supplied within the municipality shall conform to the quality and pressure standards set by appropriate regulatory authorities. (Ord. of 6/5/89)

Section 6-4008 Conditions of revocation.

This ordinance shall be effective from the date of adoption by the municipality and acceptance by the company, and shall not be revoked by the municipality unless the company fails to provide adequate service under the provision of this franchise to the public. (Ord. of 6/5/89)

Section 6-4009 Extending mains and services.

The company shall extend its gas mains and service pipes for furnishing natural gas to and upon any present or future dedicated street, highway, avenue, or alley, or any part thereof, in said municipality in accordance with the following guidelines:

(a) When specific buildings are to be served and there is evidence or assurance that gas will be used when made available, the entire main extension will be made at the expense of the company provided the length of the new extension does not exceed 100 feet for each building. However, if the buildings to be served include multiple dwellings of three units or more, the free allowance for such building may be increased to 50 feet per dwelling unit.

(b) When the length of the gas service line required between the property line and the meter is 100 feet or less, the company will make

no charge for the service line installation. When a single service line is to be installed to service multiple dwelling units numbering three or more, the allowable length of service line between the property line and the meter may be increased to a total of 50 feet per dwelling unit but not more than 750 feet for a single service.

(c) When the length of the new main extension or service line exceeds the free allowances described above, the company will bear the cost of the entire extension only if, in the judgment of the company the probable use of gas, and other related conditions, justify the investment. (Ord. of 6/5/89)

Section 6-4010 Meters.

Gas meters shall be inspected and maintained by the company according to the general standards required in natural gas distribution systems. (Ord. of 6/5/89)

Section 6-4011 Disturbance of streets; restoration.

(a) Except in emergency situations, the company shall not excavate in the public streets, parkways, sidewalks, or public grounds of the municipality, until it shall obtain from the municipality, a permit, which shall state in particular the location of proposed excavation, and the approximate time to be required. All excavations, backfilling, and paving shall be subject to the inspection by the municipality and shall be done according to the standard practice of the municipality in the installation of its water and sewer installations.

(b) In all cases where any highway, street, or other public way shall be excavated, disturbed or encumbered by the company, it shall take all precautions necessary or proper for the protection of the public and shall maintain adequate warning signs, barricades, signals, and other devices necessary or proper to give adequate notice or warning to the public of the existence of all actual conditions and hazards present.

(c) Whenever the municipality shall grade or regrade any public street, alley, sidewalk, or highway, in, along, under, or across which the company shall have installed any of its gas mains or pipes, it shall be the duty of the company, at the request of the municipality, at its own cost and expense, to change promptly said gas mains or pipes so as to conform to the new grade which is then being or has been established.

(d) Municipality reserves the right to repair roads, streets, bridges and other facilities for which it is responsible and which have been altered, excavated, disturbed or encumbered by the company; and, as to such, the company agrees to reimburse to the municipality the actual cost incurred by the municipality in effecting such repairs.

(e) If the municipality decides to pave or repave a street, it will endeavor to give 60 days' prior notice to the company of the intention to pave or repave such street. Where such notice is given, then the company shall perform such work as the company deems necessary for the extension of new lines or the repair of existing lines within said street prior to the time the municipality begins paving or repaving of the street. If the company fails to perform such work prior to the street being paved or repaved after 60 days' notice, and except for emergency repairs, and should it be deemed necessary by the company to excavate in the newly paved or repaved street, the company shall pay to the municipality an amount equivalent to three times the municipality's standard repair cost. This payment provision shall apply for a period of three years from the date of completion of the newly paved or repaved street. (Ord. of 6/5/89)

Section 6-4012 Municipality to be furnished indemnity against injuries, damage and nuisances.

(a) The company agrees that it will at all times indemnify the municipality, its officers, employees, and servants for each and all such nuisances, damage, injury, loss, cost or expense caused or occasioned or contributed to by any act or failure to act, of the company, its officers, agents, servants, and employees, in the construction, installation, repairing, maintaining or in the operation of said mains, pipes, or any of the facilities, equipment or devices of the company for the sale, transportation and distribution of gas in said municipality, including making cuts, disturbances, and excavations in the public streets and other public ways, except such indemnity shall not apply to any such loss, cost or expense caused by the negligence of the municipality; and the company shall secure and file with the municipality certificates for liability insurance in an appropriate amount, such amount to be determined by the North Carolina Utilities Commission if not mutually agreed upon the municipality and the company.

(b) Said company, by the acceptance of this franchise, shall hold the municipality, its officers, agents, and employees, free and harmless from all damages and all claims for damages and from all personal injuries and deaths and all claims for personal injuries or deaths, and for all nuisances, which may arise or in any manner grow out of or result in any way from its installations, operation, maintenance, or repair of its mains, pipes, conduits, devices or any of its facilities in said municipality, except such damages and claims for damages as shall be caused by the negligence of the municipality, but including any and all damages, claims, nuisances, injuries, or deaths arising or occurring by reason of the negligence of said company, its agents and employees.

(Ord. of 6/5/89)

Section 6-4013 Plat of gas pipes.

The company shall annually furnish the municipality with a map of its transmission and distribution system, which map shall be brought

up to date as of January 1st of each year so as to reflect "as built" conditions. (Ord. of 6/5/89)

Section 6-4014 Reports and records.

During the period of this franchise herein granted, the books and records of the company shall contain accurate records of the company's property and business transactions in said municipality, and the company shall make such books and records available to the municipality at all reasonable times, and the municipality shall have the right and privilege, at its own expense, at all reasonable times to inspect, examine, audit, copy, investigate, and study the books, records, papers, contracts, leases and other documents and properties of the company not only as they pertain to properties and operations in said municipality, but also to the properties and operations of the company, its successors and assigns, through its entire system. (Ord. of 6/5/89)

Section 6-4015 Assignment of mortgage.

(a) All rights, privileges and franchises by this ordinance given or granted to the company, shall inure to the benefit of its assigns and successors in interest according and subject to the further provisions of this ordinance, and all obligations, duties, liabilities, limitations, prohibitions, amendments, forfeitures by this ordinance created or imposed upon the company, shall be binding upon and be assumed, kept and performed by its legal assigns and successors in interests, according to the true intent and purposes of the ordinance whether expressly so stated or not.

(b) Neither this section nor any provision of this ordinance shall be so construed as to give the company the right, and it is hereby provided that the company shall not have the right, power or privilege to to sell, assign, lease or sublet any of the rights, privileges, covered by the terms of this franchise, or any right or interest therein or thereunder, without the approval of the governing body of the municipality first had and obtained and expressed by ordinance duly adopted by its governing body.

(c) It is expressly provided, however, that the company shall and it is hereby granted the right during the existence of this franchise to mortgage, encumber, refinance, renew, extend any indebtedness, or otherwise hypothecate this franchise, together with all rights and privileges thereunder and any right or interest therein, without further approval of the governing body of the municipality, upon such terms and conditions as the company may deem advisable.
(Ord. of 6/5/89)

Section 6-4016 Acceptance.

This ordinance and its terms and provisions shall be accepted by the company in writing, executed and acknowledged by it, as provided upon or at the end of a copy of the ordinance.

Unless this ordinance shall be accepted in the manner herein provided within 30 days after its final passage, it shall not become effective, anything herein to be the contrary notwithstanding. (Ord. of 6/5/89)

PART 7 MOTOR VEHICLES AND TRAFFIC

PART 7

Motor Vehicles and Traffic

- Chapter 1. General Traffic Regulations
- Chapter 2. Motor Vehicle Registration

CHAPTER 1

General Traffic Regulations

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- Section 7-1011 Authority of police and fire department officials.
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ARTICLE A

Words and Phrases Defined

Section 7-1001 Definitions of words and phrases.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

- (1) "Alley." A thoroughfare through the middle of a block.

(2) "Authorized emergency vehicle." Vehicles of the fire department, police vehicles, and ambulances and emergency vehicles of municipal departments or public service corporation as are designed or authorized by the chief of police.

(3) "Bicycle." Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is over 20 inches in diameter.

(4) "Block." A portion of any street located between any two (2) intersections of any two (2) streets or public alleyways next adjacent to each other.

(5) "Commercial vehicle." Every vehicle designed, maintained, or used primarily for the transportation of property.

(6) "Crosswalk." That portion of any street or roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface of the street or roadway.

(7) "Curb loading zone." A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) "Driver." Every person who shall drive or who shall be in actual physical control of the operation of any vehicle.

(9) "Freight curb loading zone." A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

(10) "Intersection."

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two (2) roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2) roadways 30 feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(11) "Laned roadway." A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(12) "Motorcycle." Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(13) "Motor vehicle." Every vehicle which is self-propelled and every vehicle designed to run upon the streets which is pulled by a self-propelled vehicle.

(14) "Official traffic control device." Any sign, signal, marking or device, not inconsistent with this chapter, placed or erected by authority of the governing body by a designated official having jurisdiction through authority given by the governing body, for the purpose of regulating, warning, prohibiting or guiding traffic upon the public streets and thoroughfares of the town.

(15) "Official traffic signals." Any device, whether manually, electrically or mechanically operated, whereby traffic is alternately directed to stop and to proceed, or to turn, or to proceed with caution.

(16) "Park." The standing of any vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or cargo.

(17) "Passenger curb loading zone." A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(18) "Pedestrian." Any person afoot.

(19) "Person." Every natural person, firm, co-partnership, association, or corporation.

(20) "Police officer." Every police officer of the town, including every employee of the town authorized and empowered to regulate traffic and to make arrests for any violations of the provisions of this chapter.

(21) "Private road or driveway." Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(22) "Public conveyance." Any vehicle other than a taxicab or railroad train for transporting persons for a fare.

(23) "Right-of-way." The privilege of the immediate use of the street or roadway.

(24) "Roadway." That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadways separately but not to all roadways collectively.

(25) "Standing." Any stopping of any vehicle, whether or not the vehicle is occupied during the period of stopping.

(26) "Stop." When required means the complete cessation of movement of any vehicle.

(27) "Stop or stopping." When prohibited, means any stopping of any vehicle, except when the stopping means that it shall be necessary to stop the vehicle to avoid conflict with other traffic or in compliance with direction of any peace officer of the town or by reason of any traffic control sign or signal or by reason of any emergency.

(28) "Through highway." Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

(29) "Traffic." Pedestrians, ridden or herded animals, vehicles of all kinds, conveyances, tractors, bicycles, motorcycles and the like, either singly or together, while using any street or alleyway for travel, including the operation of, the loading or unloading of or the parking of any vehicle upon any of the public streets of the town.

(30) "Vehicle." Every device used in, upon, or by which any person or property is or may be transported or drawn upon any street within the corporate limits, and for the purposes of this chapter any bicycle shall be deemed a vehicle.

State Law Reference: Municipal authority to regulate traffic generally, G.S. 160A-300; motor vehicles, G.S. Chapter 20.

Sections 7-1002 through 7-1010 reserved.

ARTICLE B

Enforcement of and Obedience to Traffic Regulations

Section 7-1011 Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department to enforce all street traffic laws and all of the state vehicle laws applicable to street traffic.

(b) Officers of the police department are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

Section 7-1012 Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

Section 7-1013 Authorized emergency vehicles.

The provisions of this article regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this article, except provided under state law.

State Law Reference: Emergency vehicles, exceptions to right-of-way rules, G.S. 20-156.

Sections 7-1014 through 7-1020 reserved.

ARTICLE C

Traffic Control Devices

Section 7-1021 Obedience to signs, markers or devices, generally.

Any person failing or refusing to comply with the directions indicated on any sign, marker or device for the control or direction of traffic erected or placed in accordance with the provisions of this article when so placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under section 7-1013.

Section 7-1022 Signs as prerequisite to enforcement.

No provisions of this article for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to an ordinarily observant person.

Section 7-1023 Traffic control signal legend.

Whenever traffic is controlled by traffic control signals (appendix I, section 101) exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "go."

a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "caution" when shown following the green or "go" signal.

a. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and the vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.

b. No pedestrian facing the signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal.

(3) Red alone or "stop."

a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone. Provided, however, that if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop. Streets on which right turns on red are not allowed are set out in appendix I, section 102 hereof.

b. No pedestrian facing the signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal.

(4) Red with green arrow.

a. Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

b. No pedestrian facing the signal shall enter the roadway until the green or "go" is shown along unless authorized so to do by a pedestrian "walk" signal.

(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal.

Section 7-1024 Flashing signals.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(1) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall come to a complete stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In no event shall the vehicle be driven into the crosswalk unless and until the entry can be made with safety to other persons and property at the place.

(2) Flashing yellow (caution signal) (appendix I, section 103). When a yellow lens is illuminated with rapid intermittent flashes,

drivers or operators of vehicles may proceed through the intersection past the signal only with caution.

Section 7-1025 Display of unauthorized signs, signals, or markings.

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is imitation of or resembles an official traffic control device, sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device, sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

Section 7-1026 Interference with official traffic control devices, signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Section 7-1027 Traffic lanes.

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Section 7-1028 Zone of quiet.

Whenever authorized signs are placed indicating a zone of quiet, the person operating a motor vehicle within the zone shall not sound the horn or any other warning device, except in an emergency.

Section 7-1029 School zones.

Whenever authorized signs are placed designating any street or part thereof, as a school zone, drivers of motor vehicles using the street shall exercise the greatest care for the protection of children.

Section 7-1030 Yield signs.

(a) The driver of a vehicle approaching a yield sign erected at these intersections described in appendix I hereof, section 104, shall and in obedience to the sign slow down and yield the right-of-way to any pedestrian crossing the roadway on which he is driving and to any vehicle in movement on the main traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through street or highway.

(b) The driver of the vehicle approaching a yield sign, if required to stop, shall stop before entering the crosswalk on the near side of the intersection; or in the event there is no crosswalk, at a clearly marked stopline; but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(c) In accordance with the above, and when signs are erected giving notice thereof, drivers of vehicles, when entering designated or main traveled or through streets from intersecting streets in the direction or directions shown, shall yield the right-of-way to approaching pedestrians or vehicles.

Sections 7-1031 through 7-1040 reserved.

ARTICLE D
Speed Regulations

Section 7-1041 General.

Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of 35 miles per hour inside the town corporate limits.

State Law Reference: General 35 m.p.h. speed limit inside municipal corporate limits, G.S. 20-141.

Section 7-1042 Exceptions.

(a) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets of the state highway system listed in each designated appendix hereby made a part hereof:

- (1) 20 miles per hour (appendix I, section 105)
- (2) 25 miles per hour (appendix I, section 106)
- (3) 30 miles per hour (appendix I, section 107)
- (4) 40 miles per hour (appendix I, section 108)
- (5) 45 miles per hour (appendix I, section 109)
- (6) 50 miles per hour (appendix I, section 110)
- (7) 55 miles per hour (appendix I, section 111)

(b) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets, not a part of the state highway system, listed in each designated appendix, hereby made a part hereof:

- (1) 20 miles per hour (appendix I, section 112)
- (2) 25 miles per hour (appendix I, section 113)
- (3) 30 miles per hour (appendix I, section 114)
- (4) 40 miles per hour (appendix I, section 115)
- (5) 45 miles per hour (appendix I, section 116)

(6) 50 miles per hour (appendix I, section 117)

(7) 55 miles per hour (appendix I, section 118)

Sections 7-1043 through 7-1050 reserved.

ARTICLE E

Turning Movements

Section 7-1051 Turning markers.

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of the indications.

Section 7-1052 Authority to place restricted turn signs.

The board shall determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at these intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs or they may be removed when the turns are permitted. Restrictions on turning movements shall be as specified in appendix I, sections 119 through 121 hereby incorporated herein.

Section 7-1053 Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any sign.

Sections 7-1054 through 7-1060 reserved.

An Ordinance to add a one block section of W. Macon Avenue in a westerly direction from Main Street to Yelverton Street to Section 122 of Appendix A of the Charter and Code of Ordinances For the Town of Stantonsburg, making this section one way in a westerly direction, and also to add the intersection of Yelverton Street and W. Macon Avenue to Section 120 of Appendix A of the Charter and Code of Ordinances, prohibiting right turns from Yelverton Street onto W. Macon Avenue:

Section 122

Running westerly along W. Macon Avenue from the intersection of W. Macon Avenue and Main Street and Main Street to the intersection of W. Macon Avenue and Yelverton Stret.

Section 120

From Yelverton Street onto W. Macon Avenue at the intersection of Yelverton and W. Macon.

This Ordinance shall be effective immediately, November 10, 2014. If approval must be obtained by the North Carolina Department of Transportation, then upon approval by the North Carolina Department of Transportation.

ARTICLE F

One Way Streets and Alleys

Section 7-1061 Authority to sign one way streets and alleys.

Whenever any ordinance designates any one way street or alley there shall be signs giving notice thereof, and no regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 7-1062 One way streets and alleys.

Upon those streets and parts of streets and in those alleys described in appendix I, section 122, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Sections 7-1063 through 7-1070 reserved.

ARTICLE G

Special Stops Required

Section 7-1071 Through streets designated.

Those streets and parts of streets described in appendix I, section 123, hereby made a part hereof, are declared to be through streets for the purpose of this article.

Section 7-1072 Authority to erect stop signs.

Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersecting the through street or intersecting portion thereof described and designated as such by any ordinance unless traffic at any intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

Section 7-1073 Intersections where stop required.

The board may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one (1) or more entrances to any stop intersection, and shall erect a stop sign at every place where a stop is required. These places are specified in appendix I, section 124, hereby made a part hereof.

Section 7-1074 Signs to bear the word "stop."

Every sign erected pursuant to this article shall bear the word "stop" in letters not less than eight (8) inches in height and the signs shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the side of the intersection or, if none, at the nearest line of the roadway.

Section 7-1075 Vehicles to stop at stop signs.

(a) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection described in appendix I, section 124 of this code and indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, or, if known then, at the point nearest the intersecting

roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(b) The driver having stopped in obedience to a stop sign at an intersection shall proceed cautiously yielding the right-of-way to all vehicles not so obliged to stop which are approaching the intersection.

Sections 7-1076 through 7-1080 reserved.

ARTICLE H

Miscellaneous Driving Rules

Section 7-1081 Provisions supplemental to "Rules of the Road."

In addition to general traffic regulations enumerated in this chapter, the operation of all vehicles subject to these regulations shall be governed by and subject to the provisions of Part 10, Article 3, Chapter 20 of the General Statutes entitled, "Operators of Vehicles and Rules of the Road." It is intended that the provisions of this code shall be supplemental to these and all other general traffic regulations covered under applicable General Statute.

Section 7-1082 Spinning of tires prohibited.

It shall be unlawful for any motor vehicle operator within the limits of the town, either from a standing position, or while the car is in forward or backward motion, to suddenly accelerate the motor vehicle to the extent that the vehicle is caused to rapidly gain speed, wherein, to spin, squealing the tires, or throwing rocks or other objects in the roads to the rear, to the end that "scratching off" is expressly prohibited as a public nuisance and driving hazard, in violation of the terms of this section.

Section 7-1083 Vehicles on sidewalk prohibited.

It shall be unlawful to operate a motor vehicle on the sidewalks of the town. This shall also include the operation of motorcycles, bicycles and skateboards and the parking or leaving of same on sidewalks.

Section 7-1084 No through trucks.

There shall be no through trucks on Saratoga Road from Commercial Avenue to Main Street, unless the truck is taking on or discharging goods, wares or merchandise at a business or dwelling located on Saratoga Road. For purposes of this section, a "truck" is defined to mean a vehicle having an axle load limit in excess of 13,000 pounds.

Sections 7-1085 through 7-1090 reserved.

ARTICLE I

Pedestrians' Rights and Duties

Sections 7-1091 through 7-1100 reserved.

ARTICLE J

Regulations for Bicycles

Section 7-1101 Effect of regulations.

(a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.

(b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Section 7-1102 Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

Section 7-1103 Obedience to traffic control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any sign, except where the person dismounts from the bicycle to make any turn, in which event the person shall then obey the regulations applicable to pedestrians.

Section 7-1104 Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

Section 7-1105 Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

Section 7-1106 Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 7-1107 Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one (1) hand upon the handlebars.

Section 7-1108 Riding on sidewalks.

No person shall ride a bicycle upon the sidewalks of the town.

Section 7-1109 Bicycles to have lights.

When ridden at night, all bicycles shall be equipped with lights and reflectors in conformance with state law.

Sections 7-1110 through 7-1120 reserved.

ARTICLE K

Method of Parking

Section 7-1121 Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as otherwise provided in this article.

Section 7-1122 Unattended vehicles.

It shall be unlawful for any person to leave the engine or motor of any motor vehicle running while it is standing parked upon the streets.

Section 7-1123 Parking near intersections.

It shall be unlawful to park a motor vehicle nearer than 15 feet from the intersection of any street.

Section 7-1124 Blocking driveways.

It shall be unlawful for any person to park any motor vehicle upon the public streets in the town in such a way that the motor vehicle shall obstruct free ingress to or egress from any driveway, whether such driveway be public or private.

Sections 7-1125 through 7-1130 reserved.

ARTICLE L

Stopping, Standing or Parking Prohibited
in Specified Places

Section 7-1131 Stopping, standing or parking prohibited; no signs re-
quired.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within 15 feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within 20 feet of a crosswalk at an intersection;
- (7) within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
- (9) within 50 feet of the nearest rail of a railroad crossing;
- (10) within 30 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);
- (11) alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) on a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (14) at any place where official signs prohibit stopping.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb any distance as is unlawful.

Section 7-1132 Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in a manner or under any conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

Section 7-1133 Parking in alleys.

No person shall park a vehicle within an alley in a manner or under any conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley, in a position as to block the driveway entrance to any abutting property.

Section 7-1134 Standing or parking for certain purposes prohibited.

It shall be unlawful for any person to stand or park a vehicle upon any street of the town for the principal purposes of:

- (1) displaying for sale;
- (2) washing, greasing or repairing such vehicle, except repairs made necessary by a bona fide emergency;
- (3) storing by garages, dealers or other persons when the storing is not incident to the bona fide use and operation of the automobile or other vehicle; and
- (4) storing of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one (1) vehicle to another.

Section 7-1135 No stopping, standing or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places no person shall stop, stand, or park a vehicle in any designated place.

Section 7-1136 Stopping, standing or parking for primary purpose of advertising, prohibited.

No person shall stand, or park, on any street any vehicle for the primary purpose of advertising.

Sections 7-1137 through 7-1150 reserved.

ARTICLE M

Stopping for Loading or Unloading Only

Sections 7-1151 through 7-1160 reserved.

ARTICLE N

Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

Section 7-1161 Application of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Section 7-1162 Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

Section 7-1163 Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in appendix I, section 127, hereby made a part hereof.

Section 7-1164 Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in appendix I, sections 128 through 130, hereby made a part hereof.

Section 7-1165 Parking signs required.

Whenever by this or any other article any parking time limit is imposed or parking is prohibited in designated streets there shall be appropriate signs giving notice thereof and no regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

Sections 7-1166 through 7-1170 Reserved.

Article O

Golf Carts

Section 7-1171 Purpose.

The purpose of this article shall be to establish a Golf Cart Ordinance within the Town of Stantonsburg to promote the health, safety and welfare of persons operating golf cart(s) within the town. (Ord. of 10/12/09)

Section 7-1172 Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

"Golf cart." A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 m.p.h. without modification.

"Driver's license." A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

"Financial responsibility." Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

"Operate." To drive, or be in physical control of a golf cart that is moving or has its engine on.

"Operator." One who operates a golf cart.
(Ord. of 10/12/09)

Section 7-1173 Rules and regulations.

(a) Golf carts shall be driven on roads only from dawn to dusk unless the golf cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating tail lights with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet.

(b) All golf carts must be electric powered only. Gasoline powered golf carts shall not be operated on public roads.

(c) Golf carts must be equipped with rear vision mirror and a rear reflective triangle of the same type required by North Carolina law for slow moving vehicles.

(d) Golf carts operators must have a valid driver's license and proof of financial responsibility.

(e) Golf cart operators shall stay to the far right of the traveled portion of the road and yield the right-of-way to

overtaking vehicles. Operator is required to use hand signals at all times while the golf cart is in motion.

(f) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion.

(g) All applicable state laws shall be adhered to, including those applicable to the possession and use of alcoholic beverages.

(h) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the State of North Carolina and the Town of Stantonsburg governing the operation of motor vehicles.

(i) Golf cart operators shall adhere to all traffic flow patterns, and shall operate on the right side of the roadway.

(j) Golf carts shall not be operated on sidewalks.

(k) Golf carts shall not be operated on private property without the permission and consent of the property owner.

(l) No golf cart shall be operated on Highway 58, except for crossing the highway at a proper intersection. No golf cart shall be operated on Main Street/Highway 222, 30 minutes after sunset (dark) until 30 minutes before sunrise (daylight) except crossing at a proper intersection, even if equipped with night driving requirements.

(Ord. 10/12/09)

Section 7-1174 Inspection and fees.

(a) No person shall operate a golf cart without a vehicle permit issued by the Stantonsburg Police Department. Any person who operates a golf cart in the Town of Stantonsburg and fails to receive and properly display a Town of Stantonsburg permit/sticker shall be in violation of this article.

(b) Permits/stickers will be issued annually following inspection by the Stantonsburg Police Department, and are valid from July 1st of each year. The following fees shall apply:

- | | |
|--|------------------|
| (1) Inspection by Police department | \$20.00 annually |
| (includes permit/sticker) | |
| (2) Reinspection by Police Department | \$5.00 |
| (If a cart fails the initial inspection) | |

(c) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event a lost or stolen permit/sticker. The chief of police will have the discretion in determining whether a permit/sticker shall be reissued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the chief of police shall direct

the applicant to reapply, and also resubmit any and all fees necessary, before a replacement permit/sticker is issued.

(d) Golf cart owners must complete a registration form and a waiver of liability form approved by the chief of police or his designee and provide proof of liability insurance prior to the golf cart being inspected. The completed forms and proof of issuance will be maintained by the Stantonburg Police Department.
(Ord. of 10/12/09)

Section 7-1175 Enforcement.

(a) It shall be the policy of the Stantonburg Police Department to issue a uniform citation against any person the officer has probable cause to believe has violated this article.

(b) The chief of police, or his designee, shall prohibit the operation of golf carts on any street or road if he determines that the prohibition is necessary in the interest of safety.
(Ord. of 10/12/09)

Section 7-1176 Penalty.

Any act constituting a violation of this article or a failure to comply with any of its requirements shall subject the offender, upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed fifty (\$50.00) dollars. Each day that any of the provisions of this article is violated shall constitute a separate offense.
(Ord. of 10/12/09)

CHAPTER 2

Motor Vehicle Registration

Section 7-2001 Reserved.
Section 7-2002 Display of plates.

Section 7-2001 Reserved. (Ord. effective 1/1/86)

Section 7-2002 Display of plates.

Every motor vehicle driven on the streets of the town for which registration is required, shall display the number plate issued therefor by the town. Vehicles which do not display a town license plate after February 15 of each year shall be subject to a civil penalty of five dollars (\$5.00), payable to the town clerk within 48 hours.

