

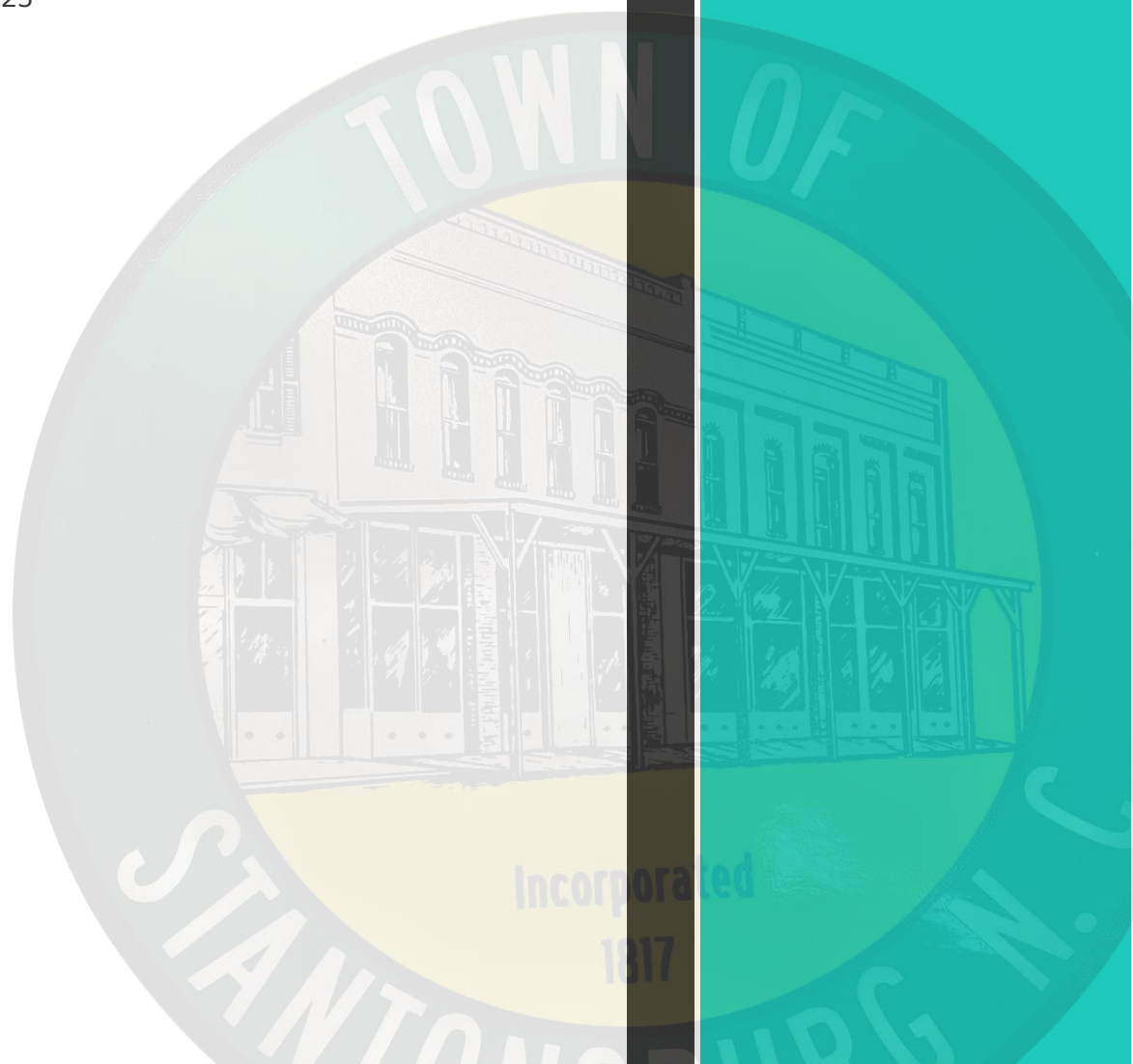
TOWN OF STANTONSBURG, NORTH CAROLINA

TOWN CODE OF ORDINANCES

The Charter and General Ordinances of the Town

Ordained and published by order of the Town Council

Last Updated: 6.19.23



ACKNOWLEDGEMENTS



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Coley H. Rhodes, Mayor
Donnie Bass, Mayor Pro Tem
Walter Bynum
Benjamin Harper
Ken D. Horne
Steve Mooring

TOWN STAFF

Brian Hawley, Town Manager
Alexis Whitley, Town Clerk
Tammy Webb, Deputy Town Clerk
Victoria Lucas, Finance Officer
Slade Rand, Town Attorney



CONSULTANT

CodeWright Planners, LLC
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TABLE OF AMENDMENTS

| TABLE OF ORDINANCE AMENDMENTS | | |
|-------------------------------|--------------|---------------------------|
| ORDINANCE # | DATE ADOPTED | DESCRIPTION OF AMENDMENTS |
| | | |
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| | | |
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INITIATING ORDINANCE

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

BE IT ORDAINED BY THE TOWN COUNCIL 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 June 19, 2023 and not included within this code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except as provided in Section 3.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.

INITIATING ORDINANCE

(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, administrative, or otherwise) pending on the effective date of this ordinance by or against the Town of Stantonsburg 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 Stantonsburg 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 19th day of June, 2023.

TOWN OF STANTONSBURG

By _____

Mayor

ATTEST:

Clerk

| | |
|-------------|---------------------------|
| Division | DIVISION I. |
| Part | PART 1. |
| Chapter | CH. 1.1. |
| Article | <u>ART. 1.1.1.</u> |
| Section | A. |
| Sub-section | 1. |

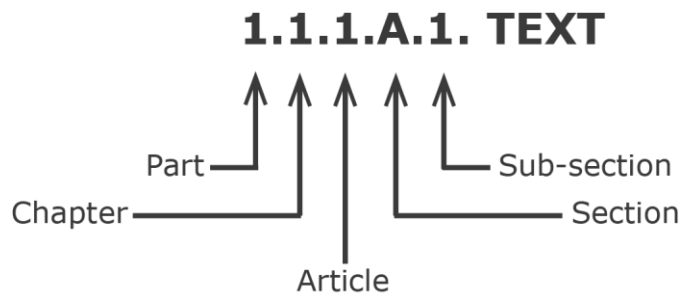


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DIVISION 1. THE CHARTER AND RELATED LOCAL LAWS

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.1 INCORPORATION AND CORPORATE POWERS

ART. 1.1.1. INCORPORATION AND CORPORATE POWERS

The inhabitants of the Town of Stantonsburg are a body corporate and politic under the name of the "Town of Stantonsburg." 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.

ART. 1.1.2. CORPORATE BOUNDARIES

A. TOWN BOUNDARY DESCRIPTION

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.

B. ANNEXED TERRITORY

1. JANUARY 2002 ANNEXATION BOUNDARY

From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Stantonsburg, and the corporate limits of the Town of Stantonsburg 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 Stantonsburg 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 Stantonsburg 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 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 Stantonsburg; 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.

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

2. APRIL 2002 ANNEXATION BOUNDARY

From and after the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Stantonsburg, and the corporate limits of the Town of Stantonsburg 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 Stantonsburg 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

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.2 CORPORATE BOUNDARIES

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 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; 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 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.

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

3. MARCH 2006 ANNEXATION BOUNDARY

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: 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°

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.3 GOVERNING BODY

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.