State Law Reference: License tax of one dollar (\$1.00) on automobiles authorized, G.S. 20-97.

PART 8 OFFENSES

PART 8

Offenses

- Chapter 1. Disorderly Conduct
- Chapter 2. Animals
- Chapter 3. Abandoned Vehicles
- Chapter 4. Weeds and Refuse
- Chapter 5. General Health Regulations
- Chapter 6. Other General Nuisances

CHAPTER 1

Disorderly Conduct

- Section 8-1001 Discharge of firearms and other weapons.
- Section 8-1002 Drinking in public places.
- Section 8-1003 Disturbing public meetings.
- Section 8-1004 Injuring property of town.
- Section 8-1005 Climbing on water tank.
- Section 8-1006 Trespass on sewage disposal lot.
- Section 8-1007 Trespass on town cemetery.
- Section 8-1008 Structure in town cemetery.
- Section 8-1009 Burial of vaults in town cemetery.
- Section 8-1010 Playing and riding of bicycles on cemetery property.
- Section 8-1011 Placing of signs on utility poles.

Section 8-1001 Discharging of firearms and other weapons.

(a) It shall be unlawful for any person to fire or discharge any rifle, gun, pistol, pellet gun, air gun, air pistol, or air rifle within the town, on or off his premises, in sport or amusement.

(b) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot, or operate, within the corporate limits of the town any such air rifle, BB gun, or pellet gun, shall be guilty of a misdemeanor, punishable as provided in section 1-1006 of this code.

State Law Reference: Authority to regulate and restrict firearms and pellet guns, G.S. 160A-189, 190.

Section 8-1002 Drinking in public places.

No person shall consume or serve malt beverages or unfortified wine, as defined by G.S. 18A-2, in the public streets, boulevards, alleys, parks, sidewalks, or public buildings within the town, or at any other place owned or occupied by the town.

Section 8-1003 Disturbing public meetings.

It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public entertainment or meeting.

Section 8-1004 Injuring property of town.

It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the town.

Section 8-1005 Climbing on water tank.

It shall be unlawful for any person, except employees or authorized agents of the town, to climb upon the town water tank. (1963 Code, Ch. I, Art. 1, Sec. 7)

Section 8-1006 Trespass on sewage disposal lot.

It shall be unlawful for any person to trespass on the town sewage disposal lot. (1963 Code, Ch. I, Art. 5, Sec. 5)

Section 8-1007 Trespass on town cemetery.

It shall be unlawful for any person to trespass on the town cemetery from 7:00 p.m. to 7:00 a.m. (1963 Code, Ch. I, Art. 5, Sec. 6)

Section 8-1008 Structure in town cemetery.

It shall be unlawful for any person to place any type of structure above ground level in the town cemetery except monuments, except with permission of the superintendent of public works.

Section 8-1009 Burial of vaults in town cemetery.

It shall be unlawful for any person or firm to place a vault, steel or conolite, less than a minimum of 15 inches below ground level, unless a crypt-type vault is erected upon approval of the board of commissioners. (Ord. of 12/3/80)

Section 8-1010 Playing and riding of bicycles on cemetery property.

It shall be unlawful for anyone to play or ride bicycles within the town's cemetery. (Ord. of 10/6/86)

Section 8-1011 Placing of signs on utility poles.

It shall be unlawful to place or erect any posters or signs of any kind on utility poles located within the limits of the town, and on any utility poles belonging to the town, whether within or without the town limits. (Ord. of 10/6/86)

CHAPTER 2

Animals*

- Section 8-2001 Definitions.
- Section 8-2002 Agency authority and responsibility.
- Section 8-2003 Cruelty to animals.
- Section 8-2004 Confinement, muzzling and control of vicious or dangerous domestic animals.
- Section 8-2005 Animals creating nuisance prohibited.
- Section 8-2006 Noisy animals.
- Section 8-2007 Luring, enticing, seizing, molesting or teasing an animal.
- Section 8-2008 Quarantine and isolation authority.
- Section 8-2009 Compliance with state rabies laws - Supplement to state rabies laws.
- Section 8-2010 Vaccination of dogs, cats and other pets.
- Section 8-2011 Vaccination tag and certificate.
- Section 8-2012 Notice to health director when person bitten; confinement of animal.
- Section 8-2013 Destruction or confinement of animal bitten by a known rabid animal.
- Section 8-2014 Postmortem diagnosis.
- Section 8-2015 Unlawful killing or releasing of certain animals.
- Section 8-2016 Failure to surrender animal for confinement or destruction.
- Section 8-2017 Impoundment.
- Section 8-2018 Notice to keeper or owner.
- Section 8-2019 Redemption by owner or keeper generally.
- Section 8-2020 Destruction or adoption of unredeemed animal generally.
- Section 8-2021 Procedure with respect to redemption or adoption of unvaccinated dog or cat.
- Section 8-2022 Immediate placement for adoption or destruction of owner surrendered animals.
- Section 8-2023 Destruction of wounded, diseased, or unweaned animals.
- Section 8-2024 Destruction of animals which cannot be seized by reasonable means.
- Section 8-2025 Injuring animals, notice required.
- Section 8-2026 Keeping stray animals: requirements, failure to surrender.
- Section 8-2027 Nondomestic animals - prohibited.
- Section 8-2028 Collecting dogs and cats for resale: permit required.
- Section 8-2029 Interference with enforcement.
- Section 8-2030 Penalty for violation.

* **Editor's Note:** Prior ordinance history includes portions of a resolution of 9/5/83.

Section 8-2001 Definitions.

"Animal." Every living creature, domestic or nondomestic, but does not include humans.

"Animal shelter." Any premises designated by the board of commissioners for the purpose of impounding and caring for animals.

"At large." An animal shall be deemed to be at large when it is off the property of its owner or keeper and not under physical restraint

"Board of health." Wilson County Board of Health.

"Health department." Wilson County Health Department.

"Health director." Health director of the Wilson County Health Department.

"Exposed to rabies." An animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been infected with rabies.

"Impoundment." Any animal in custody of a person or animal shelter duly authorized by the county manager or, when required by this chapter, the health director.

"Keeper." A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

"Nuisance". An animal or group of animals shall be considered a nuisance if it:

- a. Damages, soils, or defiles private or public property;
- b. Interferes with, molests, or attacks persons or other animals;
- c. Is repeatedly at large;
- d. Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
- e. Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
- f. By virtue of number or type is offensive or dangerous to the public health, safety, or welfare;
- g. Is diseased or dangerous to the public health.

"Owner." A person having the right of property in an animal.

"Person." Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

"Pet." Any animal kept for pleasure rather than utility.

"Restraint." Any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by a leash or lead, or confined.

"Stray." Any (domestic) animal not under restraint and found off the property of its owner or keeper.

"Suspected of having rabies." An animal which is unvaccinated against rabies or has bitten a person.

"Tethering." For the purpose of this chapter tethering is defined as the securing of an animal to an anchor point to confine it to a desired area. There are several types of tethering, fixed, and running.

"Veterinary hospital." Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

"Vicious animal." An animal that constitutes a physical threat to humans or other domestic animals.
(Ord. of 5/2/05, Sec. I)

Section 8-2002 Agency authority and responsibility.

Authority is hereby transferred from the board of health to the board of commissioners to establish and maintain an animal control program, to employ animal control officers and such other employees as shall be determined necessary by the board of commissioners, and to appoint and compensate animal control officers and such other employees in accordance with policies of the board of commissioners.

The employees of the animal control program shall be under the direction of the county manager:

(a) Have the responsibility along with law enforcement agencies to enforce all laws of North Carolina and all ordinances of Wilson County pertaining to animals and shall cooperate with all law enforcement officers within Wilson County in fulfilling this duty.

(b) Enforce and carry out all laws of North Carolina and all ordinances of Wilson County pertinent to rabies control.

(c) Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, and for reporting to the health director as soon as practicable the occurrence of any such animal bite and condition of any quarantined animal.

(d) Be responsible for the operation of the animal shelter.

(e) Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Wilson County involved in a violation of this or any other county ordinance or state law.

(f) Investigate cruelty or abuse with regard to animals.

(g) Make such canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with this ordinance or state statute.

(h) Keep, or cause to be kept, accurate and detailed records of:

(1) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.

(2) Bite cases, violations and complaints, and investigation of same.

(3) All monies belonging to the health department and/or county which were derived from fees, penalties, license tags, sales of animals, or other sources.

(4) Any other matters deemed necessary by the health director and county manager.

(i) Be empowered to issue notices of violation of this ordinance in such form as the board of commissioners may prescribe.

(Ord. of 5/2/05 § II)

Section 8-2003 Cruelty to animals.

(a) It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animals, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission; nor to prohibit the animal control officers or persons duly authorized by the health director or county manager, or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner; nor to prohibit the lawful use of animals in scientific research.

(b) It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort, the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.

(c) It shall be unlawful for any person to sell or offer for sale, barter or give away within the county baby chickens, baby ducklings or other fowl under six (6) weeks of age or rabbits under eight (8) weeks of age as pets, toys, premiums or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl or such rabbits in proper facilities by

breeders or stores engaged in the business of selling for the purposes other than for pet or novelties.

(d) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

(e) It shall be unlawful for any person to tether any fowl or other animals by the foot.
(Ord. of 5/2/05 § III)

Section 8-2004 Confinement, muzzling, and control of vicious or dangerous domestic animals.

It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times. (Ord. of 5/2/05 § IV)

Section 8-2005 Animals creating nuisance prohibited.

(a) It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

(b) Compliance shall be required as follows:

(1) When an animal control officer, law enforcement officer, or person duly authorized by the county manager observes a violation, the owner or keeper will be provided written notification of such violation and be given forty-eight (48) hours from time of notification to abate the nuisance.

(2) Upon receipt of a written detailed and signed complaint being made to the county manager by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the county manager shall cause the owner or keeper of the animal, or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced in writing.

(3) If the written findings indicate that the complaint is justified, then the county manager or person duly authorized by the county manager shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.

(4) In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals

shall be posted for forty-eight (48) hours at the animal shelter. If after forty-eight (48) hours the owner or keeper of the animal or animals remains unknown, the animal may be impounded or humanely destroyed.

(c) It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this chapter.
(Ord. of 5/2/05 § V)

Section 8-2006 Noisy animals.

It shall be unlawful for any person to own, keep, or have within the county an animal that habitually or repeatedly makes noises or other sounds that tend to annoy, disturb, or frighten its citizens. (Ord. of 5/2/05 § VI)

Section 8-2007 Luring, enticing, seizing, molesting, or teasing an animal.

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper. (Ord. of 5/2/05 § VII)

Section 8-2008 Quarantine and isolation authority.

(a) The state health director and a local health director are empowered to exercise quarantine and isolation authority. Quarantine and isolation authority shall be exercised only when and so long as the public health is endangered; all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.

(b) No person other than a person authorized by the state health director or local health director shall enter quarantine or isolation premises. Nothing in this subsection shall be construed to restrict the access of authorized health care, law enforcement, or emergency medical services personnel to quarantine or isolation premises as necessary in conducting their duties.

(c) Before applying quarantine or isolation authority to livestock or poultry for the purpose of preventing the direct or indirect conveyance of an infectious agent to persons, the state health director or a local health director shall consult with the state veterinarian in the Department of Agriculture and Consumer Services.

(d) When quarantine or isolation limits the freedom of movement of a person or animal or of access to a person or animal whose freedom of movement is limited, the period of limited freedom of movement or access shall not exceed ten (10)

calendar days. Any person substantially affected by the county in which the limitation is imposed may request a hearing to review that limitation. If a person or a person's representative requests a hearing, the hearing shall be held within seventy-two (72) hours of the filing of that request, excluding Saturdays and Sundays. The person substantially affected by that limitation is entitled to be represented by counsel of the person's own choice or if the person is indigent, the person shall be represented by counsel appointed in accordance with Article 36 of Chapter 7A of the General Statutes and the rules adopted by the Office of Indigent Defense Services. The court shall reduce the limitation if it determines, by the preponderance of the evidence, that the limitation is not reasonably necessary to prevent or limit the conveyance of a communicable disease or condition to others.

(e) If the state health director or the local health director determines that a 10-calendar-day limitation on freedom of movement or access is not adequate to protect the public health, the state health director or local health director must institute in superior court in the county in which the limitation is imposed an action to obtain an order extending the period of limitation of freedom of movement or access. If the person substantially affected by the limitation has already instituted an action in superior court in Wake County, the state health director must institute the action in superior court in Wake County. The court shall continue the limitation for a period not to exceed thirty (30) days if it determines, by the preponderance of the evidence, that the limitation is reasonably necessary to prevent or limit the conveyance of a communicable disease or condition to others. Before the expiration of an order issued under this section, the state health director or local health director may move to continue the order for additional periods not to exceed thirty (30) days each. (Ord. of 5/2/05 § VIII)

Section 8-2009 Compliance with state rabies laws - Supplement to state rabies laws.

(a) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.

(b) It is the purpose of this chapter to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.

(c) The health director shall organize or assist the county manager in organizing at least one (1) countywide rabies vaccination clinic per year for the purpose of vaccinating dogs and cats. Public notice of the time and place of rabies vaccination clinics shall be published in a newspaper having general circulation within the area. (Ord. of 5/2/05 § IX)

Section 8-2010 Vaccination of dogs, cats, and other pets.

(a) It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the health director or the board of county commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.

(b) A rabies vaccination shall be deemed current for a dog or cat if the first two (2) doses of vaccine are administered twelve (12) months apart and each subsequent booster dose of vaccine administered as per the vaccine manufacturer's recommended schedule.

(c) All antirabic vaccines shall be administered by a licensed veterinarian.
(Ord. of 5/2/05 by § X)

Section 8-2011 Vaccination tag and certificate.

(a) Upon complying with the provisions of Section 8-2010 of this chapter, there shall be issued to the owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.

(b) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.

(c) In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this chapter if the dog or cat is found not to be wearing a currently valid rabies tag.

(d) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.

(e) All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, or dogs used for hunting so long as said dogs shall have display a valid rabies tag or the owner of said dogs shall have in his possession a valid rabies certificate, shall be securely confined and vaccinated within one (1) week after entry, and shall remain confined for two (2) additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian

showing that said dog or cat is apparently free from rabies and has not been exposed to same and that said dog or cat has received a proper dose of rabies vaccine not more than six (6) months prior to the date of issuing the certificate.
(Ord. of 5/2/05 § XI)

Section 8-2012 Notice to health director when person bitten;
confinement of animal.

(a) When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his control, to notify the health director or person duly authorized by the health director immediately and give their names and addresses; and the owner or person having such animal in his possession or under his control shall immediately securely confine it for ten (10) days at the expense of the owner in such place as may be designated by the health director. It shall be the duty of every physician, after his first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the health director the name, age and sex of the person so bitten, and precise location of the bite wound, within twenty-four (24) hours after first having knowledge that the person was bitten. If the owner of, or a person who has in his possession or under his control, an animal having rabies or suspected of having rabies, refuses to confine the animal as required by this chapter or by GS 130A 196-198, the health director may order seizure of the animal and its confinement for ten (10) days in such place as the health director designates.

(b) Law enforcement agencies investigating animal bites, shall report such bites immediately to the health director or person duly authorized by the health director and give the names and addresses of persons bitten and owner of animal.

(c) Animals confined per subsection (a) above shall not be released from confinement except by permission from the health director.

(d) Animals confined per subsection (a) above shall be confined at the expense of the owner or keeper.

(e) In the case of an animal whose owner or keeper is not known, the animal shall be kept for the supervised confinement period required by this chapter at the animal shelter.

(f) Badly wounded, diseased, or suffering animals, which are suspected of having rabies may be humanely destroyed immediately and the head forwarded for examination.
(Ord. of 5/2/05 § XII)

Section 8-2013 Destruction or confinement of animal bitten by a known rabid animal.

Animals not vaccinated against rabies which are bitten by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated and returned to the owner or keeper. (Ord. of 5/2/05 § XIII)

Section 2014 Postmortem diagnosis.

(a) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the health department for shipment to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis.

(b) The carcass of any animal suspected of dying of rabies shall be surrendered to the health department. The head of such animal shall be shipped to the Laboratory Section of the North Carolina Division of Health Services for rabies diagnosis. (Ord. of 5/2/05 § XIV)

Section 8-2015 Unlawful killing or releasing of certain animals.

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the health director, provided that a licensed veterinarian, or the health director, or persons duly authorized by the health director, may authorize any animal to be killed for rabies diagnosis. (Ord. of 5/2/05 § XV)

Section 8-2016 Failure to surrender animal for confinement or destruction.

It shall be unlawful for any person to fail to refuse to surrender any animal for confinement or destruction as required in this chapter, when demand is made therefore by the health director. (Ord. of 5/2/05 § XVI)

Section 8-2017 Impoundment.

(a) Any animal, which appears to be lost, stray or unwanted, or not wearing a currently valid tax tag or a currently valid rabies vaccination tag, as required by state law or this chapter, or not under restraint in violation of this chapter, may be seized, impounded, and confined in a humane manner in an animal shelter.

(b) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty, which may be imposed for violation of this chapter.
(Ord. of 5/2/05 § XVII)

Section 8-2018 Notice to owner or keeper.

(a) Upon impounding an animal, notice of such impoundment shall be posted for a minimum of seventy-two (72) hours (three (3) business days) beginning with the time the animal enters the animal shelter, or until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper and inform such owner or keeper of the conditions whereby the animal may be redeemed.

(b) Such notice shall be prominently displayed on a bulletin board at the animal shelter, and the time and place of the taking of such animal, together with the time and date of posting the notice shall be stated therein.
(Ord. of 5/2/05 § XVIII)

Section 8-2019 Redemption by owner or keeper generally.

(a) The owner or keeper of an animal impounded under this chapter may redeem the animal and regain possession thereof within seventy-two (72) hours (three (3) business days) after notice of impoundment is posted as required by this chapter by complying with all applicable provisions of this chapter and paying any applicable fees as determined by the board of commissioners.

(b) No animal owner or keeper may be permitted to adopt his own animal under the provisions of this chapter, but he must comply with the provisions of this chapter in order to reclaim an animal that has been impounded pursuant to state law or this chapter.

(c) The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to the animal shelter for immediate adoption or destruction as provided for in Section 8-2023.
(Ord. of 5/2/05 § XIX)

Section 8-2020 Destruction or adoption of unredeemed animal generally.

(a) If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section 8-2019, it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption to a responsible adult who is willing to comply with this chapter and with policies promulgated by the board of commissioners.

(b) No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this chapter, except by special authorization of the health director.
(Ord. of 5/2/05 § XX)

Section 8-2021 Procedure with respect to redemption or adoption of unvaccinated dog or cat.

(a) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter will be given a "proof of rabies vaccination notice" at the time of the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs and cats four (4) months and older will be seventy-two (72) hours, with Sundays and holidays excluded. For puppies and kittens under four (4) months, the time limit will vary according to their age.

(b) The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to the animal shelter by the animal owner or keeper.

(c) Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.
(Ord. of 5/2/05 § XXI)

Section 8-2022 Immediate placement for adoption or destruction of owner surrendered animals.

(a) Any animal surrendered by its owner to the animal shelter may be immediately placed for adoption or humanely destroyed by the animal control officer when:

(1) The owner directs in writing that the animal be placed for adoption or humanely destroyed; and

(2) The owner affirmatively represents in writing that he or she is in fact the legal owner of said animal; and

(3) The owner agrees that he or she will indemnify and hold the County of Wilson harmless from any loss or damage it may sustain, including attorneys' fees, by reason of the destruction or placement for adoption of said animal; and

(4) The owner transfers ownership of said animal to the County of Wilson and releases the county from any and all future claims with respect to said animal.

(b) Upon receiving said assurances, the animal shelter may rely on the same and place said animal for adoption, or destroy said animal, as it sees fit. The waiting periods provided in Sections 8-2019 - 8-2020 shall not apply to immediate adoption for destruction as provided for in this section. (Ord. of 5/2/05 § XXII)

Section 8-2023 Destruction of wounded, diseased, or unweaned animals.

Notwithstanding any other provision of this chapter, any animal seized and impounded, which is badly wounded, diseased (not a rabies suspect), or unweaned and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the animal control officer shall attempt to notify the owner or keeper before disposing of such animal. If the owner or keeper cannot be reached readily, and the animal is suffering, the animal control officer may destroy the animal at its discretion in a humane manner. (Ord. of 5/2/05 § XXIII)

Section 8-2024 Destruction of animals which cannot be seized by reasonable means.

Notwithstanding any other provision of this chapter, an animal which cannot be seized by reasonable means, may be humanely destroyed by order of the county manager or person duly authorized by the county manager. (Ord. of 5/2/05 § XXIV)

Section 8-2025 Injuring animals, notice required.

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society. (Ord. of 5/2/05 § XXV)

Section 8-2026 Keeping stray animals: requirements, failure to surrender.

(a) It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property any animal which does not belong to him, unless he has within seventy-two (72) hours from the time such animal came into his possession, notified the county manager or person duly authorized by the county manager. Upon receiving such notice, the county manager or person duly authorized by the county manager shall take such animal and place it in the animal shelter and shall deal with it as provided by the board of commissioners' policy.

(b) It shall be unlawful for any person to refuse to surrender any such stray animal to the county manager or person duly authorized by the county manager upon demand. (Ord. of 5/2/05 § XXVI)

Section 8-2027 Nondomestic animals - prohibited.

No person shall possess or harbor any nondomestic animal or animals which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bonafide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration. (Ord. of 5/2/05 § XXVII)

Section 8-2028 Collecting dogs and cats for resale: permit required.

(a) It shall be unlawful for any person to collect any dog or cat for the purpose of resale unless a permit for the same shall have been obtained from the county manager in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.

(b) The board of commissioners shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care and transportation of all cats and dogs and for the compliance with the provisions of this chapter and applicable laws. The board of commissioners may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of collected dogs and cats.

(c) The board of commissioners may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the board of commissioners, or any law governing the protection and keeping of animals.
(Ord. of 5/2/05 § XXVIII)

Section 8-2029 Interference with enforcement.

It shall be unlawful for any person to interfere with, hinder or molest the animal control officers or persons duly authorized by this chapter, or to seek to release any animal in the custody of such persons, except as otherwise specifically provided. (Ord. of 5/2/05 § XXIX)

Section 8-2030 Penalty for violation.

(a) The violation of any provision of this chapter shall be a class 3 misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this chapter is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this chapter.

(b) In addition, enforcement of this chapter may be by appropriate equitable remedy, injunction or order of abatement

in person, or may be mailed to said person at his last known address.

(6) In addition to the penalty prescribed in subsection (c)(4) above, a \$1. penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized seventy-two (72) hour period. Should it become necessary to institute a civil action to collect any penalty hereunder, and then the violation shall also be subject to an additional penalty of \$25.

(7) All penalties paid to the county manager or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of Wilson County. (Ord. of 5/2/05 § XXX)

issuing from a court of competent jurisdiction pursuant to G.S. 153A-123 (d) and (e).

(c) In addition to and not in lieu of the criminal penalties and other sanctions provided in this chapter, a violation of this chapter may also subject the offender to the civil penalties hereinafter set forth.

(1) Such civil penalties may be recovered by Wilson County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.

(2) Such notice shall, among other things:

(a) State upon its face the amount of the penalty if such penalty be paid within seventy-two (72) hours from and after the issuance of the notice and the late fee \$1. if paid more than seventy-two (72) hours after its issuance.

(b) Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$25., together with the cost of the action to be taxed by the court.

(c) Further provide that such offender may answer the said notice by mailing said notice, and stated penalty to the county manager, his mailing address, or by making payment to the county manager, or to the office of county manager, and that upon payment, such case or claim and right of action by Wilson County will be deemed compromised and settled.

(d) State that such penalties must be paid within seventy-two (72) hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said seventy-two (72) hour period, court action by the filing of a civil complaint for collection of such penalty may be taken.

(3) The county manager is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action, which Wilson County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.

(4) The civil penalty or violation of this chapter is \$25. Said penalty shall be paid within seventy-two (72) hours from and after the issuance of the notice referred to above.

(5) The notice of violation referred to herein may be delivered to the person violating the provisions of this chapter

CHAPTER 3

Abandoned Vehicles

Section 8-3001	Administration.
Section 8-3002	Definitions.
Section 8-3003	Abandoned vehicle unlawful; removal authorized.
Section 8-3004	Nuisance vehicle unlawful; removal authorized.
Section 8-3005	Junked motor vehicle regulated; removal authorized.
Section 8-3006	Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.
Section 8-3007	Exceptions to prior notice requirement.
Section 8-3008	Removal of vehicles; post-towing notice requirements.
Section 8-3009	Right to probable cause hearing before sale or final disposition of vehicle.
Section 8-3010	Redemption of vehicle during proceedings.
Section 8-3011	Sale and disposition of unclaimed vehicle.
Section 8-3012	Conditions on removal of vehicles from private property.
Section 8-3013	Protection against criminal or civil liability.
Section 8-3014	Exceptions.
section 8-3015	Unlawful removal of impounded vehicle.

Section 8-3001 Administration.

The police department and town building inspector of the town shall be responsible for the administration and enforcement of this chapter. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the town and on property owned by the town. The town building inspector shall be responsible for administering the removal and disposition of "abandoned", "nuisance" or "junked motor vehicles" located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the town police department and fire department in enforcing other laws or in otherwise carrying out their duties. (Ord. of 4/9/90)

Section 8-3002 Definitions.

For purpose of this chapter, certain words and terms are defined as herein indicated:

(a) "Abandoned vehicle." As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:

(1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or

(2) Is left on a public street or highway for longer than seven days; or

(3) Is left on property owned or operated by the town for longer than 24 hours; or

(4) Is left on private property without the consent of owner, occupant or lessee thereof, for longer than two hours.

(b) "Authorizing official." The supervisory employee of the police department or the town building inspector, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

(c) "Motor vehicle or vehicles." All machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

(d) "Junked motor vehicle." As authorized and defined in G.S. 160A-303.2 the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

(1) Is partially dismantled or wrecked; or

(2) Cannot be self propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than five years old and appears to be worth less than \$100.

(e) "Nuisance vehicle." A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or

(3) A point of collection of pools or ponds of water; or

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidence by odor; or

(5) One which has areas of confinement which cannot be operated from the inside such as trunks, hoods, etc.; or

(6) So situated or located that there is a danger of it falling or turning over; or

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town board.
(Ord. of 4/9/90)

Section 8-3003 Abandoned vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

(b) Upon investigation, authorizing officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.
(Ord. of 4/9/90)

Section 8-3004 Nuisance vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the town building inspector may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above and order the vehicle removed.
(Ord. of 4/9/90)

Section 8-3005 Junked motor vehicle regulated; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. Single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this section.

(c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this section.

(d) Subject to the provisions of subsection (e), upon investigation, the town building inspector may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens

imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community;
and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(e) Permitted concealment or enclosure of junked motor vehicle.

(1) One junked motor vehicle, in its entirety, can be located in the rear yard as defined by the town's zoning ordinance if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering.

The town building inspector has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this ordinance.

(2) More than one junked motor vehicle. Any other junked motor vehicle(s) must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.
(Ord. of 4/9/90)

Section 8-3006 Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

Except as set forth in section 8-3007 below, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails

the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed, and the date mailed. If such names and addresses cannot be ascertained, or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.

With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the town board in writing, heard at the next regularly scheduled meeting of the town board, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided. (Ord. of 4/9/90)

Section 8-3007 Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

(a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the town board hereby determines that immediate removal of such vehicles may be warranted when they are:

- (1) Obstructing traffic,
- (2) Parked in violation of an ordinance prohibiting or restricting parking,
- (3) Parked in a no-stopping or standing zone,
- (4) Parked in loading zones,
- (5) Parked in bus zones, or
- (6) Parked in violation of temporary parking restrictions imposed under code sections.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on town-owned property other than the

streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Ord. of 4/9/90)

Section 8-3008 Removal of vehicles; post-towing notice requirements.

(a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle;
- and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (a)(1) through (a)(5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(c) If the vehicle is registered in North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(d) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsection (a)(1) through (a)(5) above.

(Ord. of 4/9/90)

Section 8-3009 Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended. (Ord. of 4/9/90)

Section 8-3010 Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this chapter. (Ord. of 4/9/90)

Section 8-3011 Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with Article I of Chapter 44A of the North Carolina General Statutes. (Ord. of 4/9/90)

Section 8-3012 Conditions on removal of vehicles from private property.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the town building inspector. The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage or sale thereof. (Ord. of 4/9/90)

Section 8-3013 Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle for disposing of such vehicle as provided in this chapter. (Ord. of 4/9/90)

Section 8-3014 Exceptions.

Nothing in this chapter shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. 136-143 in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq.; (2) which is in an enclosed building; (3) which is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the town. (Ord. of 4/9/90)

Section 8-3015 Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designed by the town any vehicle which has been impounded pursuant to the provisions of this code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid. (Ord. of 4/9/90)

CHAPTER 4

Weeds and Refuse

Section 8-4001	Uncontrolled growth of weeds and accumulation of refuse declared public nuisance.
Section 8-4002	Complaint and investigation.
Section 8-4003	Notice to abate nuisance.
Section 8-4004	Hearing.
Section 8-4005	Removal by town.
Section 8-4006	Cost incurred by owner.
Section 8-4007	Charges become a lien.
Section 8-4008	Procedure is alternative to other authorized procedures.

Section 8-4001 Uncontrolled growth of weeds and accumulation of refuse
declared public nuisance.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(1) The uncontrolled growth of noxious weeds or grass to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.

(2) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(3) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(4) The existence of abandoned, unattended, or discarded ice boxes, refrigerators or other air tight containers without first removing the snap lock or doors to such an extent that it is impossible for a child to obtain access to any air tight compartment.

(5) Any condition detrimental to the public health which violates the rules and regulations of the county health department.

State Law Reference: Abatement of public health nuisances, G. S. 160A-193.

Section 8-4002 Complaint and investigation.

The town clerk, upon notice from any person of the existence of any of the conditions described in section 8-4001, shall cause to be made by the appropriate county health department official, or town official, such

investigation as may be necessary to determine whether, in fact, the conditions exist as to constitute a public nuisance as declared in section 8-4001.

Section 8-4003 Notice to abate nuisance.

Upon a determination that the conditions constituting a public nuisance exist, the town clerk shall notify, by certified mail, the owner, occupant or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

Section 8-4004 Hearing.

Within seven (7) days from receipt of the notice provided for in section 8-4003 above, the owner, occupant, or person in possession of the premises may request a hearing before the town clerk and the county health department official, or town official whose investigation and findings resulted in the initial abatement order. The town clerk shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending the hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the town clerk shall consider the evidence before him and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

Section 8-4005 Removal by town.

Upon the occurrence of either of the following conditions:

(1) A hearing is requested and held under section 8-4004 above resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and the order is not complied with; or

(2) No hearing is requested or held, and the person having been ordered to abate the public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order;

then the town clerk shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the town clerk. Any person who has been finally ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.

Section 8-4006 Cost incurred by owner.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the tax collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

Section 8-4007 Charges become a lien.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in section 8-4005 of this chapter, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

Section 8-4008 Procedure is alternative to other authorized procedures.

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. 14-4.

CHAPTER 5

General Health Regulations

Section 8-5001 Unlawful to violate county health regulations.
Section 8-5002 Unlawful to interfere with health officer.
Section 8-5003 Right of entry.
Section 8-5004 Human waste.

Section 8-5001 Unlawful to violate county health regulations.

It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the county board of health. The enforcement of this section shall be under the supervision of the county health officer.

Section 8-5002 Unlawful to interfere with health officer.

It shall be unlawful for any person to hinder, obstruct or delay the health officer or any of his assistants in the lawful discharge of their duties.

Section 8-5003 Right of entry.

With appropriate warrant or permission of the home owner, the county health officer or any of his assistants shall have the right to enter any premises at any reasonable hour for the purpose of making the inspections or investigations.

Section 8-5004 Human waste.

No person shall urinate or deposit any human waste of any kind on any street, sidewalk, lot or premises except in approved sanitary facilities.

CHAPTER 6

Other General Nuisances

Section 8-6001 Unnecessary noise prohibited.
Section 8-6002 Posting of printed matter.
Section 8-6003 Same; posting on private property.
Section 8-6004 Same; exception for campaign posters.

Section 8-6001 Unnecessary noise prohibited.

It shall be unlawful for any person, firm or corporation to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the town. Noise of this character, intensity and duration as to be detrimental to the public health, welfare, and peace is hereby prohibited.

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time.

(2) The playing of any radio, phonograph or other musical instrument in a manner or with any volume, particularly during hours between 11:00 p.m. and 7:00 a.m. as to annoy or disturb the quiet, comfort, or repose of any person in any dwelling, hotel, or other type of residence.

(3) The keeping of any animal or bird, which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.

(4) The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in any manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(5) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger.

(6) The conducting, operating, or maintaining of any garage or service station in any residential area so as to cause loud or offensive noises to be emitted therefrom between the hours of 10:00 p.m. and 7:00 a.m. on weekdays or on Sundays.

(7) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the institutions are in session, or within 150 feet of any hospital, which unreasonably and unnecessarily interferes with the working of the institutions, provided

conspicuous signs are displayed in the streets indicating that the area is a school, court or hospital area.

(8) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m., on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the building inspector, which permit may be renewed for a period of three (3) days or less while the emergency continues.

(9) The shouting and crying of peddlers, barkers, hawkers and vendors which disturb the quiet and peace of the neighborhood.

State Law Reference: Authority to regulate noises, G.S. 160A-184.

Section 8-6002 Posting of printed matter.

It shall be unlawful for any person, firm or corporation to post, nail, stick, or otherwise affix bills, posters, advertisements, notices or any other printed or graphic matter upon public property in the town. This section shall not apply to notices, signs, or advertisements required to be posted by law, signs or plates on residential premises giving the name or address of the occupant, mail boxes or newspaper tubes, municipal, county, state and federal traffic signs, historical markers, monuments or signs erected by public authority, temporary displays as a part of customary holiday decorations, and signs denoting the location of underground utilities.

Section 8-6003 Same; posting on private property.

It shall be unlawful for any person, firm, or corporation to nail, stick, or otherwise affix bills, posters, advertisements, notices or other printed or graphic matter upon private property within the town without the consent of the owner.

Section 8-6004 Same; exception for campaign posters.

Notwithstanding the above provisions, it shall be lawful to post or affix printed or graphic materials upon public property in the town for up to 60 days preceding a national, state, or local election or referendum to be held in the town, when the materials relate to the candidate or candidates seeking election or the political issues being voted upon. Provided, however, the chief of police may require the giving of a bond by those posting any election-related materials, the amount of the bond to be commensurate with the cost of removing the election materials so posted. If the election-related materials are not removed within 30 days following the scheduled election, the bond shall be retained by the town to defray the costs of removing any election-related posters and materials.

PART 9 PLANNING AND DEVELOPMENT

PART 9

Planning and Building Regulations*

Chapter 1.	Licensing of Insulation Contractors
Chapter 2.	Mobile Home Parks
Chapter 3.	Building Regulations
Chapter 4.	Housing Code
Chapter 5.	Zoning Code
Chapter 6.	Flood Damage Prevention
Chapter 7.	Development Plans

CHAPTER 1

Licensing of Insulation Contractors

Section 9-1001	Authority.
Section 9-1002	Required license.
Section 9-1003	Applications.
Section 9-1004	Procedure for issuance.
Section 9-1005	Termination and renewal of licenses.
Section 9-1006	Suspension; revocation.
Section 9-1007	Change of location.
Section 9-1008	Required permit; fee; exceptions.
Section 9-1009	Penalties.

Section 9-1001 Authority.

This chapter is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and Section 160A-194 of the General Statutes of North Carolina. (Ord. of 12/77)

Section 9-1002 Required license.

On and after January 1, 1978, no person, firm or corporation may for a consideration install, alter, or restore within the town any insulation or other materials or energy utilization equipment designed or intended to meet the state building code requirements for insulation and energy utilization standards who is not either:

(1) licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes;

(2) working under the supervision of a registered architect or professional engineer;

(3) an owner working upon his own building; or

(4) licensed under this chapter.
(Ord. of 12/77)

*Editor's Note: See Part 2, Chapter 9, Article A. for Agreement for Inspection Services.

Section 9-1003 Applications.

Every person desiring a license under this chapter shall submit an application for the license to the clerk conforming to the following requirements:

(1) Form of application. Each application shall be a written statement upon forms provided by the clerk.

(2) Contents of application. Each application shall contain the following information:

a. name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;

b. names and home addresses of the partners, if a partnership;

c. names and home addresses of the officers and directors, if a corporation;

d. place where the proposed business is to be located;

e. complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction;

f. complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures;

g. information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in paragraph f. to the applicant or any employee, partner, officer, or director of the applicant.

(3) Fees. Each application shall be accompanied by a fee in the amount of five dollars (\$5.00) for the license, such amount to be for the calendar year and prorated by quarters to the end of the year.

(4) False statements. False statements on any application for a license shall be grounds for immediate revocation or denial of the license. (Ord. of 12/77)

Section 9-1004 Procedure for issuance.

(a) Review by town officers. Each application received by the town clerk shall be promptly forwarded to the utility superintendent for review. Such officer shall promptly make any comments and recommendations pertaining to the application and forward them to the town board.

(b) Licensing agency. The applicant and any comments and recommendations relating thereto shall be considered by the town board, which shall then issue or deny the license pursuant to the following standards.

(c) Standards. The town board shall issue the license unless it shall find that the applicant or any employee, partner, officer, or director of the applicant:

(1) has been convicted within the last three (3) years of a felony or an act involving dishonesty, fraud, or deceit, whether in this or any other state or jurisdiction;

(2) has been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state or federal government or agency and such government or agency has not subsequently granted or restored such license; or

(3) has knowingly made a false statement in the application. (Ord. of 12/77)

Section 9-1005 Termination and renewal of licenses.

All licenses issued hereunder shall terminate on the last day of the calendar year for which issued. Renewal of the licenses shall be pursuant to the same procedures and requirements set forth for initial issuance. (Ord. of 12/77)

Section 9-1006 Suspension; revocation.

(a) The town board may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has:

(1) knowingly made a false statement in the application for a license;

(2) violated the state building code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction; or

(3) been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

(b) Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the town board. After reasonable notice to the licensee, the board shall afford the licensee an opportunity to show why its license should not be suspended or revoked. (Ord. of 12/77)

Section 9-1007 Change of location.

The location of any licensed business may be changed, provided 10 days' notice thereof is given to the town and operation at such new

location does not violate any applicable state or local law, ordinance or regulation. (Ord. of 12/77)

Section 9-1008 Required permit; fee; exceptions.

(a) On and after January 1, 1978, no person, firm or corporation may for a consideration install, alter or restore any insulation or other materials or energy utilization equipment designed or intended to meet the state building code requirements for insulation and energy utilization without first securing a special insulation and energy utilization permit from the town board for each item of work, which permit shall evidence compliance with the insulation and energy utilization standards of the state building code.

(b) There shall be a fee of five dollars (\$5.00) for each permit issued.

(c) The following shall not be required to obtain the permit required by subsection (a):

(1) an owner working upon his own building;

(2) an installer working under the supervision of a registered architect or professional engineer, when the work is being performed under a general building permit; or

(3) a contractor licensed to do the proposed work under Chapter 87 of the General Statutes, when the work is being performed under a general building permit. (Ord. of 12/77)

Section 9-1009 Penalties.

Any person, firm, or corporation violating the provisions of this chapter shall be subject to all the applicable punishment, penalties, and equitable relief provided for by Section 160A-175 of the General Statutes and Chapter 703, North Carolina Session Laws of 1977. (Ord. of 12/77)

CHAPTER 2

Mobile Home Parks

Section 9-2001 Purpose.
Section 9-2002 Jurisdiction.
Section 9-2003 Authority.
Section 9-2004 Short title.
Section 9-2005 Definitions.
Section 9-2006 Procedure for securing approval of mobile home parks.
Section 9-2007 Design standards.
Section 9-2008 Administration.

Section 9-2001 Purpose.

(a) The purpose of this chapter is to regulate and guide the establishment of mobile home parks and to control the influx of mobile homes in order to promote the public health, safety, and general welfare of the citizens of Stantonburg.

(b) This chapter is designed to accomplish the following specific objectives:

- (1) To further the orderly layout of mobile home parks.
- (2) To secure safety from fire, panic, and other dangers.
- (3) To provide adequate light and air.
- (4) To insure that facilities for transportation, parking, water, sewerage, and recreation are provided for mobile home park residents. (Undated Ord., Art. I)

Section 9-2002 Jurisdiction.

(a) These regulations shall govern the establishment of each and every new mobile home site or mobile home park, and the alteration or expansion of existing mobile home parks lying within the jurisdiction of the town.

(b) It shall be unlawful to locate a mobile home in the town except under the following conditions:

(1) The mobile home is located in an approved mobile home park as provided for in this chapter.

(2) The mobile home is located on property owned by the home owner and then only to be occupied by the owner as a principal residence.

(3) Under existing rental agreements, a mobile home owner shall be allowed to continue to rent the lot, but should that tenant choose to relocate his mobile home, then the property owner could not again rent the lot. It shall be that if the present renter should replace his present mobile home on a lot on which he

presently resides with a new mobile home, he shall be allowed to continue in the agreement, but no new tenant shall be allowed to rent the lot.

(c) No mobile home shall be located on property within the town limits that does not provide a principal residence for the mobile home owner. (Undated Ord., Art. II)

Section 9-2003 Authority.

The town hereby exercises its authority to adopt and enforce mobile home park regulations under the provisions granted by G.S. 153-9(55). (Undated Ord., Art. III)

Section 9-2004 Short title.

This chapter shall be known as the mobile home park ordinance, Stantonsburg, North Carolina, and may be cited as the "mobile home park ordinance." (Undated Ord., Art. IV)

Section 9-2005 Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Construction permit." A permit issued by the enforcement officer authorizing the mobile home park developer to construct a mobile home park in accordance with a park plan approved by the town board of commissioners.

(2) "Developer." Any person, firm, trust, partnership, association, or corporation engaged in development, or proposed development, of a mobile home park.

(3) "Enforcement officer." The person or persons appointed by the town board of commissioners to enforce the provisions of this chapter.

(4) "Mobile home." A detached relocatable residential dwelling unit built on a chassis, with a body exceeding 8 feet in width but not exceeding 12 feet in width and exceeding 32 feet in length but not exceeding 70 feet. This residential dwelling unit shall be designed for transportation after fabrication on its own wheels or flatbeds, or other trailers, and arriving at the site where it is to be occupied as a single-family dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations including, but not limited to, location on jacks or other temporary or permanent foundations, and connection to utilities. Travel trailers and campers shall not be considered mobile homes. A factory-fabricated transportable building designed for use by itself, or designed to be incorporated with similar units at a building site into a modular structure, shall not be considered a mobile home.

(5) "Mobile home park." Any plot of ground upon which two or more mobile homes, located on individual lots, each occupied for

dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

(6) "Mobile home park plan." A plan of a proposed mobile home park, prepared by the developer in accordance with section 9-2006(b), and presented to the town board of commissioners for approval.

(7) "Mobile home space." Any parcel of ground within a mobile home park, designated for the exclusive use of one mobile home.

(8) "Operating permit." A permit issued by the enforcement officer to a mobile home park owner or operator upon the completion of a mobile home park which conforms to the requirements of this chapter.

(9) "Public water system." System operated by the town.

(10) "Recorded residential subdivision." A residential subdivision which has been recorded in the office of the county register of deeds.

(11) "Shall." When used in this chapter, is intended to indicate a mandatory requirement.

(12) "Variance." A modification of the terms of this chapter where, owing to conditions peculiar to the property, a literal enforcement of this chapter would result in an unnecessary hardship. (Undated Ord., Art. V)

Section 9-2006 Procedure for securing approval of mobile home parks.

(a) Approval required. No mobile home park within the jurisdiction of the town board of commissioners shall be established, altered, or expanded until a construction permit has been issued by the town board of commissioners, authorizing that construction.

(b) Mobile home park construction permit.

(1) Prior to the construction of a new mobile home park or the expansion of an existing mobile home park, the developer shall make application to the town board of commissioners for a permit to construct or expand the park. The application shall be accompanied by five copies of the proposed park plan. The application must be received at least seven days prior to a regularly scheduled meeting of the town board of commissioners, if the application and proposed park plan is to be reviewed by the town board at that time.

(2) The park plan shall be drawn at a scale of 50 feet to one inch or larger, and shall include the following:

a. The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.

- b. Date, scale, and approximate north arrow.
- c. Boundaries of the tract shown with bearings and distances.
- d. Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home spaces, and all structures to be located on the park site.
- e. Vicinity map showing the location of the park and the surrounding land usage.
- f. Names of adjoining property owners.
- g. The proposed utility system for gas, surface water drainage, street lights, electrical power, water supply, and solid waste and sewage disposal facilities.
- h. Certification of approval of solid waste storage, collection, and disposal plans by the town board of commissioners.
- i. Land contours with vertical intervals of two feet for all mobile home parks with 25 mobile home spaces or more.

(c) Review of of the proposed park plan.

(1) The town board of commissioners shall review the following to determine if the proposed park plan is in accordance with the design standards set forth in this chapter. It is recommended that the park developer, or his agent, be present to answer questions concerning the proposed park plan.

- a. Title information.
- b. Location map.
- c. Recreation areas.
- d. Street and lot design.
- e. Surface water drainage.
- f. Street lighting system.
- g. Other features of the park.

(2) If the town board should disapprove the proposed park plan, the reasons for that action and recommended changes shall be given to the park developer or his agent.

(3) After the town board has approved the proposed park plan, one approved copy shall be sent to the enforcement officer and one approved copy shall be given to the developer or his agent.

(4) The town electrical inspector shall review the proposed park plan to determine if the proposed electrical system is in accordance with national electrical codes.

(d) Issuance of construction permit and operating permit.

(1) After receiving approval of the park plan by the town board, the enforcement officer is authorized to issue a construction permit. The intent of this permit is to enable the execution of the park plan in the field, and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a mobile home park as defined in this chapter.

(2) If the construction of the park has not begun within 12 months from the issue date of the construction permit, the town board may grant an extension of the construction permit if the developer appears before the town board and shows cause. If cause is not shown, the developer must repeat all the required steps of procedure for securing approval of a mobile home park as required by this section. (Undated Ord., Art. VI)

Section 9-2007 Design standards.

The following standards shall be considered the minimum requirements for all new mobile home parks.

(a) General requirements.

(1) An individual mobile home owner shall be allowed to sell the mobile home in which he resides.

(2) The transfer of title of a mobile home space or spaces either by sale or by any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation.

(3) No living compartment or structure other than a "Florida room," or other prefabricated structure specifically designed for mobile home use or extension, shall be added to any mobile home parked within the jurisdiction of this chapter. Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated.

(4) Mobile home park identification signs shall not exceed 32 square feet in area. Only indirect, nonflashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.

(5) The town board may require that the owner of the park shall provide and maintain a five-foot buffer strip along any of all boundaries of the mobile home park planted with living evergreen trees or shrubbery, or solid fencing at least five feet in height. The buffer shall be planted in such a manner as to be harmonious with the landscaping and uses of adjacent properties and in keeping with the general character of the surrounding neighborhood. The buffer shall be subject to approval of the town board.

(6) Within a mobile home park, one mobile home may be used as an administrative office.

(7) Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries, and beauty parlors and barber shops. These may be permitted in mobile home parks subject to the following restrictions.

a. The establishments shall be subordinate to the residential use and character of the park.

b. The establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

c. The establishments shall be designed to serve the trade and service needs of the park residents only.

d. The establishments shall be subject to town board approval.

e. Any conventional commercial establishments not shown on mobile homes on or within a mobile home park unless the mobile home unit for sale shall be placed individually and separately upon an existing mobile home space where all design standards and utilities have been completed as specified by this chapter.

(8) The owner or operator of a mobile home park shall not sell mobile homes on or within a mobile home park unless the mobile home unit for sale shall be placed individually and separately upon an existing mobile home space where all design standards and utilities have been completed as specified by this chapter.

(9) Any mobile home unit not bearing a label or seal of compliance of a recognized testing laboratory, such as Underwriters' Laboratories or similar testing service, shall be subject to inspection by the town electrical inspector or other duly appointed officers.

(b) Streets and parking.

(1) Convenient access to each mobile home space shall be provided by streets or drives with a minimum right-of-way of 50 feet, of which 20 feet shall be graded, drained, and all-weather surfaced, for automobile circulation within the park. Maintenance of the streets shall be provided by the owner or operator of the park.

(2) Permanent dead-end streets or cul-de-sacs shall not exceed 1,000 feet in length, and shall be provided with a turnaround of at least 80 feet in diameter.

(3) Streets or drives within the mobile home park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a public street or road, the design standards of the state highway commission shall apply.

(4) New street names shall not duplicate or be similar to existing street names in the county, and shall be subject to approval by the county planning board.

(5) A minimum of one automobile parking space, all-weather surfaced, shall be provided adjacent to each mobile home space, but shall not be located within any public right-of-way or within any street in the park.

(6) A minimum of one guest automobile parking space, all-weather surfaced, shall be provided on the park site for each two mobile home spaces.

(7) Where more than five rural mail boxes are used for mail delivery, the approval of the local post office department and the district highway engineer shall be required.

(c) Mobile home space.

(1) All mobile homes shall be located on individual mobile home spaces. Spaces served by municipal water and sewer systems shall be at least 5,000 square feet of ground area.

(2) Each mobile home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.

(3) Each mobile home space shall be located on ground not susceptible to flooding, and graded so as to prevent any water from ponding or accumulating on the premises.

(4) Each mobile home shall be located at least 20 feet from any other mobile home; at least 20 feet from any building within the mobile home park; at least 20 feet from any property line; at least 15 feet from the edge of the right-of-way of any interior street; and 30 feet from the edge of the right-of-way of any publicly-maintained street or road.

(5) The mobile home space shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelet embedded in concrete foundations or runways, screen augers, arrowhead anchors, or other devices securing the stability of the mobile home. Each mobile home unit shall comply with the above standards, or standards specified by the state, whichever are the higher standards. Each mobile home owner shall be responsible for securing his individual mobile home to anchors provided by the mobile home park operator.

(d) Utility requirements.

(1) Water supply. An accessible, adequate, safe, and palatable supply of water shall be provided in each mobile home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively.

(2) Sewer connections.

- a. The municipal sewer must be hooked to all mobile homes.
- b. Each mobile home space shall be provided with at least a three-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- c. A two-inch by two-inch concrete apron shall be installed around all sewer connection riser pipes for support and protection.
- d. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only, without any branch fittings. All joints shall be watertight, including connection from trailer to sewer riser pipe.
- e. All material used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- f. Provision shall be made for plugging the sewer pipe when a mobile home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four inches above ground elevation.

(3) Solid waste disposal.

a. The storage, collection, and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or pollution.

b. All solid waste containing garbage shall be stored in standard flytight, watertight, rodent-proof containers, with a capacity not more than 32 gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage.

c. Stands shall be provided for all containers. These container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(4) Rodents and insects; noxious weeds; non-operable automobiles.

a. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the county health director.

b. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitos, and other pests.

c. Storage areas shall be so maintained as to prevent rodent harborage. Lumber, pipe, and other building material shall be stored at least one foot above ground.

d. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable material.

e. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

f. No non-operable automobile shall remain in a mobile home park for a period longer than 60 days.

(5) Illumination. All streets in the mobile home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be 175 watt mercury-vapor (approximately 7,000 lumens class), or its equivalent, spaced at intervals of not more than 300 feet.

(e) Registration of occupants. Every mobile home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of mobile homes in the park. The register shall be available for inspection at all times by authorized town representatives. The register shall contain the following information:

(1) Name of owner or occupant.

(2) Mobile home space number.

(3) Make, model, and registration number of mobile homes.

(4) Date when occupancy within the mobile home park begins, and date when occupancy within the mobile home park ceases.

(f) Inspection.

(1) The county health department, or the enforcement officer, are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. It shall be the duty of the owners or occupants of mobile home parks to give these agencies free access to the premises at reasonable times for the purposes of inspection.

(2) The person to whom an operating permit for a mobile home park is issued shall operate the park in compliance with this chapter, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

(3) The park owner or operator shall notify park occupants of applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. (Undated Ord., Art. VII)

Section 9-2008 Administration.

(a) Existing mobile home parks. Mobile home parks existing at the time of the adoption of this chapter with spaces completed and ready for occupancy shall be allowed to continue to operate, except that existing parks shall comply within a six-month period dating from the adoption date of this chapter with the standards of solid waste disposal as specified in section 9-2007(d)(3) of this chapter. Mobile home parks existing at the time of the adoption of this chapter shall not be allowed to expand or increase in any manner unless that expansion meets fully the requirements set forth in this chapter.

(b) Variances. Where strict adherence to the provisions of this chapter would cause an unnecessary hardship of topographical or other conditions peculiar to the site, the town board of commissioners may authorize a variance, if the variance can be made without destroying the intent of this chapter. Any variance thus authorized shall be entered in the minutes of the town board, and the reasoning on which the departure was justified shall be set forth.

(c) Penalty. Any person violating the provisions of this chapter shall be guilty of a misdemeanor, and shall be subject to a fine of not more than \$50 per day, or imprisonment of not more than 30 days, as specified by G.S. 14-40.

(d) Effective date. This chapter shall be effective from and after April 10, 1973. (Undated Ord., Art. VIII)

CHAPTER 3

Building Regulations

Section 9-3001 Building identification.

Section 9-3001 Building identification.

All residential and commercial buildings are required to have four-inch numbers. (Ord. of 2/4/80)

CHAPTER 4

Housing Code

Article A. General Provisions

Section 9-4001 Finding; purpose.
Section 9-4002 Definitions.
Sections 9-4003 through 9-4009 reserved.