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

4. JANUARY 2022 ANNEXATION

By virtue of the authority granted by G.S. 160A-31, the following described territory contiguous to the present corporate limits of the Town of Stantonsburg and shown on Plat Book 43 Page 158 is hereby annexed and made part of the Town of Stantonsburg as of immediately:

Lying and being in the Stantonsburg Township of Wilson County, and being more particularly described as follows: Beginning at a point on the northern right-of-way line of Sand Pit Road (SR 1539), being the southeastern corner of the property conveyed to Phyllis L. Shingleton, and described in Deed Book 1677, Page 385, thence leaving said right-of-way line N22°05'38"E a distance of 80.58' to a point, thence N39°25'26"E a distance of 20.85' to a point, thence N39°25'38"E a distance of 103.72' to a point, thence N88°57'38"E a distance of 1,020.00' to a point, thence N88°57'24"E a distance of 461.73' to a point, thence S09°09'38"W a distance of 299.39' to a point, thence S80°20'28"E a distance of 1,111.25' to a point, thence S09°39'32"W a distance of 210.92' to a point on the southern right-of-way line of Sand Pit Road (SR 1539), thence along said right-of-way line N79°51'05"W a distance of 106.11' to a point, thence leaving aforesaid right-of-way line, S09°36'05"W a distance of 150.36' to a point, thence N80°24'48"W a distance of 795.02' to a point, thence N02°36'06"E a distance of 151.37' to a point, thence N80°42'14"W a distance of 221.69' to a point, thence S10°38'12"W a distance of 91.30' to a point, thence N80°43'49"W a distance of 1007.94' to a point on the western right-of-way line of Peacock Bridge Road (SR 1540), thence along said right-of-way line N29°15'36"W a distance of 191.71' to a point at the intersection of the western right-of-way line of Peacock Bridge Road (SR1540) and the southern right-of-way line of Sand Pit Road (SR 1539), thence along the right-of-way line of Sand Pit Road (SR 1539) N80°50'22"W a distance of 175.09' to a point, thence leaving said right-of-way line N07°06'13"E a distance of 60.04' to a point on the northern right-of-way line of Sand Pit Road (SR 1539), thence along said right-of-way line N80°50'22" W a distance of 107.80' to a point, thence N79°44'28"W a distance of 91.30' to the point of beginning, containing 24.59 acres to be annexed and being a portion of Tract 1 and Tract 2 as shown on a plat recorded in Plat Book 24, Page 163.

ART. 1.1.3. GOVERNING BODY

A. STRUCTURE OF GOVERNING BODY; NUMBER OF MEMBERS

The governing body of the Town of Stantonsburg is the Town Council, which has five members, and the Mayor.

B. MANNER OF ELECTION OF COUNCIL

The qualified voters of the entire Town elect the members of the Council.

C. TERM OF OFFICE OF MEMBERS OF THE COUNCIL

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.4 ELECTIONS

1. 1979 REGULAR ELECTION

At the 1979 regular municipal election, all five members of the Town Council shall be elected.

- i. The two candidates receiving the highest number of votes shall be elected for four-year terms; and
- ii. The three candidates receiving the next highest number of votes shall be elected for two-year terms.
- iii. Thereafter, all members of the Council are elected to four-year terms.

2. 1981 REGULAR ELECTION

In the 1981 regular municipal election and each fourth year thereafter, three members of the Council shall be elected to four-year terms.

3. 1983 REGULAR ELECTION

In the 1983 regular municipal election and each fourth year thereafter, two members of the Council shall be elected to four-year terms.

D. MANNER OF ELECTION OF MAYOR

The qualified voters of the entire Town elect the Mayor.

E. TERM OF OFFICE OF MAYOR

At the 1979 regular municipal election and each fourth year thereafter, the Mayor shall be elected to a four-year term of office.

ART. 1.1.4. ELECTIONS

Town officers shall be elected on a nonpartisan basis and the results determined by plurality, as provided by NCGS Section 163-292.

ART. 1.1.5. ADMINISTRATION

A. TOWN TO OPERATE UNDER COUNCIL-MANAGER FORM OF GOVERNMENT

1. Pursuant to NCGS Sections 160A-101 and 160A-102, the Charter of the Town of Stantonsburg 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 Stantonsburg shall operate under the council-manager form of government in accordance with Part 2 of Article VII of NCGS Chapter 160A and any other charter provisions not in conflict therewith.
2. 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 & c 2)

Editor's Note: Immediately following the charter and local laws is a Charter Disposition Table, setting out the order 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.