Article B. Standards of Fitness

Section 9-4010 Minimum standards of fitness for dwellings and dwelling units.
Section 9-4011 Sanitary facilities.
Section 9-4012 Food preparation and refuse disposal.
Section 9-4013 Space and security.
Section 9-4014 Thermal environment.
Section 9-4015 Illumination and electricity.
Section 9-4016 Structure and materials.
Section 9-4017 Interior air quality.
Section 9-4018 Water supply.
Section 9-4019 Lead-based paint.
Section 9-4020 Access.
Section 9-4021 Extermination.
Section 9-4022 Congregate housing.
Sections 9-4023 through 9-4029 reserved.

Article C. Enforcement

Section 9-4030 Duties of inspector.
Section 9-4031 Powers of inspector.
Section 9-4032 Inspections; duty of owners and occupants.
Section 9-4033 Procedure for enforcement.
Section 9-4034 Methods of service of complaints and orders.
Section 9-4035 In rem action by inspector.
Section 9-4036 Costs, a lien on premises.
Section 9-4037 Disposition of abandoned personal property found in housing ordered demolished.
Section 9-4038 Alternative remedies.
Section 9-4039 Conflict with other provisions.
Section 9-4040 Violations.
Section 9-4041 Penalty.

ARTICLE A

General Provisions

Section 9-4001 Finding; purpose.

(a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents, and other calamities, lack of ventilation, light, and sanitary facilities, and due to other conditions rendering those

dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety, and morals, and otherwise inimical to the welfare of the residents of the town.

(b) In order to protect the health, safety, and welfare of the residents of the town as authorized by G.S. 160A-441 through 160A-450, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444. (Ord. of 4/28/83, Sec. 1)

Section 9-4002 Definitions.

(a) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Basement." A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

(2) "Congregate housing." Any dwelling containing more than two dwelling units.

(3) "Deteriorated." A dwelling that is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of 50% of its value, as determined by finding of the inspector.

(4) "Dilapidated." A dwelling that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by finding of the inspector.

(5) "Dwelling." Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

(6) "Dwelling unit." Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

(7) "Extermination." The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the inspector.

(8) "Garbage." The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

- (9) "Governing body." The board of commissioners of the town.
- (10) "Habitable room." A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes; excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.
- (11) "Infestation." The presence, within or around a dwelling, of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or the public.
- (12) "Inspector." The town building inspector appointed as such to administer this chapter; and any agent of the inspector who is authorized by the inspector.
- (13) "Occupant." Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (14) "Operator." Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (15) "Owner." Any person who alone, or jointly, or severally with others:
- a. Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - b. Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (16) "Parties in interest." All individuals, associations, and corporations who have interests of record in a dwelling, and any who are in possession thereof.
- (17) "Plumbing." All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (18) "Public authority." Any officer who is in charge of any department or branch of the government of the town or of the state relating to health, fire, building regulations, or other activities concerning dwellings in the town.

(19) "Rubbish." Combustible and noncombustible waste materials, except garbage and ashes; includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

(20) "Substandard dwelling or structure." A dwelling, dwelling unit, multiple dwelling, apartment house, or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this chapter for that use.

(21) "Supplied." Paid for, furnished, or provided by, or under the control of, the owner or operator.

(22) "Temporary housing." Any tent, trailer, or other structure used for human shelter, which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

(23) "Town." The Town of Stantonsburg, North Carolina.

(24) "Unfit for human habitation." Conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(b) Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof." (Ord. of 4/28/83, Sec. 2)

Sections 9-4003 through 9-4009 reserved.

ARTICLE B

Standards of Fitness

Section 9-4010 Minimum standards of fitness for dwellings and dwelling units.

Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 9-4011 through 9-4017 of this article. No person shall occupy as owner-occupant, or let to another for occupancy, or use as human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article. (Ord. of 4/28/83, Sec. 3)

Section 9-4011 Sanitary facilities.

(a) A dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and

are adequate for personal cleanliness and the disposal of human waste.

(b) A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system. (Ord. of 4/28/83, Sec. 4)

Section 9-4012 Food preparation and refuse disposal.

(a) A dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(b) The unit shall contain the following equipment in proper operating condition: cooking stove or range, and a refrigerator of appropriate size for the unit, supplied by either the owner or the family; and a kitchen sink with hot and cold running water. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation, and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (for example, garbage cans).

(c) All plumbing fixtures and appliances shall meet the standards of the state plumbing code, and shall be maintained in a state of good repair and in good working order.

(d) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the state electrical code. (Ord. of 4/28/83, Sec. 5)

Section 9-4013 Space and security.

(a) The dwelling unit shall afford the family adequate space and security.

(b) Acceptability criteria.

(1) A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping or living/sleeping room of appropriate size for each two persons.

(2) Exterior doors and windows accessible from outside the unit shall be capable of being locked. (Ord. of 4/28/83, Sec. 6)

Section 9-4014 Thermal environment.

(a) The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(b) The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. (Ord. of 4/28/83, Sec. 7)

Section 9-4015 Illumination and electricity.

(a) Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electrical appliances while assuring safety from fire.

(b) Living and sleeping rooms shall include at least one window. A ceiling- or wall-type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(c) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the state electrical code. (Ord. of 4/28/83, Sec. 8)

Section 9-4016 Structure and materials.

(a) The dwelling unit shall be structurally sound, so as not to pose any threat to the health and safety of the occupants, and so as to protect the occupants from the environment.

(b) Ceilings, walls, and floors shall not have any serious defects, such as severe bulging or leaning, large holes, loose surface materials, severe buckling, noticeable movement under walking stress, missing parts, or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects, such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, and the like shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition. In the case of a mobile home, the home shall be securely anchored by a tie-down device which distributes and transfers the loads imposed by the unit to appropriate ground anchors, so as to resist wind overturning and sliding. Mobile homes shall be underpinned with a material approved for that purpose. (Ord. of 4/28/83, Sec. 9)

Cross-reference: Anchoring of mobile homes in mobile home parks, section 9-2007(c)(5).

Section 9-4017 Interior air quality.

(a) The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(b) The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one window capable of being opened, or other adequate exhaust ventilation. (Ord. of 4/28/83, Sec. 10)

Section 9-4018 Water supply.

(a) The water supply shall be free from contamination.

(b) The unit shall be served by an approved public or private sanitary water supply.

(c) All plumbing fixtures and appliances shall meet the standards of the state plumbing code, and shall be maintained in a state of good repair and in good working order. (Ord. of 4/28/83, Sec. 11)

Section 9-4019 Lead-based paint.

No lead-based paint shall be used. This provision shall be in compliance with the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801. (Ord. of 4/28/83, Sec. 12)

Section 9-4020 Access.

(a) The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties.

(b) The building shall provide an alternate means of egress in case of fire, such as fire stairs or egress through windows. (Ord. of 4/28/83, Sec. 13)

Section 9-4021 Extermination.

(a) The unit and its equipment shall be in sanitary condition.

(b) The unit and its equipment shall be free of vermin and rodent infestation. (Ord. of 4/28/83, Sec. 14)

Section 9-4022 Congregate housing.

(a) The foregoing standards shall apply, except for those in section 9-4012.

(b) In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The central dining facility, and kitchen facility, if any, shall contain suitable space and equipment to store, prepare, and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (such as garbage cans). (Ord. of 4/28/83, Sec. 15)

Sections 9-4023 through 9-4029 reserved.

ARTICLE C

Enforcement

Section 9-4030 Duties of inspector.

The inspector is hereby designated as officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. It shall be the duty of the inspector:

(1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the town, in order to determine which dwellings and dwellings units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings and dwelling units.

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.

(3) To keep a record of the results of inspections made under this chapter, and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.

(4) To perform such other duties as may be herein prescribed. (Ord. of 4/28/83, Sec. 16)

Section 9-4031 Powers of inspector.

The inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the town in order to determine which dwellings are unfit for human habitation.

(2) To administer oaths and affirmations, examine witnesses, and receive evidence.

(3) To enter upon premises for the purpose of making examinations and inspections. Such entries shall be made in a manner as to cause the least possible inconvenience to the persons in possession.

(4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter. (Ord. of 4/28/83, Sec. 17)

Section 9-4032 Inspections; duty of owners and occupants.

(a) For the purpose of making inspections, the inspector is hereby authorized to enter, examine, and survey at all reasonable

times all dwellings, dwelling units, congregate housing, and premises. The owner or occupant of every dwelling, dwelling unit, or congregate housing, or the person in charge thereof, shall give the inspector free access to the dwelling, dwelling unit, or rooming unit, and its premises, at all reasonable times for the purposes of inspection, examination, and survey.

(b) Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of the dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter. (Ord. of 4/28/83, Sec. 18)

Section 9-4033 Procedure for enforcement.

(a) Preliminary investigation: notice; hearing. Whenever a petition is filed with the inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(b) Procedure after hearing. After notice and hearing, the inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of that determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, within a specified period of time, not to exceed 90 days. This order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations, and improvements have been made.

(2) If the inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to

support that determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter, and improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(c) Failure to comply with order. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the inspector within the time specified therein, the inspector shall submit to the town board of commissioners an ordinance ordering the inspector to cause that dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed, and removed or demolished, as provided in the original order of the inspector; and pending removal or demolition, to placard the dwelling as provided by G.S. 160-443 and section 9-4035 of this chapter.

(d) Petition to superior court by owner. Any person aggrieved by an order issued by the inspector or a decision rendered by the town board of commissioners shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. 160A-446(f). (Ord. of 4/28/83, Sec. 19)

Section 9-4034 Methods of service of complaints and orders.

(a) Complaints or orders issued by the inspector shall be served upon the owner or the parties in interest in the dwelling, either personally or by registered or certified mail. If the whereabouts of those persons are unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publishing the same once each week for two successive weeks in a newspaper circulating in the town. Where service is made by publication, a notice of the pending proceeding shall be posted in a conspicuous place on the premises affected by the complaint or order.

(b) No person without written consent of the inspector shall remove or permit the removal of any complaint, notice, or order posted in accordance with the provisions of this chapter. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor. (Ord. of 4/28/83, Sec. 20)

Section 9-4035 In rem action by inspector.

(a) If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the dwelling, the public office may cause the dwelling to be repaired, altered, or improved, or to be vacated and closed. The inspector may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is

prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(b) If the owner fails to comply with an order to remove or demolish the dwelling, the inspector may cause the dwelling to be removed or demolished. The duties of the inspector set forth in divisions (a) and (b) shall not be exercised until the governing body shall have by ordinance ordered the inspector to proceed to effectuate the purpose of this chapter with respect to the particular property or properties which the inspector shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this chapter. This ordinance shall be recorded in the office of the county registrar of deeds and shall be indexed in the name of the property owner in the grantor index.

(c) Dwellings ordered vacated by the inspector shall have all outer doors firmly locked, and basement, cellar, and first-story windows barred or boarded to prevent entry; and shall not again be used for human habitation until written approval is secured from the inspector. (Ord. of 4/28/83, Sec. 21)

Section 9-4036 Costs, a lien on premises.

The amount of the cost of proceedings under this chapter, including attorneys' fees and the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the inspector pursuant to section 9-4035 of this chapter, shall be a lien against the real property upon which the cost was incurred. This lien shall be filed, have the same priority, and be enforced, and the costs collected, as provided by G.S. 160A-216 through 160A-238. (Ord. of 4/28/83, Sec. 22)

Section 9-4037 Disposition of abandoned personal property found in housing ordered demolished.

Any article of personal property found by the inspector to be abandoned in a house which the town board of commissioners has ordered the inspector to demolish, and which is found by the inspector to have an appraised value of \$50 or more, shall be disposed of in the following manner:

(1) The inspector shall first make an effort to communicate with the owner of the articles of personal property and to request that he remove the same from the premises.

(2) If the inspector is unable to communicate with the owner of the articles of personal property promptly, or if the owner thereof fails or refuses to remove the property from the premises after being requested to do so, the articles of personal property found on the premises may be removed for safekeeping in a town warehouse.

(3) Written notice of each removal of personal property shall be promptly given to the owner of the articles of personal property to the extent that the identity of the person is known or may be reasonably ascertained.

(4) The owner or any other person who may be entitled to possession of any such articles of personal property, before obtaining possession thereof, shall pay to the town all reasonable costs incident to the removal, storage, and locating the owner of the property or any other person who may be entitled to possession thereof.

(5) Should the owner or other person entitled to possession fail or refuse to pay the costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address, the inspector may, after holding the property for 30 days, dispose of the same by public sale after ten days' public notice published in a local newspaper of general circulation. The proceeds of the sale shall be forwarded to the town clerk.

a. The town clerk shall pay, from the proceeds of the sale, costs of removal, storage, investigation as to ownership and sale, and liens, in that order.

b. Any remaining proceeds shall be deposited to the general fund of the town, subject to the following provision: If the ownership of the property is established satisfactorily to the town clerk, he shall pay the owner so much of the proceeds from the sale of the property as remains after paying the cost of removal, storage, investigation as to ownership, and sale, and any liens thereon. (Ord. of 4/28/83, Sec. 23)

Section 9-4038 Alternative remedies.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise; or to enforce this chapter by criminal process as authorized by G.S. 14-4; or to enforce any other remedy or remedies provided herein or in other ordinances or laws. (Ord. of 4/28/83, Sec. 24)

Section 9-4039 Conflict with other provisions.

In the event any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinances or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail. (Ord. of 4/28/83, Sec. 25)

Section 9-4040 Violations.

(a) It shall be unlawful for the owner of any dwelling or

dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close, and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order. Each day that any such failure, neglect, or refusal to comply with an order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 9-4033 of this chapter, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, or improvement, or its vacation and closing. Each day that occupancy continues after the prescribed time shall constitute a separate and distinct offense. (Ord. of 4/28/83, Sec. 26)

Section 9-4041 Penalty.

The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. 14-4. (Ord. of 4/28/83, Sec. 26)

CHAPTER 5

Zoning Code

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ARTICLE A

Introductory Provisions

Section 9-5001 Authority and enactment.

In pursuance of the authority granted by G.S. 160A-381 through 160A-392, this chapter is ordained by the board of commissioners of the Town of Stantonburg. (Ord. of 5/6/85, Sec. 101)

Section 9-5002 Title.

This chapter shall be known and may be cited as the zoning ordinance of the Town of Stantonburg, and may be referred to as the "zoning ordinance." (Ord. of 5/6/85, Sec. 102)

Section 9-5003 Purpose of regulations.

(a) For the purpose of promoting the health, safety, morals and general welfare, this chapter is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

(b) The zoning regulations in this chapter are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction. (Ord. of 5/6/85, Sec. 103)

Section 9-5004 Jurisdiction.

The area to which this chapter applies is shown on the official zoning map. (Ord. of 5/6/85, Sec. 104)

Cross-reference: Zoning map, see section 9-5026.

Section 9-5005 Legal provisions.

(a) If any part, sentence, paragraph, subsection, section, or clause of this chapter is adjudged unconstitutional or invalid as applied to a particular property, building, or structure, other property, buildings, or structures shall not be affected thereby.

(b) Whenever any condition or limitation is included in an order authorizing a special use permit, conditional use permit, variance, zoning compliance permit, certificate of occupancy, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered the condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some provision hereof, and to protect the public health, safety, and welfare; and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful. (Ord. of 5/6/85, Sec. 901.2)

Section 9-5006 Effective date.

This chapter shall take effect and be in force from and after July 1, 1985. (Ord. of 5/6/85, Sec. 901.5)

Sections 9-5007 through 9-5009 reserved.

ARTICLE B

General Provisions

Section 9-5010 Definitions; interpretation of terms.

Except as defined in this section or in other sections of this chapter, all words used in this chapter shall have their customary dictionary definition. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Abutting." Property that directly touches another piece of property.

(2) "Accessory building, structure, or use." A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to, the principal use or structure.

(3) "Alley." A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

(4) "Board of adjustment." The planning board of the town and its extraterritorial jurisdiction, performing the duties of a board of adjustment.

(5) "Board of commissioners." The board of commissioners of the town.

(6) "Building." Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals, or chattels.

(7) "Building, height of." The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

(8) "Condominium." A project meeting the requirements of G.S. Ch. 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

(9) "Dwelling, multi-family." A building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding mobile homes and townhouses.

(10) "Dwelling, single-family." A building arranged to be occupied by one family, the building housing only one dwelling unit, but excluding mobile homes and townhouses.

(11) "Dwelling, two-family." A building arranged to be occupied by two families, the building having two dwelling units, but excluding mobile homes and townhouses.

(12) "Dwelling unit." A building or portion thereof designed, arranged or used for the living quarters for one or more persons living as a single family, with cooking facilities; excluding units in rooming, boarding and tourist houses, family or group care homes, or hotels, motels or other buildings designed for transient residence. See also section 9-5080.

(13) "Family." One or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

(14) "Family care home." A facility as defined in G.S. 168-21.

(15) "Floor area, gross." The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of enclosed space devoted to the conduct of the use; excluding basements and unenclosed porches, balconies and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses; and excluding off-street parking and loading areas.

(16) "Governing body." The town board of commissioners.

(17) "Home occupation." An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services.

(18) "Kennel." an establishment for the keeping, boarding or breeding of dogs, cats or other domestic animals usually owned, kept or raised for pet purposes.

(19) "Lot." A single lot of record, or more than one contiguous lot of record in the same ownership; which lot or lots of record are not divided by any street or public alley; and excluding any part of a lot or lots of record which, when severed from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this chapter. The term "lot" includes the terms "parcel," "plot," and "tract."

(20) "Lot, corner." A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(21) "Lot coverage, maximum in percent." The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

(22) "Lot depth." The distance between the midpoints of straight lines connecting the foremost point of the side lot lines in front and the rearmost points of side lot lines in the rear.

(23) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been so recorded.

(24) "Lot width." The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. Where this zoning ordinance refers to minimum lot width in feet, the same shall mean minimum lot width in feet along the public street or road right-of-way measured along the right-of-way line of the public street or road on which the lot fronts and which is the public street or road providing access to such lot.

(24.1) "Manufactured home." See section 9-5080.

(25) "Map." The official town zoning map.

(26) "Mobile home." A factory-assembled, movable dwelling designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation, and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. A dwelling meeting the above definition shall be considered a mobile home, even if placed on a permanent foundation.

(27) "Mobile home park." Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

(27.1) "Modular building." A dwelling unit constructed in accordance with the standards set forth in the North Carolina Uniform Residential Building Code as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina Residential Building Code as amended), or a series of panels or room sections transported on a truck and erected or joined together on the site. (Ord. of 2/7/05)

(27.2) "Modular home." See section 9-5080.

(28) "Net acreage, acres, land area, square footage of land area." Land area with streets, rights-of-way, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

(29) "Planning board." The planning board of the town.

(30) "Planned unit development." As defined in section 9-5064(c).

(31) "Principal building, use, or structure." The main use of a lot or the building or structure in or on which the main use of the lot takes place.

(32) "Restaurant." An establishment whose primary purpose is serving meals to patrons.

(33) "Restaurant, drive-in or take-out." Any restaurant which makes provision for curbside service, outdoor service, or a drive-in window; or any restaurant more than ten (10%) percent of whose average daily customers take their food or beverages out of the restaurant.

(34) "Restaurant, indoor." Any restaurant except a drive-in or take-out restaurant.

(35) "Roof line." The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

(36) "Right-of-way, street." A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

(37) "Shall." Always mandatory and not merely directory.

(38) "Shopping center." Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

(39) "Sign."

a. Any outdoor letter, symbol, number, trademark, or other form of publicity, or combination of these, as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes, or other trim, shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

b. Types of signs.

1. "Ground sign." A sign erected on a free-standing frame, mast, or pole, and not attached to any building, fence, or wall.

2. "Identification sign." A sign which contains any or all of the following: the name of the occupant, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number when located on the site of the establishment.

3. "Off-site advertising sign." A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where the sign is located.

4. "On-site advertising sign." A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

5. "Projecting sign." A sign which extends beyond and is attached to a building wall, and may extend over a public right-of-way.

6. "Roof sign." A sign attached to and extending upward from a roof of a structure.

7. "Wall sign." A sign which is attached flat to the wall or facade of a building, or to a fence or wall.

(40) "Sign, area." The area of the smallest regular polygon composed of eight lines or less, circle, half circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members, unless some part of the message appears on them, in which case they shall be included. Where symbols, letters, or numbers are attached

separately to a structure, including a sign structure, or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of the figure shall be projected on a vertical plane and measured in the standard manner.

(41) "Sign, height." The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

(42) "Structure." Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, and swimming pools.

(43) "Town board." The town board of commissioners.

(44) "Townhouse." A single-family dwelling unit constructed in a series or group of attached units with property lines separating the units.

(45) "Used." As applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used."

(46) "Variance." A relaxation of the terms of this chapter under the specific conditions set forth in section 9-5061(d)(2).

(47) "Yard." An open space on the same lot with a principal structure or use, unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this chapter.

(48) "Yard, front." A yard extending the full width of the lot, and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

(49) "Yard, rear." A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

(50) "Yard, side." A yard extending along either side of a lot measured from front yard line to rear yard line, and lying between the side lot line and the principal structure or use on the lot.

(51) "Zoning administrator." The official charged with the enforcement of this chapter.

(52) "Zoning map." The official town zoning map.

(53) "Livestock operation." The breeding, raising, keeping, boarding, feeding, housing, storing, selling or production of one or more animals of any sort, kind and description, including but not limited to, swine, cattle, horses, goats, sheep, chickens, turkeys, ducks, poultry, hogs and pigs, rabbits and any other wild or domesticated animals. Provided, however, that the breeding, raising, keeping, boarding, feeding, housing, storing or production of one or more domesticated animals not exceeding 150 pounds in weight each for pet purposes shall not be deemed to be a livestock operation. Further provided, however, that landowners may maintain and house domesticated animals exceeding 150 pounds in weight in the RA zoning district, including horses and cattle, for pet purposes so long as the landowner has one acre of open space in the RA zoning district for each such animal maintained and housed and the keeping, boarding and housing of such domesticated animals exceeding 150 pounds in weight shall not be deemed to be a livestock operation.

(54) "Agricultural or horticultural use." The planting, raising and growing and harvesting of any agricultural product or crop, excluding kennels or livestock operations.

(55) "Farming." The planting, raising, tilling and harvesting of any agricultural product grown on and from the land, but excluding kennels and livestock operations.

(56) "Major Highway District." Any lots or parcels zoned RA and having road frontage on N.C. Highway 58 or N.C. Highway 222 within the zoning jurisdiction of the Town of Stantonsburg.
(Ord. of 5/6/85, Art. X; amended, Ord. of 11/4/85; Ord. of 3/6/89; Ord. of 4/5/93, Secs. 1, 2; Ord. of 11/9/98)

Section 9-5011 Application of regulations.

The regulations set forth in this chapter shall affect all land, every structure and every use of land or structure, and shall apply as follows:

(1) No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, or structurally altered, except in compliance with the regulations of this chapter for the district in which it is located.

(2) No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this chapter for the district in which it is located.

(3) No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the

purchase or condemnation of narrow strips of land for public utilities or street right-of-way purposes.

(4) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another structure or use.

(5) In any district, no more than one principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this chapter.
(Ord. of 5/6/85, Sec. 201)

Section 9-5012 Interpretation of regulations.

The regulations in this chapter shall be enforced and interpreted according to the following rules:

(1) Uses not designated in the district regulations as permitted, conditional or special uses shall be prohibited. Conditional and special uses are permitted according to the additional regulations imposed. These conditional and special uses can be approved only by the board of adjustment or board of commissioners as specified in this chapter. Additional uses may be added to the chapter by amendment. The breeding, raising, keeping, boarding, feeding, housing, storing, selling, or production of one or more animals of any sort, kind and description, including, but not limited to, swine, cattle, horses,

goats, sheep, chickens, turkeys, ducks, poultry, hogs and pigs, rabbits and any other wild or domesticated animals, including the operation of hog parlors, chicken houses, turkey houses, stables, kennels or any kindred livestock or kennel operation shall be prohibited in all zoning districts over which the Town of Stantonburg has planning and zoning authority and jurisdiction. The lagooning, stockpiling, storing or maintaining of animal waste from livestock operations is specifically prohibited within the planning and zoning authority and jurisdiction of the Town of Stantonburg, and the spraying, spreading, tilling into the soil or otherwise disposing of animal effluent or animal litter within the planning and zoning authority and jurisdiction of the Town of Stantonburg is specifically prohibited.

Provided, that any resident within the planning and zoning authority and jurisdiction of the Town of Stantonburg may keep domesticated animals not exceeding 150 pounds in weight each on any lot or contiguous lot owned or occupied by such person so long as such domesticated animals are maintained and kept strictly as pets and not for sale, exchange, other commercial purpose or for consumption.

Further provided, however, that landowners may maintain and house domesticated animals exceeding 150 pounds in weight in the RA zoning district, including horses and cattle, for pet purposes so long as the landowner has one acre of open space in the RA zoning district for each such animal maintained and housed and the keeping, boarding and housing of such domesticated animals exceeding 150 pounds in weight shall not be deemed to be a livestock operation.

(2) In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of lawfully adopted rules, regulations, ordinances, deed restrictions or covenants are at variance with the requirements of this chapter, the most restrictive, or that imposing the highest standards, shall govern.

(3) Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this chapter, nothing herein contained shall be construed to render such covenants inoperative.

(Ord. of 5/6/85, Secs. 202, 901.1; amended, Ord. of 4/5/93, Sec. 3; Ord. of 11/9/98; Ord. of 7/24/02)

Section 9-5013 Exceptions and modifications.

(a) The minimum front yard requirements of this chapter for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within 100 feet on each side of the lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on the lot may be less than the required front yard, but not less than the adjacent dwelling with the greatest front yard depth, or the average front yard of existing

dwellings located wholly or in part within 100 feet on each side, whichever is greater.

(b) In any residential district for corner lots, the side yard requirements along the side street shall be increased by 10 feet.

(c) The board of adjustment shall review as a conditional use structures such as church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials and similar structures which exceed the height limitations of this chapter.

(d) Uncovered stairs, landings, terraces, porches, balconies and fire escapes may project into any yard, but that projection may not exceed six feet and may not be closer than 10 feet to any lot line.

(e) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed three feet.

(f) The requirements of this chapter do not apply to roads, water, sewer, gas, electric, telephone and similar utility lines except as specifically mentioned in this chapter.

(g) Lot width on lots which front on the turnaround circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or, if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two sides, the side lot lines to be used are the two which connect with the front lot line. (Ord. of 5/6/85, Sec. 203)

Section 9-5014 Visibility at intersections.

On a corner lot, nothing shall be erected, placed, planted, or

allowed to grow in such a manner as materially to impede vision between a height of two and one-half feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect. (Ord. of 5/6/85, Sec. 204)

Section 9-5015 Regulations concerning home occupations.