ART. 1.1.6. RELATED LOCAL ACTS

A. 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 Stantonsburg, in an action pending in the Superior Court of Wilson County, North Carolina, instituted by the Town of Stantonsburg to foreclose its lien for paving assessment, acquired title to the lands here- after 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

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.6 RELATED LOCAL ACTS

WHEREAS, the Town of Stantonsburg 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 Stantonsburg 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 Stantonsburg 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 Stantonsburg, 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.

B. 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 Stantonsburg 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 Stantonsburg 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.

C. SESSION LAWS OF 1971, CHAPTER 37

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.6 RELATED LOCAL ACTS

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

WHEREAS, the Town Council for the Town of Stantonsburg have heretofore invested non-tax revenue in the stock of Stantonsburg 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 Stantonsburg; 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. TOWN COUNCIL AUTHORIZED TO PURCHASE STOCK IN THE STANTONSBURG INDUSTRIAL DEVELOPMENT CORPORATION

The action of the Town Council of the Town of Stantonsburg in purchasing stock in the Stantonsburg 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.

D. CHARTER AND LOCAL ACTS DISPOSITION TABLE

| TABLE 1.7: CHARTER AND LOCAL ACTS DISPOSITION | | |
|---|---|--|
| ACT NAME | SUBJECT | DISPOSITION |
| Private Laws of 1817, ch. 60 | Act of incorporation (Wilson County) | Repealed by Session Laws of 1977, ch. 1212 |
| Private Laws of 1827- 28, ch, 144 | Appointment of additional commissioners | |
| Private Laws of 1835, ch. 133 | Act of incorporation (Wilson County) | |
| Private Laws of 1872- 73, ch, 69 | Act of incorporation (Wilson County) | |
| Private Laws of 1874- 75, ch, 142 | Act to amend Ch. 69, Pr. Laws of 1872-73 | |
| Private Laws of 1909, ch. 173 | Act of incorporation (Wilson County) | |
| Private Laws of 1917, ch, 205 | Act to amend Ch, 173, Pr. Laws of 1909 | |
| Private Laws of 1917, ch. 642 | Bonds authorized for water, sewer and electric system | |
| Private Laws of 1921, ch. 57 | Bond authorization | |
| Session Laws of 1945, ch. 1061 | Election of officials; Mayor's court | |
| 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 |
| Session Laws of 1957, ch, 1135 | Election procedure | Repealed by Session Laws of 1977, ch. 1212 |

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.6 RELATED LOCAL ACTS

TABLE 1.7: CHARTER AND LOCAL ACTS DISPOSITION

| ACT NAME | SUBJECT | DISPOSITION |
|---|---|--|
| Session Laws of 1971, ch. 37 | Investment in Industrial Development Corp. authorized | Codified; Related Local Laws |
| Session Laws of 1977, (2nd Session, 1978), ch. 1212 | Charter Revision | Codified; Town Charter, Articles I - V |

ART. 1.1.7. RELATED STATE LAWS: FORM OF GOVERNMENT

A. PART 1. GENERAL PROVISIONS**1. 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.

2. 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.

3. 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.

4. 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,

5. 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.

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.7 RELATED STATE LAWS: FORM OF GOVERNMENT**6. 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.

7. SECTION 160A-65; FIDELITY BONDS

Repealed.

B. PART 2. MAYOR AND COUNCIL**1. 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.

2. 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.

C. PART 3. ORGANIZATION AND PROCEDURES OF THE COUNCIL**1. 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.

2. 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

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.7 RELATED STATE LAWS: FORM OF GOVERNMENT

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.

3. 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 AM 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.

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

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

4. 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.

5. SECTION 160A-73

Repealed.

6. 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.

7. 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.

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.8 RELATED STATE LAWS: ADMINISTRATIVE OFFICES

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 the 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.

8. 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.

9. 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 persons 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.