Home occupations are permitted in all districts only as an incidental use, and must comply with the following regulations:

- (1) No more than two persons other than a resident of the dwelling shall be engaged in the occupation.
- (2) No more than three customers, clients, or patrons shall come to the dwelling at any one time, nor more than ten in any one day.
- (3) No more than two vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, shall be in an enclosed building as described in division (4) below, or shall be a conditional use subject to approval by the board of adjustment.
- (4) No more than 25% of the total actual floor area of the dwelling, or 500 square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one accessory building, not exceeding 1000 square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles or for storage of materials used in connection with the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this chapter must be met by the accessory building. The accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a conditional use permit.
- (5) Notwithstanding the provisions of division (4), a home greenhouse shall be permitted, provided that the greenhouse meets the requirements of section 9-5016, and that any sales in connection with the greenhouse meet the requirements of this section.
- (6) No outdoor sales or storage shall be permitted in connection with the home occupation.
- (7) The exterior appearance of the dwelling shall not be altered in such a manner, nor shall the occupation in the residence be conducted in such a way, as to cause the premises to differ from its residential character in exterior appearance.
- (8) The use may not emit noise beyond that which normally occurs in the applicable zoning district; nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference,

interference to radio and television reception, or other nuisance, and shall not be volatile or present a fire hazard; nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

(9) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

(10) There shall be no more than two deliveries per day to the premises of materials to be used in conjunction with the home occupation, and these shall take place between the hours of 7:00 a.m. and 9:00 p.m.

(11) No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before 7:00 a.m. or after 9:00 p.m.

(12) The following are strictly prohibited as home occupations: car washes; commercial automotive repair garages; truck terminals; slaughterhouses; paint, petroleum, and chemical plants; any occupation which involves the storage of liquid petroleum, gasoline, kerosene, or other flammable liquids; funeral homes and mortuaries; massage parlors; sale of reading or viewing material of a pornographic nature; movie theaters; animal hospitals and kennels; bottled gas sales.

(13) Any home occupation not complying with these regulations shall be a special use. (Ord. of 5/6/85, Sec. 205)

Section 9-5016 Accessory uses.

(a) Accessory uses are permitted in any zoning district in accordance with the following regulations.

(b) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to, the principal use or structure.

(c) Accessory uses to single-family, two-family, and multi-family dwellings may not include commercial uses, except as permitted as home occupations in section 9-5015 of this chapter; or for multi-family dwellings, as allowed by the board of adjustment in accordance with the provisions of section 9-5064 of this chapter.

(d) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.

(e) No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the principal building in height.

(f) An accessory building sharing one or more common walls with the principal building shall be considered part of the principal

building for purposes of this chapter, and must meet all yard requirements applied to the principal building.

(g) No detached accessory building shall be located closer than ten feet to any other building or mobile home.

(h) No accessory building or recreational structure or use may extend in front of the rear line of a single- or two-family dwelling or mobile home.

(i) No accessory building or recreational structure or use may extend within three feet of a lot line, nor within 20 feet of a street right-of-way line.

(j) Recreational uses and buildings accessory to apartment complexes shall be in accordance with section 9-5064 of this chapter.

(k) Fences and walls are permitted as accessory uses provided that they comply with the following:

(1) No fence more than three feet in height, nor retaining wall more than five feet in height which is more than 75% solid, may be placed in any front yard, including along the side lot line to the front of any principal building, unless approved by the town board of commissioners as a buffer in accordance with section 9-5017(g) of this chapter.

(2) Rear and side fences greater than seven feet in height shall be of an open type similar to woven wire or wrought iron fencing, except where a buffer with different specifications is required elsewhere in this chapter.

(3) Fences may not exceed seven feet in height, except in commercial and industrial districts, where fences may be no more than ten feet in height.

(4) Fences need not comply with the setback requirements of this chapter.

(5) No fence shall impede vision, as regulated in section 9-5014 of this chapter. (Ord. of 5/6/85, Sec. 206)

Section 9-5017 Buffer strips.

(a) Whenever a buffer strip is required by this chapter, the strip shall meet the specifications of this section, unless different specifications are given in the section where the buffer strip is required.

(b) A buffer strip shall consist of a planted strip which shall be a minimum of 16 feet in width, composed of evergreen bushes, shrubs, or trees such that at least two rows of coverage are provided from the ground to a height of six feet within six years, and foliage overlaps. The 16 feet required for the buffer strip shall be in addition to all normal yard requirements of this chapter.

(c) Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this chapter: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts, or is across an easement or right-of-way from, land zoned RA, RS, RH, or RMH.

(d) All buffer strips shall become part of the lots on which they are located; or, in the case of commonly-owned land, shall belong to the homeowners' or property-owners' association.

(e) The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lessee.

(f) If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the zoning administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the zoning administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip.

(g) Where, because of intense shade, or soil conditions, a planting screen cannot be expected to thrive, the zoning administrator may, in writing, allow substitution of a well-maintained wooden fence or masonry wall at least six feet in height.

(h) Where it is clear that a smaller buffer will protect neighboring property from harmful effects, the board of adjustment or town board of commissioners, for special uses, may reduce the buffer to eight feet and one row of trees.

(i) For special and conditional uses, the board may require a maintenance bond for the buffers, as a condition of approval. (Ord. of 5/6/85, Sec. 207)

Section 9-5018 Nonconformities.

(a) General. A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning chapter is called a nonconformity. Special provisions apply to nonconformities and these are listed in this section. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in article E.

(b) Existing substandard structures.

(1) The conforming use of a structure as explained in division (e) of this section existing at the time of the adoption of this chapter may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this chapter. Such structures are called substandard structures.

(2) Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access, and all other applicable requirements of this chapter for the district in which such a structure is located.

(3) Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed, and shall comply with the yard, height, parking, loading, access, and all other applicable provisions of this chapter for the district in which the structure is located, unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

(4) A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

(c) Existing nonconforming uses. The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this chapter may be continued, except that:

(1) Only that portion of the land or water in actual use may be so continued, and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use; except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming.

(2) Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located.

(3) If a nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than 75% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter.

(4) If a nonconforming use is discontinued or terminated for a period of more than 180 days, any future use of the structure, land, or water shall comply with the provisions of this chapter.

(5) A nonconforming use may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is relocated.

(6) The board of adjustment may permit as a conditional use a change in nonconforming use, provided that the requirements of divisions (c)(1) through (c)(5) of this section are met, and the board of adjustment finds that the new use would be more in character with the uses permitted in the district than the previous use. In permitting the change, the board of adjustment may require

appropriate conditions and safeguards in accordance with the provisions of this chapter.

(7) Once a nonconforming use has been changed or altered so as to comply with the provisions of this chapter, it shall not revert back to a nonconforming use. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use, and become subject to all the conditions required by the board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

(d) Existing vacant substandard lots.

(1) Where the owner of a lot at the time of adoption of this chapter, or his successor in title thereto, does not own sufficient land to enable him to conform to the lot area or lot width requirements of this chapter, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter, and further provided that the county health department approves the reduction if on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than 20% below the minimum specified in this chapter, or other dimensional requirements cannot be met, the board of adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions, if the county health department submits a letter of approval if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family residences are permitted, the board of adjustment may issue a variance to allow some reasonable use.

(2) If two or more adjoining and vacant lots are in one ownership when this chapter is adopted or at any time after the adoption of this chapter, and the lots individually do not meet the minimum dimensional requirements of this chapter for the district in which the lots are located, then that group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located; and, therefore, the provisions of division (d)(1) do not apply.

(e) Conforming uses and structures.

(1) Any use or structure existing prior to the effective date of this chapter which conforms to the regulations of this chapter for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located may be continued, provided any changes shall comply with the provisions of this chapter.

(2) Any structure or use existing prior to the effective date of this chapter which would be permitted by this chapter as a

special or conditional use in the district in which it is located may be continued as if a special or conditional use permit had been applied for and issued, provided that any changes shall comply with the provisions of this chapter.

(f) Effect of amendments. If subsequent amendments to this chapter or the official zoning map result in the creation of additional nonconformities or conformities, those nonconformities and conformities shall be governed by the provisions of this section unless otherwise stated in the amendment. (Ord. of 5/6/85, Sec. 208)

Section 9-5019 Complexes.

Office centers, shopping centers, institutional and industrial, and similar complexes may have more than one principal building on a single lot, provided that the following requirements are met:

(1) Uses in complexes shall be limited to those permitted within the zoning district in which the project is located.

(2) The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located.

(3) The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located, or 50 feet, whichever is greater.

(4) The building heights shall not exceed the height limits permitted in the district in which the project is located.

(5) The buildings shall be located so as to provide access for emergency vehicles. (Ord. of 5/6/85, Sec. 209)

Section 9-5020 Lots on which principal buildings, structures, and uses are established must abut street.

No principal building, structure, or use may be erected or established on any lot which does not abut at least 20 feet on one of the following:

(1) A public street dedicated to and maintained by the town, or the state department of transportation.

(2) A street constructed to the standards of the town, or the state department of transportation, with a written agreement concerning maintenance of the street. (Ord. of 5/6/85, Sec. 210)

Sections 9-5021 through 9-5024 reserved.

ARTICLE C

District Regulations

Section 9-5025 Establishment and purpose of districts.

For the purposes of this chapter, the zoning jurisdiction of the town is hereby divided into the following districts:

(1) RA - residential-agricultural district. The purpose of this district is to provide areas for low-density residential development and agriculture in areas outside the corporate limits of the town.

(2) RS - residential subdivision district. The purpose of this district is to provide for existing residential subdivisions and the establishment of new subdivisions.

(3) RH - single- and multi-family residential district. The purpose of this district is to provide for a compatible mixture of single-family dwellings, and multi-family buildings and complexes.

(4) RMH - mobile home residential district. The purpose of this district is to provide areas for the location of mobile homes.

(5) C - commercial district. The purpose of this district is to provide areas for offices, services, and businesses.

(6) LI - light industrial district. The purpose of this district is to provide locations for manufacturing, wholesaling, and warehousing uses which can be conducted without producing harmful effects on the citizens of the area. (Ord. of 5/6/85, Sec. 301)

Section 9-5026 Zoning map.

(a) The boundaries of the districts are hereby established as shown upon the map entitled "Zoning Map, Town of Stantonsburg, North Carolina." The zoning map and all the notations, references, and all amendments thereto, and other information shown thereon, is hereby made a part of this chapter as if the information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the office of the zoning administrator and is available for inspection by the public.

(b) In the creation, by this chapter, of the respective districts, the board of commissioners has given due and careful consideration to the peculiar suitability of each and every district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town and its extraterritorial area. (Ord. of 5/6/85, Sec. 302)

Section 9-5027 Uncertainty as to boundaries.

(a) The boundaries of such districts as are shown upon the map

adopted by this chapter are hereby adopted, and the provisions of this chapter governing the use of land and buildings, the height of buildings, the sizes of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon the map.

(b) If uncertainty exists as to the boundaries of the use districts shown on the official zoning map, which is not resolved by the ordinance or ordinances establishing and amending the boundaries, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow those centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines.

(3) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following those jurisdictional boundaries.

(4) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks.

(5) Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following those centerlines.

(6) Boundaries indicated as following shorelines shall be construed to follow those shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline.

(7) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.

(8) Boundaries indicated as parallel to or extensions of natural or man-made features indicated in divisions (b)(1) through (b)(7) above shall be so construed.

(9) Distances not specifically indicated shall be determined by the scale of the official zoning map.

(c) Where uncertainties continue to exist after application of the above rules, appeal may be taken to the board of adjustment as provided in article G of this chapter. (Ord. of 5/6/85, Sec. 303)

Section 9-5028 Amendments to the official zoning map.

Amendments to the official zoning map shall be adopted by

ordinance as provided in article H. Promptly after the adoption of an amendment, the zoning administrator shall alter or cause to be altered the official zoning map to indicate the amendment. The town clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment, as well as the book and page of record of the ordinance amending the map. (Ord. of 5/6/85, Sec. 304)

Section 9-5029 True copy to be maintained.

The chairperson of the planning board shall also maintain a true copy of the official zoning map, which shall include thereon all matters shown on the official zoning map. The true copy shall have no legal effect except as provided in section 9-5030. (Ord. of 5/6/85, Sec. 305)

Section 9-5030 Replacement and preservation of official zoning map and true copy thereof.

(a) If the official zoning map is damaged, lost, or destroyed in whole or in part, the governing body may by resolution adopt the true copy in whole or in part as the official zoning map, and the zoning administrator and town clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the governing body may by resolution adopt a new official zoning map if the prior map becomes difficult to interpret due to the number of amendments or other matters shown thereon, provided that the new map is an exact copy of the prior map.

(b) The zoning administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof, together with all available records pertaining to their adoption, amendment, or repeal. (Ord. of 5/6/85, Sec. 306)

Section 9-5031 Regulations for residential-agricultural, residential subdivision, single- and multi-family residential, and residential mobile home districts.

(a) Table of permitted uses. Uses allowed in the districts named in this section shall be in accordance with the following table, in which x signifies that the use is permitted as of right, c indicates that the use is a conditional use which requires approval of the board of adjustment, s indicates that the use is a special use which requires approval of the town board of commissioners, and a blank indicates that the use is not permitted in that zoning district.

<u>Use</u>	<u>RA</u>	<u>Districts</u>		
		<u>RS</u>	<u>RH</u>	<u>RMH</u>
Single-family dwellings on individual lots	x	x	x	x
Two-family dwellings	x	x	x	x
Three- or four-family dwellings in one building			x	

<u>Use</u>	<u>RA</u>	<u>Districts</u>		<u>RMH</u>
		<u>RS</u>	<u>RH</u>	
Multifamily dwellings and complexes			C	
Townhouses			S	
Mobile homes on individual lots	C			X
Mobile home parks				S
Day nurseries	C	C	C	C
Kindergartens	X	X	X	X
Public educational institutions and private schools having a curriculum the same as ordinarily given in public schools	X	X	X	X
Public buildings; uses and utilities	C	C	C	C
Hospitals, clinics, except animal hospitals, nursing homes	X		X	X
Family care homes as defined in G.S. 168-21 for handicapped persons as defined in G.S. 168-21, provided that no such home may be located within a one-half mile radius of an existing family care home	X	X	X	X
Any agricultural or horticultural use	X			
Churches, temples, synagogues	X	X	X	X
Libraries	X	X	X	X
Museums	X	X	X	X
Cemeteries	X	X	X	X
Radio and TV stations and transmission towers	C			
Parks	X	X	X	X
Golf courses, excluding carpet or miniature	X	X		X
Playgrounds	X	X	X	X
Community centers	X	C	C	C
Private clubs	C	C	C	C
Fraternal organizations not open to the public	C	C	C	C
Farming, including sale of products on property where produced	X			

<u>Use</u>	<u>RA</u>	<u>Districts</u>		
		<u>RS</u>	<u>RH</u>	<u>RMH</u>
Commercial plant nurseries and green-houses	X			
Planned unit development	S	S	S	S
Temporary uses such as circuses, carnivals, fairs	S	S	S	S
Campground, commercial	C			
Campground for youth and organized groups	C	C	C	C
Neighborhood businesses limited to the following types: grocery stores, gift shops, barber and beauty shops, restaurants	S	S	S	S

(b) Dimensional requirements.

<u>Criterion</u>	<u>RA</u>	<u>RS</u>	<u>Districts</u>		
			<u>RH</u>	<u>RMH</u>	<u>MH</u>
Minimum lot area in square feet	Where there is no public water or sewer, lots must meet requirements of county health department as well as the requirements of this chapter.				
single-family dwelling	40,000	15,000	10,000	10,000	40,000
two-family dwelling or two townhouse units	40,000	15,000	15,000	12,000	40,000
multifamily dwelling townhouse			20,000 for three units, plus 5000 for each additional unit		
other proposed building or use	40,000	20,000	15,000	15,000	
Minimum lot width in feet					
single-family dwelling	150	100	80	80	200
two-family dwelling	150	100	100	100	200
multifamily dwelling	150	100	100	100	200
townhouse	150	100	100	100	200
other principal building or use	150	100	100	100	200
Minimum depth in feet	150	150	100	100	200

2-7-05
for use until Codes Sys. update

Board Passed: Feb. 7, 2005

Mr. Davis advised Council that the Stantonburg Planning Board met to consider a request for an amendment to the present Zoning Ordinance to allow modular buildings in

continued:

the Town's Commercial Zones. After hearing the request and discussing the matter, the Planning Board voted unanimously to approve the request and to recommend to the Town Council passage of the requested amendment. Councilman Whitley moved to approve the requested change in the Commercial Zoning Code to allow modular buildings in the Commercial Zone as recommended by the Stantonburg Planning Board. Councilman Watson gave a second to the move which received unanimous approval.

<u>Criterion</u>	<u>RA</u>	<u>RS</u>	<u>Districts</u> <u>RH</u>	<u>RMH</u>	<u>MH</u>
Minimum required yards in feet					
front	30	30	30	30	
side (each side)	15	10	10	10	
rear	25	25	25	25	
Maximum height in feet	35	35	35	35	
Maximum lot coverage in percent	40	40	40	40	

(Ord. of 5/6/85, Sec. 307; amended, Ord. of 4/5/93, Sec. 4; Ord. of 7/24/02)

Section 9-5032 Regulations for commercial and light industrial districts.

(a) Table of permitted uses. Uses allowed in the districts named in this section shall be in accordance with the following table, in which x signifies that the use is permitted as of right, c indicates that the use is a conditional use which requires approval of the board of adjustment, s indicates that the use is a special use which requires approval of the town board of commissioners, and a blank indicates that the use is not permitted in that zoning district.

<u>Use</u>	<u>Districts</u>	
	<u>C</u>	<u>LI</u>
Any retail or wholesale business or service establishment, or public use or utility, which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, and does not involve bulk storage of volatile materials or other fire hazards; except commercial amusements.	x	
Offices-business, professional, and public	x	
Financial institutions	x	
Assembly hall	x	x
Restaurants	x	

<u>Use</u>	<u>Districts</u>	
	<u>C</u>	<u>LI</u>
Shopping centers		
Hotels and motels	x	
Automobile service stations	x	
Car washes	x	
Amusement parks	x	
Electronic game machines and pinball machines within an establishment devoted to another purpose shall be an accessory use provided that there shall be no more than two machines; more than two machines shall be considered a commercial amusement requiring a conditional use permit.		
Commercial amusement buildings	c	
Retail or wholesale businesses or service establishments, or public uses or utilities, other than those specifically listed, which have outdoor sales, service, or storage areas, or would emit smoke, odor, dust, fumes, or noise from the building in which they are located, or involve possible fire hazards	c	
Any manufacturing, processing, or warehousing use, or public use or utility, which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located; except acid manufacture, cement, lime, gypsum, or plaster of paris manufacture, distillation of bones, explosives manufacture or storage, fat rendering, fish or fertilizer plant, garbage, waste parts or dead animal reduction or dumping, gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery, or pulp manufacture		x
Any manufacturing, processing, warehousing, or transportation use, or public use or utility, which involves outdoor storage, service, operations; emits or will emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located; involves storage of combustible materials; or is among the uses listed as exceptions in the list immediately above.		s
Cafeterias and snack bars for plant employees and offices of plants shall be considered an accessory use.		
(b) Dimensional requirements.		

<u>Criterion</u>	<u>C</u>	<u>Districts</u>	<u>LI</u>
Minimum lot area in square feet		20,000 for site - more than one use can be grouped on a site or in a building	20,000
Minimum lot width in feet	100		100
Minimum lot depth in feet	150		150
Minimum yards in feet*			
front	30		50
side (each side)	10		20
rear	25		25
Maximum lot coverage in percent*	40		40
Maximum permitted height in feet	50		50

*These requirements should not apply to buildings in the central business area of the town.
(Ord. of 5/6/85, Sec. 308)

Sections 9-5033 through 9-5039 reserved.

ARTICLE D

Parking and Loading Requirements

Section 9-5040 Off-street parking requirements.

(a) There shall be provided at the time of the erection of any building or the establishment of any use; or at the time any principal building or use is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor, storage, or sales area; or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this section. That parking space may be provided in a parking garage or properly graded open space.

(b) The following regulations concerning required parking shall apply.

(1) Each zoning permit application filed with the zoning administrator shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress to the space. This information shall be in sufficient detail to enable the zoning administrator to determine whether or not the requirements of this section are met. No certificate of occupancy shall be issued until the parking requirements and regulations are fully met.

(2) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

(3) If the off-street parking space required by this chapter cannot be provided on the same lot on which the principal use is located, that space may be provided on any land within 400 feet of the main entrance to the principal use.

(4) Parking space sizes shall be governed by the following dimensions.

- a. Parallel stall, 20 feet x 9.0 feet.
- b. Angle stall, 19 feet x 8.5 feet.
- c. 90° stall, 19 feet x 9.0 feet.

(5) Minimum aisle widths shall be:

<u>Parking angle</u>	<u>Aisle width in feet</u>	
	<u>One-way traffic</u>	<u>Two-way traffic</u>
0 - 15°	12	24 (0° only)
16 - 37	11	-
38 - 57	13	-
58 - 74	18	-
75 - 90	24	24

(6) A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single- and two-family residential, and shall be at least 24 feet wide.

(7) When off-street parking for more than 20 vehicles is provided, the following regulations shall apply, in addition to all other regulations in this article:

a. Surfacing. All such parking lots shall be graded and surfaced with compacted gravel, blacktop, concrete, or other surfacing material to ensure a dustless surface condition.

b. Markings. Each parking stall shall be marked off and maintained so as to be distinguishable.

c. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

d. Yards. All such parking lots shall observe a minimum front yard of not less than five feet, and a side yard on a corner lot of not less than five feet. Parking lots in residential-agricultural and residential districts shall have front yards of not less than 15 feet, and side and rear yards of not less than five feet. Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise in

keeping with the character of adjacent property. When a parking lot is adjacent to residential-agriculture or residentially zoned or used property, and a buffer as defined in section 9-5017 is not required, natural planting, hedge, or a decorative fence to a height of at least six feet shall screen the residential property.

e. Curbs or bumpers. The required yards shall be set off from parking areas by either continuous curb or one noncontinuous stationary bumper for each parking space abutting on a yard, with the curb or bumper not being less than five inches or more than two feet high.

f. Drainage. Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the zoning administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage.

g. Separation of bumper and walkways. In the event any parking stall abuts upon a walkway, there shall be a space of three and one-half feet between the wheel bumper or curb and the edge of the walkway.

h. Entrance and exits. On all corner lots, all vehicular openings shall be located at least 20 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line, or 40 feet at the curb line. There shall be a minimum distance between driveways of 25 feet measured along the curb line.

i. Internal circulation. Sufficient area shall be provided within the property lines of the parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion.

(c) Exceptions.

(1) The zoning administrator may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems, until modification is made. The applicant may appeal the zoning administrator's decision to the board of adjustment under the normal procedure for an appeal.

(2) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the board of adjustment may grant the applicant a parking modification.

(3) In the commercial district, the zoning administrator may allow a new use to be established in an existing building even if all parking requirements of this article cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

(d) The minimum number of required off-street parking spaces shall be calculated as provided in division (e) below. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers, which are expressly provided for.

(e) The following shall be the minimum number of off-street parking spaces which shall be provided.

<u>Residential uses</u>	<u>Number of required off-street parking spaces</u>
Dwellings, single- and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit, plus 1 visitor space for each 2 dwelling units
Townhouses	2 spaces for each dwelling unit, plus 1 visitor space for each 2 dwelling units
Group housing, such as boarding houses, dormitories, and similar establishments	1.2 for each bedroom
Mobile homes on individual lots	2 per mobile home
Mobile home parks	2 spaces for each mobile home, plus 1 visitor parking space for each 2 mobile homes
<u>Office and institutional uses</u>	
Financial institutions	1 for each 250 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public, or fraction thereof

<u>Office and institutional uses</u>	<u>Number of required off-street parking spaces</u>
Museums and art galleries	1 space for each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes, and similar institutions	1.0 times the maximum lawful number of occupants
Doctor or dentist offices	6 for each doctor or dentist plus 1 for each other employee
Other offices	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks, and similar places	1 for each 5 seats
Day nurseries, kindergartens, elementary and junior high schools	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office; plus auditorium/gymnasium parking, if applicable, 1 for each 5 seats
Senior high schools, and college, trade, vocational schools with dormitories	5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office; plus auditorium/gymnasium/dormitory parking requirement, if applicable, 1 for each 5 seats.
College, trade, vocational schools without dormitories	10 for each 750 square feet of classroom floor area or fraction thereof, plus auditorium/gymnasium parking requirement, if applicable, 1 for each 5 seats.
<u>Commercial uses</u>	
Bowling alley	5 per lane
Tent campground	1 for each campsite, plus office parking requirement
Recreational vehicle campground	1 for each campsite, plus office parking requirement
Car wash	2 per wash lane

<u>Commercial uses</u>	<u>Number of required off-street parking spaces</u>
Golf course (not including putting greens accessory to multi-family dwelling or hotels or motels)	4 per hole
Hotel or motel	1.2 for each guest room, plus requirement for restuarant or other facilities if provided
Drive-in or take-out restaurant	Minimum of 15 spaces, plus one additional for each 50 square feet of gross floor area or fraction thereof
Other restaurant	1.2 for each 100 square feet of gross floor area or fraction thereof
Service stations	2 for each gas pump, plus 3 for each grease rack or similar facility
Shopping centers (in lieu of individual store parking requirements)	5.5 per 1,000 square feet of gross leaseable area or fraction thereof
Low generator retail and service establishments, such as furniture, appliance, household equipment, carpet, and hardware stores; repair shops, including shoe repair; contractors' showrooms, drapery, paint and wallpaper, upholstery, interior decorator; motor vehicles sales; plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
All other commercial uses, such as retail stores, wholesale outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores, grocery stores, convenience stores	2 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area.

Industrial uses

Industrial and research uses, warehousing, and very low customer volume wholesaling operations (Ord. of 5/6/85, Sec. 401)	1 for each employee on premises at any one time
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Section 9-5041 Off-street loading requirements.

(a) Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide

loading space as indicated in this section. Each loading space shall be no less than 15 feet in width, and 30 feet in depth. Each space shall also be no less than 15 feet in height if the space is covered. It shall have access driveways to public streets or alleys, which driveways shall be at least 24 feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pickup during the hours when a retail trade, office, or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises.

(b) Loading space shall be provided in accordance with the following schedule:

(1) Retail business, 1 space for each 20,000 square feet of gross floor area or fraction thereof.

(2) Wholesale trade and industry, 1 space for each 10,000 square feet of gross floor space or fraction thereof.

(3) Office and institutional uses, including hotels and motels, 1 space for each 50,000 square feet of gross floor area or fraction thereof.

(4) As well as meeting the requirements of division (b)(3), elementary schools, junior high schools, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

(c) Exceptions.

(1) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the board of adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.

(2) In the commercial district, the zoning administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use, and traffic or safety hazards will not be created. (Ord. of 5/6/85, Sec. 402)

Section 9-5042 reserved.

ARTICLE E

Signs

Section 9-5043 General sign regulations.

(a) No sign or sign structure may be erected, posted, hung, painted, re-hung, re-painted, repaired, replaced, changed, or maintained in any district except in compliance with this article.

(b) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in section 9-5014.

(c) No ground sign structure may be placed in the right-of-way.

(d) Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this article.

(e) Signs and sign structures shall meet all requirements of the state building code.

(f) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and, if of a type which requires painting, free from visible peeling or chipping.

(g) Obsolete signs and their supporting structures shall be removed within 90 days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which the sign refers. This provision does not refer to billboards, until the commercial use of the billboard for rent has ceased. An extension of the 90-day time limit for removal may be granted by the zoning administrator for reasonable cause.

(h) Illuminated signs shall be limited to those lighted from behind to silhouette letters, and internally-illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.

(i) Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug-repellant bulbs, and shall not cast glare on traffic or adjoining premises. (Ord. of 5/6/85, Sec. 501.1)

Section 9-5044 Prohibited signs.

The following types of signs are expressly prohibited:

(1) Signs with moving, revolving, or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles, shall be prohibited in all districts.

(2) Signs with lights or illumination which flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units.

(3) Signs which obstruct the view of or could be confused with any authorized traffic sign, signal, or device; or which make use of words "stop," "look," "danger," or any other word, phrase, symbol,

or character in such a manner as to interfere with, mislead, or confuse traffic.

(4) Signs which obstruct openings required by building codes, the housing code, or other laws relating to buildings, to be left uncovered or unobstructed. (Ord. of 5/6/85, Sec. 501.2)

Section 9-5045 Off-site advertising signs.

Off-site advertising signs (billboards) shall be permitted only as a special use in the C and LI districts. The conditions in section 9-5064 of this chapter are not applicable to off-site advertising signs. A special use permit shall be granted provided the following conditions are met:

(1) The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway, or State Highways 58 and 222.

(2) The sign must be located within 660 feet of the edge of the right-of-way of such highway.

(3) The sign shall comply with all regulations of the state department of transportation, and with the state statutes.

(4) No two such structures shall be placed less than 500 feet apart. Distance shall be measured as specified in the North Carolina Administrative Code T19A: 02E.0200 (DOT Outdoor Advertising Manual).

(5) The sign will be compatible with the general neighborhood in which it is located, and will not have a detrimental effect on adjoining properties. (Ord. of 5/6/85, Sec. 501.3)

Section 9-5046 Nonconforming signs.

Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign. (Ord. of 5/6/85, Sec. 501.4)

Section 9-5047 Permitted signs.

Signs shall be permitted in accordance with the following table.

<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
Advertising, off-site (billboards)	See section 9-5045		Special use in C, LI	See section 9-5045
Agricultural, advertising products produced on premises	32	8	Permitted use in RA, LI	

<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
Awning, silkscreened or sewn on front of awning	NA	NA	Permitted use in C, LI	
Bulletin board, church or public	32	8	Permitted use in all districts	
Canopy signs (may also be placed on non-raisable marquees)	4		Permitted use in C, LI	Identification only; 1 per establishment entrance way; bottom of sign must be at least 7 feet above sidewalk level, more over public right-of-way if required by town code
Construction site placards	64	12	Permitted use in all districts	Must be removed when construction has been completed
Directional signs containing no advertising matter:				
Traffic, safety, utility warning, public			Permitted use in all districts	
Pedestrian, public			Permitted use in all districts	
Traffic and pedestrian, private			Permitted use in all districts	
No trespassing			Permitted use in all districts	
Off-site directional to churches, meeting halls, civic clubs	12		Permitted use in all districts	
Temporary directional to garage sales and similar events in residential area, excluding portable commercial signs	4		Permitted use in all districts	Must be posted no more than 24 hours before sale and removed within 24 hours after sale
Entrance or monument-type signs to subdivisions; neighborhoods; public, commercial, industrial, institutional establishments	32		Permitted use in all districts	No more than 2 per entrance allowed

<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
The flag, pennant, or insignia of any nation or organization of nations, state, county, city, religious, civic, or fraternal organization or educational institution, when not used in connection with a commercial promotion, or as an advertising device or as an integral part of another sign			Permitted use in all districts	In RA, RS, RH and RMH districts, wall and projecting insignia may not exceed 10 square feet in area, nor may they project more than 9 feet from wall at farthest point. In business and industrial districts, insignia may be placed or signs permitted in those districts. In any district, flags or pennants shall not exceed 15 square feet, or, if on a pole, one-fourth height of pole, whichever gives the flag the greater permitted area.
Ground signs	150	35	Permitted use in LI	No more than 1 per street frontage containing entrance to use. May be used only for identification or on-site advertising.
House numbers	40	20	Permitted use in C	Must be at least 30 feet from any other ground sign; must meet vision clearance of section 9-5014
Memorial signs, tablets, name of building, and date of construction	4		Permitted use in all districts	May contain no advertising matter
Name of occupant of residential premises	2		Permitted use in all districts	Must be cut into a masonry surface, or cast of metal and affixed flat against a surface
Newspaper names on newspaper tubes			Permitted use in all districts	
No vacancy signs			Permitted use in all districts	
Political signs	4		Permitted use in all districts	Must be removed within 15 days after last election to which they pertain

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<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
Portable signs, including any signs mounted on a vehicle or a trailer or trailer-type device	32	10	Permitted use in C, LI	Non-renewable permit from zoning administrator required. 20-day time limit. No more than 1 sign per establishment per street frontage. Same establishment may not have temporary sign again for days after removal of such sign. These signs shall not have colored or flashing lights, or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on the public right-of-way, nor obstruct vision clearance as indicated in section 9-5043(b).
Professional, announcement signs or home occupation	4		Permitted use in all districts	One per establishment
Projecting signs	20		Permitted use in C, LI	Sign may be no more than 9 feet from wall at farthest point. 1 such sign per face on street, or 2 per establishment, whichever is less. Sign may be hung on corner of building, but shall count against the maximum allowed above.
Real estate signs	6		Permitted use in residential and RA districts	Establishment may not also have a wall or roof sign on same face as projecting sign. Corner sign shall count as one face
Religious symbols at formal places of worship			Permitted use in C, LI	
Roof signs: see wall signs	32		Permitted use in all districts	
Service station signs, automobile or truck:			Permitted use in all districts when accessory to a service station	

<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
Signs on racks for the orderly display of engine oil, provided the signs are no longer than the rack				
Signs on pumps or pump islands concerning the type and price of the fuel				
Signs on open portable tire racks, provided the signs are no longer than the rack				
A sign may be painted on the inside and outside front door face of the closed tire rack, but shall not be painted on the sides or rear				
One double-faced on-site advertising sign per street frontage showing the current price of fuel sold on the premises	20	5		This sign shall be located off the right-of-way
Temporary banners, pennants, streamers; excluding portable commercial signs			Permitted use in C, LI	Only for opening new business; may remain for no more than 4 weeks
Temporary signs relating to farm auctions, agricultural production sales, annual charitable, civic or fraternal events, excluding portable commercial signs	20 off-site 32 on-site		Permitted use in all districts	Off-site: no more than 1 per lot; on-site: no more than 3 per lot; may remain for no more than 45 days in all
Vending machine signs painted or mounted on the machine, related to the products in the machine; bank machine or book depository signs which instruct customers or patrons			Permitted use in all districts	
Wall or roof signs	1.25 square feet of sign area per running foot of building frontage	Such signs shall not project over the roof line of the building to which they are attached	Permitted use in C, LI	Wall signs must be mounted on area of wall free of windows, doors, or other architectural detail. Sign may not interrupt or cover major architectural features. Only one wall, roof, or projecting sign per establishment per street frontage is permitted, other than those specifically mentioned elsewhere in this table.

<u>Type of sign</u>	<u>Maximum area in square feet</u>	<u>Maximum height in feet</u>	<u>District</u>	<u>Other requirements</u>
Wall or roof signs (Cont'd)				These signs may be used only for identification or on-site advertising, and at least 80% of sign face shall be for identification.
Window signs			Permitted use in C, LI	
(Ord. of 5/6/85, Sec. 501.5)				

Sections 9-5048 and 9-5049 reserved.

ARTICLE F

Mobile Homes and Mobile Home Parks

Section 9-5050 Mobile homes on individual lots.

Mobile homes on individual lots shall be a permitted use where indicated in section 9-5031 of this chapter. (Ord. of 5/6/85, Sec. 601)

Section 9-5051 Mobile home parks.

Mobile home parks shall be a special use in a RMH district, which shall be subject to approval by the town board of commissioners in accordance with the procedures in article G, and complying with the requirements of part 9, chapter 2, of this code of ordinances. (Ord. of 5/6/85, Sec. 602)

Sections 9-5052 through 9-5054 reserved.

ARTICLE G

Administrative Provisions

Section 9-5055 Zoning administrator.

The zoning administrator, who shall be designated by position by the town board of commissioners, is duly charged with the enforcement of the provisions of this chapter. If the zoning administrator finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions. (Ord. of 5/6/85, Sec. 701)

Section 9-5056 Zoning permit.

(a) No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered until a zoning permit has been issued by the zoning administrator or his authorized representative. A fee shall be charged for the issuance of each zoning permit.

(b) Application for permit. All applications for permits shall be in the form prescribed by the zoning administrator, and shall include a plot or site plan drawn to scale which shall clearly show:

(1) The actual shape and dimensions of the lot to be built upon or used, and total acreage in the lot.

(2) The location of the proposed structure or use on the lot.

(3) The exact location and size of existing structures and uses.

(4) The existing and intended use of each structure or part of structure.

(5) The number of dwelling units the building is designed to accommodate, if applicable.

(6) The height and number of stories of the structure.

(7) The location and design of any off-street parking or loading.

(8) The location and dimensions of driveways. Driveway approval procedures as required by the state department of transportation shall be initiated.

(9) Date of plan preparation.

(10) Location and descriptions of landscaping, buffering, and signs.

(11) Such other information as may be necessary for determining whether the provisions of this chapter are being met.

(c) In addition to the information required in division (b), any use which involves the grouping of more than one principal building or use on the same lot shall include the following information:

(1) A vicinity map showing the relationship of the proposed development to the surrounding area.

(2) North arrow and declination.

(3) Detailed layouts for all utilities, rights-of-way, and roads and other improvements.

(4) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.

(5) A copy of any proposed deed restrictions or similar covenants.

(6) For projects over an acre in size, or if otherwise required by the zoning administrator, a topographic map showing vertical contours every two feet.

(7) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

(d) The zoning administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

(e) Mobile home parks shall comply with the requirements in section 9-5064(c) of this chapter in lieu of the requirements in this section.

(f) Cancellation of permit. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one year.

(g) Record of zoning permits. A record of all zoning permits shall be kept on file and open to the public, subject to state law. (Ord. of 5/6/85, Sec. 702)

Section 9-5057 Certificate of occupancy/compliance.

(a) No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use, until a certificate of occupancy/compliance has been issued by the zoning administrator, stating that the building or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use, as well as for maintaining, reviewing, changing, or extending any nonconforming use.

(b) The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit, and shall be issued within ten working days after the erection or alteration of the building or part shall have been completed in conformity with the provisions of this chapter.

(c) A record of all such certificates shall be kept on file and open to the public, subject to state law. (Ord. of 5/6/85, Sec. 703)

Section 9-5058 Conformance with plans.

Permits or certificates issued on the basis of plans and

(4) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site.

(5) A copy of any proposed deed restrictions or similar covenants.

(6) For projects over an acre in size, or if otherwise required by the zoning administrator, a topographic map showing vertical contours every two feet.

(7) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

(d) The zoning administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

(e) Mobile home parks shall comply with the requirements in section 9-5064(c) of this chapter in lieu of the requirements in this section.

(f) Cancellation of permit. Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one year.

(g) Record of zoning permits. A record of all zoning permits shall be kept on file and open to the public, subject to state law. (Ord. of 5/6/85, Sec. 702)

Section 9-5057 Certificate of occupancy/compliance.

(a) No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use, until a certificate of occupancy/compliance has been issued by the zoning administrator, stating that the building or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use, as well as for maintaining, reviewing, changing, or extending any nonconforming use.

(b) The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit, and shall be issued within ten working days after the erection or alteration of the building or part shall have been completed in conformity with the provisions of this chapter.

(c) A record of all such certificates shall be kept on file and open to the public, subject to state law. (Ord. of 5/6/85, Sec. 703)

Section 9-5058 Conformance with plans.

Permits or certificates issued on the basis of plans and

applications shall authorize only the use, arrangement, and construction set forth in those approved plans and applications, and no other use, arrangement, or construction. (Ord. of 5/6/85, Sec. 704)

Section 9-5059 Enforcement.

(a) Violation, penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine not exceeding \$50, or by imprisonment not to exceed 30 days. Each day a violation continues shall be deemed a separate offense.

(b) Violation, remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the zoning administrator or any other appropriate town authority, or any person who would be damaged by the violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation. (Ord. of 5/6/85, Sec. 705)

Section 9-5060 Right of appeal.

If the zoning permit or occupancy/compliance certificates are denied, the applicant may appeal the action of the zoning administrator to the board of adjustment. (Ord. of 5/6/85, Sec. 706)

Section 9-5061 Board of adjustment.

(a) Planning board to perform the duties of a board of adjustment. The planning board of the town and its extraterritorial jurisdiction, as established in sections 2-2010 through 2-2015, shall perform all of the duties of a board of adjustment in addition to its other duties. The members of the planning board appointed by the county shall have full authority with respect to any board of adjustment matter.

(b) Proceedings in board of adjustment matters.

(1) The planning board officers shall retain their offices when the planning board is performing the duties of a board of adjustment. The board shall adopt rules and by-laws governing its board of adjustment duties in accordance with the provisions of this chapter and of G.S. Ch. 160 Art. 19.

(2) Meetings of the board to perform board of adjustment duties shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his absence, any member temporarily acting as chairperson, may administer oaths and compel the attendance of witnesses by subpoena in connection with board of adjustment duties.

(3) When the board is performing board of adjustment duties, the concurring vote of four-fifths of the members of the board (6

members of a 7 member board) is necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of this chapter, or to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to grant a variance from the provisions of this chapter.

(4) Hearings by the board in connection with board of adjustment duties shall be conducted in accordance with section 9-5063 of this chapter.

(5) Wherever the words "board of adjustment" appear in this chapter, it shall be understood that the term refers to the planning board of the town and its extraterritorial jurisdiction, performing the duties of a board of adjustment.

(c) Decision and appeal. Every decision of the board of adjustment shall be filed in the office of the zoning administrator, and a written copy thereof shall be delivered to the appellant by personal service or registered mail. Every decision by the board shall be subject to review by superior court by proceeding in the nature of certiorari. Any appeal to the superior court shall be taken within 30 days after the decision of the board is filed in the office of the zoning administrator, or after a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

(d) Powers and duties of the board of adjustment. The board of adjustment shall have the following powers and duties.

(1) Administrative review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.

a. An appeal may be taken by any person aggrieved, or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

b. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this chapter. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

c. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time.

d. The board of adjustment may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

(2) Variances. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty, or unnecessary hardship; so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

a. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. Variance may be granted in individual cases of unnecessary hardship upon a finding by the board of adjustment that the following conditions exist:

1. There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district; or there is a peculiar characteristic of an establishment which makes the parking or loading requirements of this chapter unrealistic.

2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

3. A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

4. The requested variance will be in harmony with the purpose and intent of this chapter, and will not be injurious to the neighborhood or to the general welfare.

5. The special circumstances are not the result of the actions of the applicant.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

7. The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

b. Conditions imposed on variances. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. These conditions may be imposed by the board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the board to protect property values and general welfare of the neighborhood. Nonconformance with these conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(3) Conditional uses. To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this chapter, or to deny conditional uses when not in harmony with the purpose and intent of this chapter. Application for conditional uses shall be decided in accordance with the provisions in sections 9-5062 through 9-5064 of this chapter.

(4) Map interpretation. To interpret the official zoning map in accordance with section 9-5030 of this chapter. (Ord. of 5/6/85, Sec. 707; amended, Ord. of 11/4/85)

Cross-reference: Planning board to serve as zoning board of adjustment, see section 2-2014(a)(12).

Section 9-5062 Special uses and conditional uses.

The provisions of this chapter permit some uses to be established by right in the appropriate district, while other uses are listed which require a permit from the board of adjustment or town board of commissioners. Those which require a permit from the board of adjustment are termed conditional uses by this chapter, while those which involve broader policy considerations and therefore require a permit from the town board of commissioners are termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated as special or conditional uses; but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire Stantonsburg area, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in section 9-5064, as well as all other applicable requirements of this chapter. (Ord. of 5/6/85, Sec. 708)

Section 9-5063 Application to and hearing by the board of adjustment on appeals, variances, and conditional uses; and by the town board of commissioners on special uses.

(a) The applicant shall submit the appropriate appeal for administrative review or for a variance, or an application for a special or conditional use permit accompanied by a site plan

prepared in accordance with section 9-5056, in the number of copies established by and along with any other information required by the zoning administrator for proper review of the application.

(b) The board of adjustment, or town board of commissioners for special uses, shall cause a public hearing to be held on the application, and shall give due notice of the hearing to the parties involved. In the case of a special use permit application, the planning board shall be given 60 days to review the application, before the hearing. The hearing shall not be held until a planning board recommendation has been received or 60 days has elapsed. The planning board shall give due notice to the applicant of any meetings at which the application will be considered.

(c) The hearing shall be conducted in accordance with the general law and court decisions of this state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony, unless the party or parties before the board stipulate the facts or waive this requirement.

(d) Although a four-fifths majority is necessary for the board of adjustment to grant a permit, the town board of commissioners does not have to meet this requirement in issuing special use permits. The clerk of the board shall keep minutes of the proceedings, showing the vote of each member upon every question; or if absent or failing to vote, indicating that fact.

(e) A fee shall be paid to the town for each application, for an administrative review, for a variance or special or conditional use permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until the above fee has been paid. (Ord. of 5/6/85, Sec. 709)

Section 9-5064 Conditions which must be met by special and conditional uses.

(a) General conditions. In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the board to find that the following conditions exist where applicable:

(1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

(2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

(3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.

(4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use.

(5) The location and arrangement of the use on the site; screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area, and minimize adverse impacts.

(6) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

(b) Additional conditions. If the appropriate board approves a special or conditional use, it may, as part of the terms of approval, impose any additional reasonable conditions and safeguards as may be necessary to ensure that the criteria for the granting of a permit will be complied with; and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, these conditions may include requirements that street and utility right-of-way be dedicated to the public, and that provisions be made for recreational space and facilities.

(c) Specific conditions. In addition to the general conditions in division (a), special and conditional uses shall meet specific conditions for the type of use as indicated in this division.

(1) Use: multi-family dwellings and complexes as a conditional use in RH. Requirements:

a. Maximum density shall be as indicated in section 9-5031(b) of this chapter.

b. Where more than one building is to be located on the site, building separation shall be determined as follows: The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

Height of taller building

Minimum horizontal distance
between vertical projections

20 feet or less
Between 20.1 and 25.0 feet
Between 25.1 and 30.0 feet
Between 30.1 and 35.0 feet

16 feet
25 feet
30 feet
40 feet

c. Distance related to windows: The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

d. A yard of at least 50 feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings shall not be allowed in the required yard.

e. Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

f. Accessory buildings and uses for multi-family dwellings shall not be placed in the 50-foot yard around the perimeter of the site.

g. The board may approve the inclusion of leasing offices, and of coin-operated laundry facilities, swimming pool, snack bars, and similar service uses for residents of the multi-family dwelling, provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

(2) Use: planned unit developments as a special use in RA, RS, RH, RMH.

a. A planned unit development is a project which is at least two gross acres in size, to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

b. A planned unit development may contain any of the permitted, special, or conditional uses listed for the RA, RS, or RH districts, subject to approval of the plans by the town board of commissioners. Board of adjustment approval of those listed as conditional uses is not needed in a planned unit development. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicated for multi-family dwellings in section 9-5031(b) and in this section of this chapter. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for other principal use in section 9-5031(b) of this chapter for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in such shopping centers are: grocery stores, drug stores, laundry and dry cleaning establishments, offices, gift shops, card shops, camera and photography shops, barber and beauty shops, restaurants, and retail stores.

c. In addition to the uses allowed in the RA, RS or RH districts, and shopping centers, the following uses are allowed in planned unit developments:

1. Clustered detached single-family dwellings. These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6000 square feet, provided that the difference between the required dimensions for the district, as indicated in section 9-5031(b) of this chapter, and the reduced dimensions, is dedicated to a homeowners' association as common open space.

2. Zero lot line dwellings, that is, detached single-family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6000 square feet, provided that the difference between the required dimensions for the district, as indicated in section 9-5031(b) of this chapter, and the reduced dimensions, is dedicated to a homeowners' association as common open space.

d. Common areas and open space shall be deeded to an owners' association, and the developer or owner shall file with the zoning administrator and record in the county register of deeds office a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include, but not be limited to, the following:

1. The association shall be established before the homes, buildings, or uses are sold.

2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the town board of commissioners which adequately protects the interests of the town and owners.

3. The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.

4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property, which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the town board which adequately protects the interests of the town and the owners.

5. Any owner of each dwelling unit, or each homeowner or other building owner, shall have voting rights in the association.

6. Uses of common property shall be appropriately limited.

7. The following information shall also be provided:

(i) The name of the association.

(ii) The manner in which directors of the association are to be selected.

(iii) The post office address of the initial registered office.

(iv) The name of the city and county in which the registered office is located.

(v) The number of directors constituting the initial board of directors.

(3) Use: public buildings, uses, utilities as a conditional use in RA, RS, RH, RMH. Requirements: the board shall review each application carefully and shall deny the permit if the benefit to the public will not outweigh any adverse effects the use might have.

(4) Use: radio and TV stations and transmission towers as a conditional use in RA. Requirements:

a. The minimum distance from the center of the transmission tower to the nearest property line shall be two times the height of the tower, or the height of the tower plus 200 feet, whichever is greater.

b. Off-street parking shall be provided at the rate of one space for each employee.

(5) Use: community centers as a conditional use in RS, RH, RMH; private clubs as a conditional use in RA, RS, RH, RMH. Requirements:

a. Noise from a public address system shall not be heard beyond the property.

b. The use will not be located in an area in which traffic congestion will be a problem for neighboring residential uses.

(6) Use: fraternal organizations not open to the public, as a conditional use in RA, RS, RH, RMH. Requirements:

a. The use shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose.

b. Noise from a public address system shall not be heard beyond the property where the use is located.

c. The use shall not be located in an area where congestion will be a problem for neighboring residential uses.

(7) Use: temporary uses such as circuses, carnivals, fairs are special uses in RA, RS, RH, RMH. Requirements:

a. The site shall be located at least 200 feet from the nearest occupied residential structure, and shall be adequately designed for its size and purpose.

b. The use shall meet any applicable county health department requirements.

(8) Use: retail or wholesale businesses, services establishments, or public uses other than those specifically listed, with outdoor sales, service, storage areas, or which would emit smoke, odor, dust, fumes, or noise from the building in which they are located, or involve possible fire hazard. Requirements: the board shall carefully consider the effects of the individual operation on neighboring property and the area, and shall deny the permit if an adverse effect would be created.

(9) Use: any manufacturing, processing, or warehousing, or transportation use, or public use or utility, which involves outdoor storage, services, operations; emits or will emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located; involves storage of combustible materials; or is among the uses listed as exceptions to permitted uses as a special use in LI. Requirements:

a. The board will carefully consider the effects of the individual operation on neighboring property and the area, and shall deny the permit if an adverse effect would be created.

b. The board shall require sufficient buffering to screen the outdoor use or portion of the use from view of streets and neighboring property.

c. The outdoor use or portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

d. Where a use could involve potential fire or other health hazards, the fire chief, and, where applicable, the county health department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.

(10) Use: Townhouses as a special use in RH. Requirements:

a. Minimum lot area, width, depth, and lot coverage requirements shall be as indicated in section 9-5031(b) of this chapter.

b. The yard requirements around the perimeter of townhouse projects with more than two attached townhouses shall be increased to 50 feet.

c. The minimum number of townhouses attached to each other shall be two, and the maximum shall be eight.

d. Any common areas and common open space shall be deeded to a homeowners' association, and the developer or owner shall file with the zoning administrator and record in the county register of deeds office a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include, but not be limited to, the following:

the procedures set forth in the Town of Stantonburg Zoning Ordinance relating to rezoning of property. (Ord. of 3/6/89)

Section 9-5084 Effective Date.

This article shall become effective on the 7th day of March 1989, and shall apply to the placement of any manufactured home on or after that date in a manufactured home overlay area. (Ord. of 3/6/89)

1. The association shall be established before the homes, buildings, or uses are sold.

2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the town board of commissioners which adequately protects the interests of the town and the owners.

3. The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.

4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property, which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the town board which adequately protects the interests of the town and the owners.

5. An owner of each dwelling unit, or each homeowner or other building owner, shall have voting rights in the association.

6. Uses of common property shall be appropriately limited.

7. The following information shall also be provided:

(i) The name of the association.

(ii) The manner in which directors of the association are to be selected.

(iii) The post office address of the initial registered office.

(iv) The name of the city and county in which the registered office is located.

(v) The number of directors constituting the initial board of directors.

(11) Use: commercial amusement buildings as a special use in C; disco and dance establishments as a special use in C; electronic and pinball machines as a special use in C; night clubs as a special use in C; skating rinks as a special use in C; billiard parlors as a special use in C. Requirements:

a. The board will take into consideration the proposed size and number of patrons and their effect on neighboring uses.

b. Hours of operation will be limited to 10 a.m. to 10 p.m.

(12) Use: day nurseries as a conditional use in RA, RS, RH, RMH. Requirements: Before a day care center may be occupied, licensing is required by the state day care licensing board as provided in G.S. 110-85 through 110-95.

(13) Use: amusement parks as a conditional use in C, LI. Requirements:

a. No activities, including parking, shall be located within 2000 feet of any residentially zoned land.

b. No lights from the park may shine where they will produce glare, which will not be directly cast on a residential structure.

c. Noise from the park shall not be a nuisance to any residentially zoned land.

d. The board will pay close attention to buffering.

(14) Use: campground for youth or organized groups as a conditional use in RA, RS, RMF, RMH. Requirements:

a. The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose.

b. The use shall meet any applicable county health department requirements.

(15) Use: outdoor storage yards as a special use in LI. Requirements:

a. The board shall require sufficient buffering to completely screen the use from view of streets and neighboring property.

b. The use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

(16) Use: campground as a conditional use in RA. Requirements:

a. The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose.

b. The use shall meet any applicable county health department requirements.

(17) Use: storage of inflammable liquids and other hazardous substances as a special use in LI. Requirements: The fire chief, and where applicable, the county health department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.

(18) Use: mobile home parks as a special use in RMH. Requirements:

a. Mobile home parks shall comply with all provisions of part 9, Ch. 2, of this code of ordinances.

b. The town board of commissioners shall approve the park as a special use in accordance with the procedures in this chapter, and variances shall be approved by the town board of adjustment. Where

inspections are required, they shall be made by the appropriate representative of the town or county as applicable.

c. Lots with two or three mobile homes shall be considered mobile home oarks for the purposes of this chapter. (Ord. of 5/6/85, Sec. 710)

Sections 9-5065 through 9-5069 reserved.

ARTICLE H

Amendments

Section 9-5070 Initiation of amendments.

This zoning chapter, including the zoning map, may be amended only by the town board of commissioners, according to the procedures of this article. Proposed amendments may be initiated by the board of commissioners, planning board, or board of adjustment of the town. Proposed amendments to the text of the zoning chapter may also be initiated by any resident or property owner within the jurisdiction covered by this chapter, and any property owner within the jurisdiction covered by this chapter may initiate a request for a change in the zoning classification of his property. (Ord. of 5/6/85, Sec. 801)

Section 9-5071 Application.

(a) Except for amendments initiated by the town board, planning board, or board of adjustment, no proposed amendment shall be considered by the town board, nor a public hearing held, until an application containing the following information is submitted by the applicant: a statement of the present zoning regulation or district boundary; the name and signature of the applicant; and, if an amendment to the zoning map is proposed, the tax parcel number of the lot proposed to be rezoned, the names and addresses of the owners of the lot in question, and the use of each adjacent property. The applicant shall provide any additional information related to the proposed amendment requested in writing by the planning board or board of commissioners.

(b) The zoning administrator shall transmit the original application to the town board, and the application shall be filed in the office of the zoning administrator after consideration by the town board.

(c) A fee shall be paid to the town for each amendment application not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No amendment shall be advertised until the fee is paid. (Ord. of 5/6/85, Sec. 802)

Section 9-5072 Public hearing.

(a) No amendment shall be adopted by the board of commissioners until they have held a public hearing on the amendment, and shall

have given the planning board at least 30 days after the public hearing to make a recommendation concerning the amendment.

(b) Notice of the hearing shall be published in a newspaper of general circulation in the area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing this period, the day of publication is not to be included, but the day of the hearing shall be included.

(c) Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for the owners on the county tax abstracts. The person or persons mailing the notices shall certify to the town board of commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the areas to be zoned. (Ord. of 5/6/85, Sec. 803; amended, Ord. of 11/4/85, Sec. 1)

Section 9-5073 Protest petitions.

Should a protest petition as described in G.S. 160A-385 and 160A-386 be submitted, it shall be handled in accordance with the procedures in G.S. 160A-385 and G.S. 160A-386. (Ord. of 5/6/85, Sec. 804)

Sections 9-5074 through 9-5078 reserved.

ARTICLE I

Manufactured Home Overlay Areas

Section 9-5079 Purpose and intent.

The purpose of this article is to allow the placement of manufactured homes in a residential district provided that the homes meet appearance and dimensional criteria which will protect the character and property values of those single-family residential areas. The intent of the article is to increase the housing opportunities for individuals with a low or moderate income. In accordance with the comprehensive plan and based on local housing needs, and as authorized by N.C.G.S. 160A-383.1(e), overlay areas may be established. Such overlay areas shall not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes. The intent of this approach is to allow manufactured homes in parts of a zoning district where they would not otherwise be allowed, subject to appropriate conditions. The town of Stantonsburg will give close consideration to whether manufactured homes would be compatible with surrounding land uses. (Ord. of 3/6/89)

Section 9-5080 Definitions.

The definitions section of the zoning chapter is amended by allowing the following terms and definitions:

(a) "Manufactured home." A manufactured home as defined in this article of the Town of Stantonsburg ordinances relating to locating a manufactured home in a manufactured home overlay area shall mean a manufactured home constructed after July 1, 1976, which meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban development that were in effect at the time of construction and that satisfies the following additional criteria:

(1) The manufactured home has a length not exceeding four times its width with length measured along the longest axis and width measured at the narrowest part of the other axis.

(2) The manufactured home has a minimum of 1,200 square feet of enclosed living area.

(3) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction.

(4) All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter.

(5) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(6) The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home

(7) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.

(8) The moving hitch, wheels and axles, and transporting lights have been removed.

It is the intent of these criteria to insure that manufactured homes, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

(b) "Dwelling unit." An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

(c) "Modular home." A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to a site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(Ord. of 3/6/89)

Section 9-5081 Designation.

Manufactured home overlay areas are authorized as areas which overlay or overlap existing residential zoning districts, the extent and boundaries of which are or may be indicated on the zoning map by adoption of a separate ordinance by the Town of Stantonsburg, usually upon later request. These provisions create the mechanism which may from time to time be used by the Town of Stantonsburg in designating such areas.

A manufactured home overlay area shall be not less than the approximate area in a city block which the Town of Stantonsburg has determined to be a minimum of 70,000 feet. All of the other applicable zoning requirements to the property, including but not limited to setback and accessory structure requirements, shall also apply to the manufactured homes allowed in the overlay areas. (Ord. of 3/6/89)

Section 9-5082 Zoning compliance documents.

A zoning compliance permit must be secured from the zoning enforcement officer before a manufactured home may be placed on a lot within the overlay district. A building permit must also be secured. The building permit shall state all applicable conditions and requirements and state that any violations will be subject to appropriate enforcement action. Once installation and construction is complete and necessary inspections have been performed, and before occupancy and use, a certificate of occupancy must be secured. The certificate shall state that the property owner is responsible for assuring that all applicable conditions and requirements continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur. These permits shall be in addition to all other necessary permits. (Ord. of 3/6/89)

Section 9-5083 Procedure.

In order to have an area denominated as a manufactured home overlay area, the property owner or applicant shall comply with all of

CHAPTER 6

Flood Damage Prevention*

Noncoastal Regular Phase

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*Editor's Note: Prior ordinance history: Ordinance of 6/6/88;
Ordinance of 1/9/95.

Section 9-6029 Standards for floodplains with BFE but without established floodways on nonencroachment areas.
Section 9-6030 Floodways and nonencroachment areas.
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Section 9-6035 Effect upon outstanding building permits.
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ARTICLE A

Statutory Authorization, Findings of Fact, Purpose and Objectives

Section 9-6001 Statutory authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of chapter 143; parts 3,5 and 8 of Article 19 of Chapter 160A; and Article 8, of Chapter 160A of N.C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

The Legislature of the State of North Carolina has in Part 6, Article 21 of chapter 143; parts 3 and 4 of Article 18 of Chapter 153A; and Article 6, of Chapter 153A of N.C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. (Ord. of 10/11/04, Art. 1, Sec. A)

Section 9-6002 Findings of Fact.

(a) The flood hazard areas of the Town of Stantonburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
(Ord. of 10/11/04, Art. 1, Sec. B)

Section 9-6003 Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. of 10/11/04, Art. 1, Sec. C)

Section 9-6004 Objectives.

The objectives of this article are:

(a) To protect human life and health;

(b) To minimize expenditure of public money for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions:

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(g) To insure that potential home buyers are notified that property is in a flood area.

(Ord. of 10/11/04, Art. 1, Sec. D)

Sections 9-6005 through 9-6006 reserved.

ARTICLE B

Definitions

Section 9-6007 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Accessory Structure (appurtenant structure)" shall mean a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" shall mean an extension or increase in the floor area or height of a building or structure.

"Appeal" shall mean a request from a review of the local administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" shall mean a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard." See "Special flood hazard area (SFHA)."

"Base flood" shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" shall mean a determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation combined with "freeboard" creates the "Regulatory Flood Protection Elevation."

"Basement" shall mean any area of the building having its floor sub-grade (below ground level) on all sides.

"Building." See "Structure."

"Chemical storage facility" shall mean a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Development" shall mean any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal." Defined as in NCGS 130A-290(a)(6).

"Elevated building" shall mean a non-basement building which has its reference level raised above ground elevation by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" shall mean the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or manufactured home subdivision" shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) was completed before the original effective date of the floodplain management regulations adopted by the community.

"Flood" or "flooding" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" shall mean an official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" shall mean an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

"Flood insurance" shall mean the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" shall mean an official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" shall mean an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Floodplain" or "flood prone area" shall mean any land area susceptible to being inundated by water from any source.

"Floodplain administrator" shall mean the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain development permit" shall mean any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

"Floodplain management" shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain regulations" shall mean this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Flood-proofing" shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

"Flood Prone Area." See "Floodplain."

"Floodway" shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Flood zone" shall mean a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" shall mean the additional amount of height added to the base flood elevation (BFE) to account for uncertainties in the determination of flood elevations. The freeboard plus the base flood elevation establishes the "Regulatory Flood Protection Elevation."

"Functionally dependent facility" shall mean a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous waste management facility" shall mean a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

"Highest adjacent grade (HAG)" shall mean the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Historic Structure" shall mean any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places;

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified

(1) By an approved state program as determined by the Secretary of Interior, or

(2) Directly by the Secretary of Interior in states without approved programs.

"Lowest Adjacent Grade (LAG)" shall mean the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

"Lowest Floor" shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or floor resistant enclosure, usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

"Manufactured home" shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Market value" shall mean the building value, excluding the land established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

"Mean sea level" shall mean, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New construction" shall mean structures for which the "start of construction" commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

"Nonconforming building or development" shall mean any legally existing building or development which fails to comply with the current provisions of this chapter.

"Nonencroachment area" shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

"Post-FIRM" shall mean construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

"Pre-FIRM" shall mean construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

"Public Safety" and/or "nuisance" shall mean anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" shall mean a vehicle which is:

(a) Built on a single chassis:

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference level" shall mean the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within all special flood hazard areas, the reference level is the top of the lowest floor or bottom of the lowest horizontal structural member or bottom of lowest attendant utility including ductwork, whichever is lower.

"Regulatory flood protection elevation" shall mean the elevation, in relation to mean sea level, to which the reference level of all structures and other development located within the special flood hazard areas must be protected. Within areas where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In areas where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

"Remedy a violation" shall mean to bring the structure or other development into compliance with state or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Repetitive loss" shall mean flood-related damages sustained by a structure on two separate occasions during any 10-year

period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred.

"Riverine" shall mean relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage yard" shall mean property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid waste disposal facility" shall mean any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid waste disposal site" defined as in NCGS 130A-290(a)(36).

"Special flood hazard area (SFHA)" shall mean the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article C, Section 4-6009 of this chapter.

"Start of construction" includes substantial improvements, and shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" shall mean a walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

"Substantial damage" shall mean damage of any origin sustained by a structure during any one year period whereby the

cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement."

"Substantial improvement" shall mean any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" shall mean a grant of relief from the requirements of this chapter.

"Violation" shall mean the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles D. and E. is presumed to be in violation until such time as that documentation is provided.

"Watercourse" shall mean a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation (WSE)" shall mean the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. of 10/11/04, Art. 2)

ARTICLE C

General Provisions

Section 9-6008 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Stantonburg and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability. (Ord. of 10/11/04, Art. 3, Sec. A)

Section 9-6009 Basis for establishing the areas of special flood hazard.

The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEAM) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study and its accompanying flood maps such as the Flood Insurance Rate Map(s) and/or the Flood Boundary Floodway Map(s) (FBFM), for Wilson County dated November 3, 2004 which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this chapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

(a) Generated as a requirement of Article D, Section 9-6020(k)-(m) of this chapter;

(b) Preliminary FIRMs where more stringent than the effective FIRM; or

(c) Post-disaster Flood Recovery Maps.

In addition, upon annexation to the Town of Stantonburg or inclusion in the Extraterritorial Jurisdiction (ETJ), the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above for the Unincorporated Areas of Wilson County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.
(Ord. of 10/11/04, Art. 3, Sec. B)

Section 9-6010 Establishment of development permit.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the

commencement of any development activities within special flood hazard areas as determined in Article C, Section 9-6009. (Ord. of 10/11/04, Art. 3, Sec. C)

Section 9-6011 Compliance.

No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this chapter and other applicable regulations. (Ord. of 10/11/04, Art. 3, Sec. D)

Section 9-6012 Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. of 10/11/04, Art. 3, Sec. E)

Section 9-6013 Interpretation.

In the interpretation and application of this article all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. of 10/11/04, Art. 3, Sec. F)

Section 9-6014 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Stantonburg or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under. (Ord. of 10/11/04, Art. 3, Sec. G)

Section 9-6015 Penalties for violation and remedies.

(a) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50. or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained

shall prevent the Town of Stantonburg from taking such other lawful action as is necessary to prevent or remedy any violation.

(b) In addition to, or in lieu of, any of the above remedies or penalties, this chapter may also be enforced by Wilson County or the Town of Stantonburg by any appropriate equitable remedy, injunction, or order of abatement as provided in NC General Statutes 153A-123(d) and (e) and NC General Statute 160A-175, and issuing from a court of competent jurisdiction. (Ord. of 10/11/04, Art. 3, Sec. H)

Sections 9-6016 through 9-6017 reserved.

ARTICLE D

Administration

Section 9-6018 Designation of local administrator.

The town manager hereinafter referred to as the floodplain administrator is hereby appointed to administer and implement the provisions of this chapter. (Ord. of 10/11/04, Art. 4, Sec. A)

Section 9-6019 Development Permit and Certification Requirements.

Application for a floodplain development permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

(a) Application requirements. Application for a floodplain development permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;

b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Article C, Section 9-6009 or a statement that the entire lot is within the special flood hazard area;

c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article C, Section 9-6009;

d. The boundary of the floodway(s) or nonencroachment area(s) as determined in Article C, Section 9-6009;

e. The base flood elevation (BFE) where provided as set forth in Article C, Section 9-6009; Article D, Section 9-6020 (k)-(m); or Article E, Sections 9-6027, 9-6028 and 9-6025(e);

f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

g. Certification of the plot plan by a registered land surveyor or professional engineer

(2) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;

(3) If flood-proofing, a flood-proofing certificate with detailed back-up computations and operational plans that specify the location on a FIRM panel, and the entity responsible for maintenance and operation of such plans. Flood-proofing certificate and back-up computations and operations shall be certified by a registered professional engineer or architect to ensure that the nonresidential flood-proofed development will meet the flood-proofing criteria in Article E, Section 9-6026(b).

(4) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

(a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

(b) Openings to facilitate the unimpeded movements of floodwaters in accordance with Article E, Section 9-6026(d), when solid foundation perimeter walls are used in A, AO, AE, and A1-30 zones.

(5) Usage details of any enclosed space below the regulatory flood protection elevation.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(7) Copies of all other local, state and federal permits required prior to floodplain development permit issuance (i.e. wetlands, erosion and sedimentation control, riparian buffers, mining, etc.)

(8) Documentation for placement of recreational vehicles and/or temporary structures, to ensure Article E, Section 9-6026(f) and (g) of this code are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(b) Permit requirements. The floodplain development permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit issuance.

(2) The special flood hazard area determination for the proposed development per available data specified in Article C, Section 9-6009.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material shall encroach into the floodway or nonencroachment area of any watercourse, if applicable.

(7) A statement of the minimal foundation opening requirements if in an A, AO, AE or A1-30 zone.

(8) A statement of the limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(c) Certification requirements.

(1) An elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, or flood-proofed elevation, in relation to mean sea level. Elevation certifications shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(2) An elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required after the reference level is complete. Within seven (7) calendar days of establishment of the reference level elevation, or flood-proofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the floodplain administrator a certification - of the elevation of the reference level or flood-proofed elevation, whichever is applicable in relation to mean sea level. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the seven day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(3) A final as-built elevation certificate (FEMA Form 81-31) or flood-proofing certificate (FEMA Form 81-65) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation or flood-proofed elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. Flood-proofing

certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

(4) If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Article E, Section 9-6026(c).

(5) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(6) Certification exemptions. The following structures, if located within A, AO, AE or A1-30 zones, are exempt from the elevation/flood-proofing certification requirements specified in subsection (c)(1) and (2) above:

(a) Recreational vehicles meeting requirements of Article E, Section 9-6026(f)(1);

(b) Temporary structures meeting requirements of Article E, Section 9-6026(g); and

(c) Accessory structures less than 150 square feet meeting requirements of Article E, Section 9-6026(h).
(Ord. of 10/11/04, Art. 4, Sec. B)

Section 9-6020 Duties and responsibilities of the local administrator.

The floodplain administrator shall perform the following duties but not be limited to:

(a) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the permit requirements of this chapter have been satisfied;

(b) Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, etc.) may be required, and if specific

federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

(c) Notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article E, Section 9-6029 are met.

(f) Obtain the actual elevation (in relation to mean sea level) of the reference level (including basement) of all new or substantially improved structures, in accordance with Article D, Section 9-6019(c).

(g) Obtain actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been flood-proofed, in accordance with Article D, Section 9-6019(c).

(h) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article D, Section 9-6019(c).

(i) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article D, Section 9-6019(c) and Article E, Section 9-6026(b).

(j) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(k) When base flood elevation (BFE) data has not been provided in accordance with Article C, Section 9-6009, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data, and/or nonencroachment area data available from a federal, state or other source, in order to administer the provisions of this chapter.

(l) When base flood elevation (BFE) data has not been provided in accordance with Article C, Section 9-6026, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or nonencroachment area data available from a federal, state, or other source, including data developed pursuant to Article E, Section 9-6026(d), in order to administer the provisions of this chapter.

(m) When base flood elevation (BFE) data is provided but no floodway nor nonencroachment area data has been provided in accordance with Article C, Section 9-6019, obtain, review, and reasonably utilize any floodway data, and/or nonencroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.

(n) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.

(o) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.

(p) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

(q) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(r) Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or

specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(s) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(t) Follow through with corrective procedures of Article D, Section 9-6021.
(Ord. of 10/11/04, Art. 3, Sec. C)

Section 9-6021 Corrective procedures.

(a) Violations to be corrected. When the local administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy each of the violations of law pertaining to their property.

(b) Actions in event of failure to take corrective action. If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating.

(1) That the building or property is in violation of the Flood Damage Prevention Ordinance;

(2) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining the matter; and

(3) That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(c) Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, not more than 120 days. Where the administrator finds that there is imminent danger to life or other property,

he may order that corrective action be taken in such lesser period as may be feasible.

(d) Appeal. Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(e) Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. of 10/11/04, Art. 4, Sec. D)

Section 9-6022 Variance procedures.

(a) The Stantonburg Planning Board as established by the Town Council of the Town of Stantonburg shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in Chapter 7A of the North Carolina General Statutes.

(c) Variances may be issued for:

(1) The repair or rehabilitation or restoration of historic upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(2) Functionally dependent facilities if determined to meet the definition as stated in Article B of this chapter.

(3) Any other type of development, provided it meets the requirements stated in this section.

(d) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, where applicable;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(e) A written report addressing each of the above factors shall be submitted with the application for a variance.

(f) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(g) Variances shall not be issued within any designated floodway or nonencroachment area if any increase in flood levels during the base flood discharge would result.

(h) Conditions for variances:

(1) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(5) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met.

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area.

(3) The reference level of any structure is elevated or flood-proofed to at least the regulatory flood protection level.

(4) The use complies with all other applicable federal, state and local laws.

(5) The Town of Stantonsburg has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) days prior to granting the variance.
(Ord. of 10/11/04, Art. 4, Sec. E)

Sections 9-6023 through 9-6024 reserved.

ARTICLE E

Provisions for Flood Hazard Reduction

Section 9-6025 General standards.

In all special flood hazard areas the following provisions are required:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures resulting from hydrodynamic hydrostatic loads including the effects of buoyancy.

(b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.) hot water heaters, electrical outlets/switches).

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(g) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(h) Any alteration, repair, reconstruction of improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(i) Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and

located totally or partially within the floodway, nonencroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, nonencroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

(j) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in special flood hazard areas, except by variance as specified in Article D, Section 9-6022(i). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or flood-proofed to at least the regulatory flood protection elevation and certified according to Article D, Section 9-6019(c) of this code.

(k) All development proposals shall be consistent with the need to minimize flood damage.

(l) All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(m) All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
(Ord. of 10/11/04, Art. 5, Sec. A)

Section 9-6026 Specific standards.

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in Article C, Section 9-6009, or Article D, Section 9-6020(k) and (l), the following provisions are required:

(a) Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article B, Definitions.

(b) Nonresidential construction. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the reference level including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article B, Definitions. Structures located in A, AE and A1-30 zones may be flood-proofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are water tight with walls substantially impermeable to the passage of water, using

structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article D, Section 9-6019(c).

(c) Manufactured homes.

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article B, Definitions.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §4143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(3) All foundation enclosures or skirting shall be in accordance with Article E, Section 9-6026(d).

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the zoning administrator and the local emergency management coordinator.

(d) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas below the regulatory flood protection elevation:

(1) Shall not be designed to be used for human habitation, but shall be designed to be used only for the parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.

(3) Shall include, in A, AO, AE, and A1-30 zones, measures to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria.

a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

b. The total net area of all openings must be at least one square inch for each square foot of each area subject to flooding.

c. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;

d. The bottom of all required openings shall be no higher than one foot above the adjacent grade; and

e. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

f. Foundation enclosures made of vinyl or other flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(e) Additions/improvements.

(1) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

a. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

b. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(2) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(3) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

a. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

b. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(4) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(f) Recreational vehicles. Recreation vehicles placed on sites within a special flood hazard area shall either:

(1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(2) Meet all the requirements for new construction, including anchoring and elevation requirements of Article D, Section 9-6019 and Article E, Sections 9-6025 and 9-6026(c).

(g) Temporary structures. Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted. The time period should be minimal with total time on site not to exceed one year;

(2) The name, address and phone number of the individual responsible for the removal of the temporary structure;

(3) The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(4) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

(5) Designation, accompanied by documentation, or a location outside the special flood hazard area to which the temporary structure will be moved.

(h) Accessory structure. When accessory structures (sheds, detached garages, etc.) are to be placed in special flood hazard area, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall be designed to have low flood damage potential;

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(4) Accessory structures shall be firmly anchored in accordance with Article E, Section 9-6025(a); and

(5) All service facilities such as electrical and hearing equipment shall be elevated in accordance with Article E, Section 9-6025(d).

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Article D, Section 9-6026(d)(1).

(i) An accessory structure with a footprint less than 150 square feet does not require an elevation or flood-proofing certificate. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with Article D, Section 9-6020(c).
(Ord. of 10/11/04, Art. 5, Sec. B)

Section 9-6027 Reserved.

Section 9-6028 Standards for floodplains without established base flood elevations and/or floodways.

Within the special flood hazard areas established in Article C, Section 9-6009, where no base flood elevation (BFE) has been provided, the following provisions apply:

(a) No encroachments, including fill material, substantial improvements, or new development shall be permitted within a distance of 20 feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) The regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

(1) If base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood-proofed in accordance with elevations established in accordance with Article D, Section 9-6020(k)-(m).

(2) All subdivision, manufactured home park and other development proposals located within Special Flood Hazard Areas shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article C, Section 9-6009 to be utilized in implementing this chapter.

(3) When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade (natural grade if known).

(Ord. of 10/11/04, Art. 5, Sec. D)

Section 9-6029 Standards for floodplains with BFE but without established floodways or nonencroachment areas.

Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor nonencroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (Ord. of 10/11/04, Art. 5, Sec. E)

Section 9-6030 Floodways and nonencroachment areas.

Areas designated as floodways or nonencroachment areas are located within the special flood hazard areas established in Article C, Section 9-6009. The floodways and nonencroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be

permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit.

(b) If Article E, Section 9-6030(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(c) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

(1) The anchoring and the elevation standards of Article E, Section 9-6029(c); and

(b) The no encroachment standards of Article E, Section 9-6030(a) are met.
(Ord. of 10/11/04, Art. 5, Sec. F)

Section 9-6031 Standards for areas of shallow flooding (AO zones).

Located within the special flood hazard areas established in Article C, Section 9-6009, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

(a) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the special flood hazard areas where no BFE has been established.

(b) All new construction and substantial improvements of nonresidential structures shall have the option to, in lieu of elevation, be completely flood-proofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the special flood hazard

areas where no BFE has been established. Certification is required as per Article D, Section 9-6019(c) and Article E, Section 9-6026(b).
(Ord. of 10/11/04, Art. 5, Sec. G)

Sections 9-6032 through 9-6033 Reserved.

ARTICLE F

Legal Status Provisions

Section 9-6034 Effect on rights and liabilities under the existing flood damage prevention ordinance.

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted June 6, 1982 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town of Stantonburg enacted on June 6, 1982, as amended, which are not reenacted herein, are repealed. (Ord. of 10/11/04, Art. 6, Sec. A)

Section 9-6035 Effect upon outstanding building permits.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six months subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter. (Ord. of 10/11/04, Art. 6, Sec. B)

Section 9-6036 Effective date.

This chapter shall become effective November 3, 2004. (Ord. of 10/11/04, Art. 6, Sec. C)

CHAPTER 7

Development Plans

Article A. Implementation of the Statutory Vested Right Provisions of G.S. 160A-385.1

Section 9-7001	Purpose.
Section 9-7002	Definitions.
Section 9-7003	Establishment of a zoning vested right.
Section 9-7004	Approval procedures and approval authority.
Section 9-7005	Duration.
Section 9-7006	Termination.
Section 9-7007	Voluntary annexation.
Section 9-7008	Limitations.
Section 9-7009	Repealer.
Section 9-7010	Effective date.

ARTICLE A

Implementation of the Statutory Vested Right Provisions of G.S. 160A-385.1

Section 9-7001 Purpose.

The purpose of this article is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan. (Ord. of 11/4/91)

Section 9-7002 Definitions.

As used in this article, the following terms shall have the meaning indicated:

"Approval authority" shall mean the town council, board of adjustment or other board or official designated by ordinance or this article as being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

"Site specific development plan" shall mean a plan of land development submitted to the town for purposes of obtaining one of the following zoning or land use permits or approvals:

A bland unit development plan.

A subdivision plan.

A preliminary or general development plan.

A conditional or special use permit.

A conditional or special use district zoning plan.

Any other land use approval designation as may be utilized by the town.

Any such plan, in order to qualify as a "site specific development plan", must with reasonable certainty describe the type and intensity of use for a specific parcel or parcels of property. Such plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting the development of the site; the approximate location of the site of the proposed building, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed structure on the site including water, sewer, roads, and pedestrian walkways.

Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

"Zoning vested right" shall mean a right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.
(Ord. of 11/4/91)

Section 9-7003 Establishment of a zoning vested right.

(a) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the town council or board of adjustments, as applicable, of a site specific development plan, following notice and public hearing.

(b) The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.

(c) Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(d) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(e) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or

ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation by the town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this article.

(f) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable. (Ord. of 11/4/91)

Section 9-7004 Approval procedures and approval authority.

(a) Except as otherwise provided in this section, an application for site specified development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.

(b) Notwithstanding the provisions of subsection (a), if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee or administrative official other than the town council, board of adjustment, or other planning agency designated to perform any or all of the duties of the board of adjustment, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the town council or following notice and a public hearing as provided in G.S. 160A-364.

(c) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(d) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)".

(e) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approval are not inconsistent with the original approval.

(f) Nothing in this article shall prohibit the revocation of the original approval or other remedies for failure to comply with

applicable terms and conditions of the approval or the zoning ordinance.

(Ord. of 11/4/91)

Section 9-7005 Duration.

(a) A zoning right that has been vested as provided in this article shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (b). This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(b) Notwithstanding the provisions of subsection (a), the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site specific development plan is approved.

(c) Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(Ord. of 11/4/91)

Section 9-7006 Termination.

A zoning right that has been vested as provided in this article shall terminate:

(a) at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(b) with the written consent of the affected landowner;

(c) upon findings by the town council, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(d) upon payment to the affected landowner of compensation for all cost, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of

financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(e) upon findings by the town council, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(f) upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in the state or federal law has fundamental effect on the plan, by ordinance after notice and a hearing.

(Ord. of 11/4/91)

Section 9-7007 Voluntary annexation.

A petition for annexation filed with the town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated. (Ord. of 11/4/91)

Section 9-7008 Limitations.

Nothing in this article is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1. (Ord. of 11/4/91)

Section 9-7009 Repealer.

In the event that G.S. 160A-385.1 is repealed, this article shall be deemed repealed and the provisions hereof no longer effective. (Ord. of 11/4/91)

Section 9-7010 Effective date.

This chapter shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991. (Ord. of 11/4/91)

APPENDICES

APPENDIX I

Traffic

Section 101 Traffic control signals shall be installed at the following locations (See section 7-1023):

(Reserved)

Section 102 Vehicles may not turn right on red lights after coming to a complete stop on the following streets (See section 7-1023(3)a.):

(Reserved)

Section 103 Flashing yellow caution signal lights shall be installed at the following locations (See section 7-1024):

(Reserved)

Section 104 Yield right-of-way signs shall be posted at the following locations (See section 7-1030):

The driver of any vehicle when driving on the "yield" street shall yield right-of-way before entering the "Through" Street, as listed below:

<u>Yield Street</u>	<u>Through Street</u>
1. Black Creek Road (when vehicle is moving in a northwesterly direction)	Travis Street
2. Travis Street	Saratoga Road
3. Bagley Street	Yelverton Street
4. Julian Avenue	Yelverton Street
5. Julian Avenue	Travis Street
6. Julian Avenue	Saratoga Road
7. Thompson Avenue	Yelverton Street
8. Thompson Avenue	Travis Street
9. Thompson Avenue	Saratoga Road
10. Whitley Street	Thompson Avenue
11. Whitley Street	Commercial Avenue
12. Commercial Avenue (when vehicle is moving in a northwesterly direction)	Yelverton Street
13. Greenwood Avenue	Whitley Street

<u>Yield Street</u>	<u>Through Street</u>
14. Greenwood Avenue	Yelverton Street
15. Greenwood Avenue	Travis Street
16. Travis Street (when vehicle is moving in a southwesterly direction)	Greenwood Avenue
17. Yelverton Street	Macon Street
18. Whitley Street	Broad Street
19. Macon Avenue	Whitley Street
20. Macon Avenue	Travis Street
21. Broad Avenue	Yelverton Street
22. Broad Avenue	Main Street
23. Travis Street (when vehicle is traveling in a northeasterly direction)	Greenwood Avenue
24. Travis Street	Broad Avenue
25. R.B. Avenue	Saratoga Street
26. Julia Place	R.B. Avenue
27. Derek Lane	R.B. Avenue
(Resolution of 9/8/97)	

Section 105 Twenty mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(1)):

<u>Description</u>	<u>Ordinance Number</u>
Commercial Avenue (SR 1682) from Main Street (NC 111 - NC 222) to Travis Street.	970200244
Main Street (NC 111 - NC 222) from Commercial Avenue (SR 1682) to Greenwood Avenue.	970200245
Main Street (NC 111 - NC 222) from Commercial Avenue (SR 1682) to Thompson Avenue.	970200248

Section 106 Twenty-five mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(2)):

<u>Description</u>	<u>Ordinance Number</u>
Main Street (NC 111 - NC 222) from a point 0.11 mile east of Contentea Creek the western corporate limit, eastward for 0.18 mile (Stantonsburg Elementary School Zone), in effect from 30 minutes before to 30 minutes after school begins and ends on school days only.	970200247

Section 107 Thirty mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(3)):

(Reserved)

Section 108 Forty mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(4)):

(Reserved)

Section 109 Forty-five mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(5)):

<u>Description</u>	<u>Ordinance Number</u>
Moyton Avenue (NC 58) from Main Street (NC 111 - NC 222) to the northern corporate limit.	970200249
Moyton Avenue (NC 58 - NC 111 - NC 222) from Main Street (NC 111 - NC 222) to Saratoga Street (SR 1683).	970200250
Moyton Avenue (NC 58) from a point 0.10 mile south of SR 1539, northward to Saratoga Street (SR 1683 - NC 111 - NC 222).	970200251

Section 110 Fifty mile per hour speed limit on the following state highway system streets (See section 7-1042(a)(6)):

(Reserved)

Section 111 Fifty-five mile per hour speed limit on the following
state highway system streets (See section 7-1042(a)(7)):

(Reserved)

Section 112 Twenty mile per hour speed limit on the following town
streets (See section 7-1042(b)(1)):

1. Commercial Avenue, from Yelverton Street to Travis Street.

Section 113 Twenty five mile per hour speed limit

ORDINANCE OF THE TOWN BOARD OF THE TOWN OF
STANTONSBURG ESTABLISHING SPEED LIMIT NEAR
STANTONSBURG ELEMENTARY SCHOOL.

WHEREAS, based upon an engineering and traffic investigation pursuant to North Carolina General Statute 20-141(f), it appears that a speed limit of 25 m.p.h. needs to be established on Main Street (N.C. 222) from a point 0.11 mile east of Contentnea Creek, the western corporate limit, eastward for 0.18 mile (Stantonsburg Elementary School zone), in effect from 30 minutes before to 30 minutes after school begins and ends on school days in order to provide for the safety of students and others crossing and traveling near the school; and

WHEREAS, the Town Board of the Town of Stantonsburg finds as a fact that based upon said engineering and traffic investigation that the establishment of a 25 m.p.h. speed limit near Stantonsburg Elementary School is necessary for the safety of people traveling near the school 30 minutes before school begins and 30 minutes after school ends.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF STANTONSBURG:

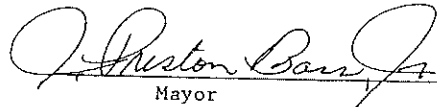
Section 1. That based upon an engineering and traffic investigation pursuant to authority granted by N.C.G.S. 20-141(f) declaring the following speed limit modifications as set forth below on the following described portions of a State Highway System Street:

Declare the Following Speed Limit

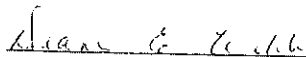
<u>Speed Limit</u>	<u>Ordinance Number</u>	<u>Description</u>
25	1	Main Street (N.C. 222) from a point 0.11 mile east of Contentnea Creek, the western corporate limit, eastward for 0.18 mile (Stantonsburg Elementary School zone), in effect from 30 minutes before to 30 minutes after school begins and ends on school days only.

Section 2. That this ordinance shall become effective upon the adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit.

DULY ADOPTED this the 8th day of October, 1984.


Mayor

ATTEST:


Town Clerk

Section 113 Twenty-five mile per hour speed limit on the following town streets (See section 7-1042(b)(2)):

1. Tyson Drive
2. Yelverton Street
3. Travis Street
4. 100, 200, and 300 blocks of West Commercial Avenue, from Main Street to the dead end

5. Macon Street
 6. Greenwood Avenue
 7. Hemphill Drive
 8. Minshall Avenue
 9. Applewhite Drive
- (Ord. of 5/5/80, No. O- -80, Sec. 1)

10. Main Street (N.C. 222) from a point 0.11 miles east of Contentnea Creek, the western corporate limit, eastward for 0.18 miles (Stantonsburg Elementary School zone), in effect from 30 minutes before to 30 minutes after school begins and ends on school days only. (Ord. of 10/8/84, Sec. 1)

Section 114 Thirty mile per hour limit on the following town streets (See section 7-1042(b)(3)):

(Reserved)

Section 115 Forty mile per hour speed limit on the following town streets (See section 7-1042(b)(4)):

(Reserved)

Section 116 Forty-five mile per hour speed limit on the following town streets (See section 7-1042(b)(5)):

(Reserved)

Section 117 Fifty mile per hour speed limit on the following town streets (See section 7-1042(b)(6)):

(Reserved)

Section 118 Fifty-five mile per hour speed limit on the following town streets (See section 7-1042(b)(7)):

(Reserved)

Section 119 No left turns at following intersections (See section 7-1052):

(Reserved)

Section 120 No right turns at following intersections (See section 7-1052):

(Reserved)

Section 121 No U-turns at the following locations (See section 7-1052):

(Reserved)

Section 122 One-way streets (See section 7-1062):

Section 123 Through streets (See section 7-1071):

1. Main Street
2. Saratoga Road

Section 124 Intersections at which "stop" is required before entering
(See section 7-1073):

The driver of any vehicle, when driving on the "Stop" street shall come to a complete stop before moving across the "Through" street, as listed below:

<u>Stop Street</u>	<u>Through Street</u>
1. Yelverton Street	Black Creek Road
2. Travis Street	Commercial Avenue
3. Main Street	Moyton Drive (N.C. 58)
4. Minshall Avenue	Community Building Drive
5. Community Building Drive	Moyton Drive (N.C. 58)
6. Minshall Avenue	Saratoga Road (N.C. 222)
7. Bagley Street	S. Yelverton Street
8. W. Thompson Avenue	S. Yelverton Street
9. W. Commercial Avenue	S. Yelverton Street
10. S. Whitley Street	W. Thompson Avenue
11. Saratoga Street	Tyson Drive
12. Ann Lane	S. Saratoga Road
13. E. Julian Avenue	S. Travis Street

14. E. Julian Avenue	S. Saratoga Road
15. E. Thompson Avenue	S. Travis Street
16. E. Thompson Avenue	S. Saratoga Road
17. S. Travis Street	S. Saratoga Road
18. E. Macon Street	N. Travis Street
19. Minshall Avenue	Hemphill Drive
20. Minshall Avenue	Applewhite Road
21. Applewhite Road	Hemphill Drive
22. W. Greenwood Avenue	N. Yelverton Street
23. W. Greenwood Avenue	N. Whitley Street
24. W. Broad Street	N. Yelverton Street
25. W. Broad Street	N. Whitley Street
26. N. Yelverton Street	W. Macon Street
27. W. Macon Street	N. Whitley Street
28. Julian Avenue	Yelverton Street
29. Denver Drive	Saratoga Street/ NC Hway 111/222
30. Adam Street	Denver Drive
31. Adam Street	Hazel Drive

(Ord. of 2/9/87; Ord. of 1/9/92; Ord. of 8/10/98; Ord. of 9/11/06)

Four-Way Stop Intersections

1. Reserved.

Section 125 Freight loading zones (See section 7-1132):

(Reserved)

Section 126 The following streets or portions thereof, are designated as public carrier loading and unloading zones (See section 7-1133):

(Reserved)

Section 127 There shall be no parking allowed on the following streets or portions of streets (See section 7-1143): 63

1. On the east side of Highway 222, from the Creek Bridge to Thompson Avenue. (1963 Code, Ch. I. Art. 6, Sec. 18)
2. On the left side of Main Street, from Thompson Avenue to Creek Bridge. (Ord. of 9/63)
3. On the south side of Black Creek Road, from Main Street to Tyson Drive. (Ord. of 2/64)
4. In front of the Post Office, where the mail drop is located. (Ord. of 9/64)
5. The right-of-way of Highway 58 within the town limits. (Ord. of 10/6/86)
6. The southerly side of Greenwood Avenue between the intersection of Greenwood Avenue and Main Street and the intersection of Greenwood Avenue and Yelverton Street. (Ord. of 8/5/91)
7. Running northeast from the intersection of Thompson Avenue and Main Street, the first 80 feet along the southernmost side of South Main Street including an area already designated as a no parking zone. (Ord. of 1/18/11)

Section 128 Parking limited to two hours upon any of the streets as follows (See section 7-1144):

1. On both sides of Commercial Avenue, from Travis Street to Yelverton Street.
2. On both sides of South Main Street, from Commercial Avenue to Thompson Avenue.
3. On the north side of Thompson Avenue, from Travis Street to Yelverton Street. (1963 Code Ch. I, Art. 6, Sec. 12)

Section 129 Parking limited to one hour between the hours of 9:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays within the district upon any of the streets as follows (See section 7-1144):

Section 130 Parking limited to specified time:

1. Five minute limit, on the side of the Post Office. (Ord. of 9/64)

ORDINANCE DISPOSITION

ORDINANCE DISPOSITION TABLE

References to "1963 Code" refer to the series of ordinances adopted by the Town in February, 1963.

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
1963 Code, Ch. I		
Article 1	Prior ordinances repealed	Deleted; new code has repealer clause
Article 2		
Sec. 1	Unlawful to ride bicycle on sidewalk	Codified; Sec. 7-1108
Sec. 2	Unlawful to throw stones	Deleted; obsolete
Sec. 3	Unlawful to display goods on the sidewalk	Codified; Sec. 6-2002
Sec. 4	Unlawful to skate on sidewalks	Codified; Sec. 7-1083
Sec. 5	Unlawful to drive through stop light	Deleted; superseded by Sec. 7-1023(3)
Sec. 6	Unlawful to cut or disfigure street	Deleted; superseded by Part 4, Ch. 1
Sec. 7	Unlawful to climb upon water tank	Codified; Sec. 8-1005
Article 3		
Sec. 1	Unlawful to discharge firearms	Deleted, superseded by Sec. 8-1001
Sec. 2	Unlawful to keep hogs	Deleted; superseded by new animal control chapter
Sec. 3	Unlawful to place trash on streets	Deleted; superseded by Sec. 6-2013
Sec. 4	Sunday closing ordinance	Codified; Sec. 6-1021
Article 4		
Sec. 1	Unlawful to deposit human waste on town streets	Deleted; superseded by Sec. 8-5004
Sec. 2	Speed limits	Deleted; superseded by G.S. 20-141 and Sec. 7-1041 and 7-1042

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Sec. 3	Disorderly conduct	Deleted; superseded by State law - G.S. Chapter 14, Article 35
Sec. 4	Public drunkenness	Deleted; superseded by State law which now does not allow jailing of public drunks
Sec. 5	Gambling	Deleted; superseded by State law
Secs. 6-8	Operation of Mayor's court	Deleted; obsolete
Article 5		
Sec. 1	Water & sewer connections required	Deleted; superseded by Part 5, Chapter 2
Sec. 2	New construction - sewer required	Deleted; superseded by Part 5, Chapter 2
Secs. 3-4	Plumbing permit required	
Sec. 5	Unlawful to trespass on sewage disposal lot	Codified; Sec. 8-1006
Sec. 6	Unlawful to trespass on town cemetery	Codified; Sec. 8-1007
Sec. 7	No street dedication w/o town approval	Deleted; superseded by Sec. 4-1001
Sec. 8	Unlawful to place any structure in town cemetery	Codified; Sec. 8-1008
Sec. 9	Registration of motor vehicles	Deleted; superseded by Part 7, Ch. 2
Sec. 10	Loud noise - motor vehicle	Deleted; superseded by Sec. 7-1047
Sec. 11	Parking on left side of curb	Deleted; superseded by Sec. 7-1111
Sec. 12	U-turns	Deleted; superseded by Sec. 7-1052
Article 6		
Sec. 1	Bird sanctuary established	Deleted; superseded by new animal control chapter

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Sec. 2	Unlawful to shoot squirrels	Deleted; superseded by the new animal control chapter
Sec. 3	No children in dance halls	Deleted; obsolete
Sec. 4	Unlawful to block streets	Deleted; superseded by Sec. 6-2001
Sec. 5	Midnight closing ordinance	Deleted; not authorized by State law
Sec. 6	Curfew for minor (11 p.m.)	Deleted; not authorized by State law
Sec. 7	Public consumption of liquor	Deleted; superseded by State law, G.S. Ch. 18A
Sec. 8	Yield right-of-way to fire trucks	Deleted; superseded by State law, G.S. 20-156
Sec. 9	Dogs running at large at night	Deleted; superseded by Sec. 8-2003
Sec. 10	Unlawful to damage traffic sign	Deleted; superseded by Sec. 7-1015
Sec. 11	Parking regulation - Post Office	Deleted; superseded by Appendix Sec. 127, No. 4
Sec. 12	2 hour parking	Appendix, Sec. 128
Sec. 13	Garbage containers required	Deleted; superseded by Part 4, Ch. 2
Sec. 14	Schedule B adopted - privilege license taxes	Deleted; superseded by Part 2, Ch. 3, Art. B
Sec. 15	Single-shot ballot prohibited	Deleted; contrary to State election laws
Sec. 16	Sale of beer on Sunday prohibited	Deleted; superseded by Sec. 6-1083 and 6-1084
Sec. 17	Public demonstrations prohibited	Deleted; superseded by Part 6, Ch. 2, Art. C and Sec. 6-2001
Sec. 18	No parking zone established	Appendix, Sec. 127

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Ord. of 11/9/70	Anti "scratching-off" ordinance	Deleted; superseded by Sec. 7-1082
Ord. of 8/9/71	Sale of beer and wine on Sunday prohibited	Codified; Sec. 6-1022 and 6-1023
Ord. of 2/63	Unlawful to carry concealed weapon	Deleted; superseded by State law
Ord. of 9/63	Lots overgrown with weeds	Deleted; superseded by Part 8, Ch. 4
Ord. of 9/63	No parking regulations	Appendix, Sec. 127
Ord. of 9/63	Permit for parades and marches	Deleted; superseded by Part 6, Ch. 2, Art. C
Ord. of 2/64	No parking	Appendix, Sec. 127
Ord. of 2/65	Town license tags	Deleted; superseded by Part 7, Ch. 2
Ord. of 6/65	Speed limits on State highways	Appendix, Sec. 105
Ord. of 4/72	No through trucks	Section 7-1084
Ord. of 6/73	Curfew on loud noises	Deleted; superseded by Sec. 8-6001
Ord. of 5/74	Dogs required to wear collar	Codified; Sec. 8-2021
Ord. of 12/78	Ord. to license insulation contractors	Codified; Part 9, Ch. 1
Ord. of 2/65	No gas pumps or tanks on street rights-of-way	Deleted; superseded by Sec. 4-1021
Ord. of 9/63	15 mph speed limit	Deleted; superseded by State law on school zones
Ord. of 9/64	5 minute parking	Appendix, Sec. 130
Undated Ord.	Mobile home parks	Codified; Sec. 9-2001 through 9-2008
Ord. of 2/4/80	Building identification numbers	Codified; Sec. 9-3001
Ord. of 5/5/80, No. 0- -80	25 mph speed limits on certain streets	Appendix, Sec. 113

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Ord. of 12/3/80	Burial of vaults in town cemetery	Codified; Sec. 8-1009
Ord. of 8/12/82	Cable television system franchise	Codified; Sec. 6-3001 through 6-3010
Ord. of 12/6/82	Licensing and regulation of game rooms	Codified; Sec. 6-1021 through 6-1026
Ord. of 1/10/83	Fair housing committee	Codified; Sec. 2-4001
Ord. of 4/28/83	Housing code	Codified; Part 9, Ch. 4
Res. of 9/5/83	Animal control	Codified; Part 8, Ch. 2
Ord. of 9/5/83	Membership in joint agency for electric service	Codified; Sec. 5-3010
Ord. of 11/7/83	Planning board	Codified; Sec. 2-2010 through 2-2015
Ord. of 10/8/84	Speed limit in Stantonburg Elementary School zone	Appendix, Sec. 113
Ord. of 5/6/85	Zoning code	Codified; Part 9, Ch. 5
Ord of 5/6/85	Boundaries of extraterritorial jurisdiction	Codified; Sec. 2-5001
Ord. of 11/4/85	Planning board to serve as zoning board of adjustment	Codified; amends Sec. 2-2012 and 2-2014
Ord. of 11/4/85	Additional clarification of duties of planning board as zoning board of adjustment	Codified; amends Sec. 9-5010 and 9-5061
Ord. of 11/4/85	Notice of zoning classification action	Codified; amends Sec. 9-5072
Undated Ord.	Water and sewer service	Codified; Part 5, Ch. 2
Undated Ord.	Abolish sales of Town Tags	Codified; repeals Sec. 7-2001
Ord. of 3/10/86	Community development block grant project	Not applicable to permanent code
Ord. of 10/6/86	Playing and riding of bicycles in town cemetery	Codified; Sec. 8-1010

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Ord. of 10/6/86	Placing of signs on utility poles	Codified; Sec. 8-1011
Ord. of 10/6/86	No parking along Highway 58	Appendix, Sec. 127
Ord. of 2/9/87	Stop intersections	Appendix, Sec. 124
Ord. of 3/9/87	Adopt the council-manager form of government	Codified; Charter Sec. 5.1
Ord. of 3/9/87	Code of conduct for officers employees and agents	Codified; Sec. 2-6001 through 2-6005
Ord. of 5/4/87	Business license taxes	Codified; Sec. 2-3011 through 2-3026
Ord. of 6/25/87	Purchasing agent	Codified; Part 2, Ch. 3
Ord. of 7/8/87	Purchasing agent	Codified; Part 2, Ch. 2, 3
Ord. of 4/11/88	Amend zoning map	Not codified
Ord. of 4/11/88	Establishment of Town Appearance Commission	Codified; Part 2, Ch. 7
Ord. of 6/6/88	Flood damage prevention	Codified; Part 9, Ch. 6
Ord. of 3/6/89	Manufactured home overlay areas	Codified; Part 9, Ch. 5, Article I
Ord. of 6/5/89	Franchise to distribute natural gas	Codified; Part 6, Ch. 4
Ord. of 9/1/89	Electrical rate schedule	Codified; amends Sec. 5-1002
Ord. of 4/9/90	Abandoned, nuisance and junked motor vehicles	Codified; Part 8, Ch. 3
Ord. of 9/20/90	Hours for parades and group demonstrations	Codified; amends Sec. 6-2023
Ord. of 10/8/90	Garbage and trash pickup and street sweeping schedules; maintenance of town vehicles	Codified; amends Sec. 4-2002; adds Sec. 4-2010
Ord. of 6/10/91	Open burning	Codified; Part 3, Ch. 4

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Ord. of 6/24/91	License fees	Codified; Part 2, Ch. 3, Schedule B
Ord. of 7/1/91	Personnel policies	Codified; Part 2, Ch. 8
Ord. of 8/5/91	Safety and loss control program	Codified; Part 2, Ch. 8, Article M
Ord. of 8/5/91	No parking along Greenwood Avenue	Appendix, Sec. 127
Ord. of 11/4/91	Implementation of statutory vested zoning right	Codified; Part 9, Ch. 7
Ord. of 12/9/91	Agreement with county for inspection services	Codified; Part 2, Ch. 9, Art. A
Ord. of 1/9/92	Remove stop signs from Yelverton Street at intersection with Julian Avenue	Codified; Appendix, Sec. 124
Ord. of 3/9/92	Utility billing schedule	Codified; Part 5, Ch. 1
Ord. of 5/11/92	Auxiliary police	Codified, Part 3, Ch. 1, Art. C
Ord. of 5/11/92	Mutual aid agreement	Codified, Part 2, Ch. 9, Art. B
Ord. of 12/7/92	Establish Capital Reserve Fund	Not codified
Ord. of 2/8/93	Superintendent of utilities	Codified, Part 2, Ch. 8, Part 5, Ch. 3
Ord. of 4/5/93	Regulate livestock and kennel operations	Codified, Part 9, Ch. 5
Ord. of 6/7/93	Collection of dry garbage and yard rubbish	Codified, Part 4, Ch. 2
Ord. of 1/9/95	Flood damage prevention	Codified, Part 9, Ch. 6
Ord. of 1/15/96	Carrying concealed weapons	Codified, Part 3, Ch. 5
Ord. of 1/15/96	Deposits for utility services	Codified, Part 5, Ch. 1, Art. B

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
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Ord. of 1/13/97	Speed limits	Appendix, Sec. 109
Ord. of 8/11/97	Cable television franchise	Codified, Part 6, Ch. 3
Ord. of 9/8/97	Curfew for minors	Codified, adds Sec. 3-3002
Res. of 9/8/97	Yield and through streets	Codified, Appendix, Sec. 104
Ord. of 8/10/98	Stop intersections	Codified, Appendix, Sec. 124
Ord. of 11/9/98	Amends zoning definitions and interpretation of regulations	Codified: Secs. 9-5010(24), 9-5010(53), 9-5010(56), 9-5012(1)
Ord. of 1/8/01	Annexation extending corporate limits of town	Codified: Charter Sec. 2.2(a)
Ord. of 3/12/01	Annexation extending corporate limits of town	Codified: Charter Sec. 2.2(b)
Ord. of 7/24/02	Amends zoning definitions and interpretation of regulations	Codified: Secs. 9-5012(1) 9-5031(b)

<u>Ordinance</u>	<u>Subject</u>	<u>Disposition</u>
Ord. of 10/11/04	Amends flood damage prevention	Codified: Part 9, Ch. 6
Ord. of 2/7/05	Amends zoning—adds definition of modular building	Codified: Sec. 9-5010 (27.1)
Ord. of 5/2/05	Amends animal control	Codified: Part 8, Ch. 2
Ord. of 2/13/06	Annexation extending corporate town limits	Codified: Charter Sec. 2.2(c)
Ord. of 9/11/06	Stop intersections	Codified: Appendix, Sec. 124
Ord. of 5/7/07	Adds water shortage response	Codified: Part 5, Ch. 2, Art. I
Ord. of 10/29/08	Adds parks and recreation commission	Codified: Part 2, Ch. 7, Art. B
Ord. of 10/12/09	Adds golf cart ordinance	Codified: Part 7, Ch. 1, Art. O
Ord. of 5/10/10	Adds privilege license tax for electronic gaming operations	Codified: Part 6, Ch. 1, Art. C
Ord. of 1/18/11	No parking any time	Codified: Appendix Sec. 127
Ord. of 8/8/11	Amends parks and recreation commission membership, term and vacancies	Codified: Sec. 2- 7013

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(1) Cross references (when needed are always located at the beginning of entries. Have you overlooked any?

(2) Frequently initial questions are too general. Reformulating a more specific question may help.

(3) Information on officials can be found two ways. The entry for an official's name contains general duties as well as conditions of his office, such as compensation and tenure. Duties assigned to him by ordinances on specific subjects will be found under those subjects.

(4) Definitions can be located under the "DEFINITIONS" main heading or in specific subject areas through the subheading "Definitions of terms."

(5) The code index and charter index may contain different information on the same subjects. Check both.

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