ART. 1.1.8. RELATED STATE LAWS: ADMINISTRATIVE OFFICES

A. PART 2. ADMINISTRATION OF COUNCIL-MANAGER CITIES**1. 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

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES**ART. 1.1.9 RELATED STATE LAWS: DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER**

other appointive (but not elective) offices pursuant to Article VI, Sec, 9, of the Constitution.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

ART. 1.1.9. RELATED STATE LAWS: DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.9 RELATED STATE LAWS: DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER**1. SECTION 160A-L75; 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 in-fraction 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 in-junction 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.

DIVISION 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.9 RELATED STATE LAWS: DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

DIVISION 2. CODE OF GENERAL ORDINANCES

PART 1. INTRODUCTION

CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.1. 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.

ART. 1.1.2. DEFINITIONS AND RULES OF CONSTRUCTION

- A.** 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 Town Council or the context clearly requires otherwise.
- B.** "Computation of time." The time within which an act is to be done computed by excluding the first and including the last day; and if the day is Saturday, Sunday or a legal holiday, that day shall be excluded.
- C.** "County." The word "county" shall mean the County of Wilson, in the State of North Carolina, except as otherwise provided.
- D.** "Gender." Words importing the masculine gender shall include the feminine and neuter.
- E.** "Joint authority." All words giving joint authority to three or more persons or officers shall be construed as giving authority to a majority of persons or officers.
- F.** "Mayor." The words "the Mayor" shall mean the Mayor of the town.
- G.** "Month." The word "month" shall mean a calendar month.
- H.** "Number." Words used in the singular include the plural, and words used in the plural include the singular number.
- I.** "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."
- J.** "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.
- K.** "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.
- L.** "Personal property." The words "personal property" include every species of property except real property as herein defined.
- M.** "Preceding, following." The words "preceding" and "following" shall mean next before and next after respectively.
- N.** "Property." The word "property" shall include real and personal property.
- O.** "Real property." Real property shall include lands, tenements and hereditaments.
- P.** "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.
- Q.** "Signature." The words "signature" or "subscription" include a mark when the person cannot write.
- R.** "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.

DIVISION 2 PART 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.3. PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES

- S.** "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.
- T.** "Time." Words used in the past or present tense include the future as well as the past and present.
- U.** "Town." The words "the town" shall mean the Town of Stantonsburg, in Wilson County, North Carolina, except as otherwise provided.
- V.** "Writing." The words "writing" and "written" shall include printing and any other mode of representing words and letters.
- W.** "Year." The word "year" shall mean a calendar year.

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

ART. 1.1.3. 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.

ART. 1.1.4. 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.

ART. 1.1.5. 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.

ART. 1.1.6. CRIMINAL PENALTY, NOT EXCLUSIVE REMEDY; CONTINUING VIOLATIONS

- A.** In accordance with NCGS Section 160A-175, and unless this code of ordinances or State law provides otherwise, violation of any provision hereof shall be a misdemeanor as provided in NCGS Section 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 NCGS Section 14-4.
- B.** An ordinance contained herein may be enforced by other remedies, as authorized in NCGS Section 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.

ART. 1.1.7. SEVERABILITY OF PARTS OF CODE

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases of this code are severable and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by

DIVISION 2 PART 1 CHAPTER 1.1 USE OF THE CODE AND PENALTIES

ART. 1.1.8. AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE

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.

ART. 1.1.8. AMENDMENTS TO CODE; EFFECT OF NEW ORDINANCES; AMENDATORY LANGUAGE

- A.** 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.
- B.** 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 Council.
- C.** 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.
- D.** 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 Stantonsburg, 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.

ART. 1.1.9. DAMAGING ORDINANCES PROHIBITED

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

PART 2. GOVERNMENT AND ADMINISTRATION

CHAPTER 2.1 MAYOR AND BOARD

ART. 2.1.1. GENERAL

A. GOVERNING BODY

The governing body of the town shall consist of a Town Council of five 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.

B. 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.

C. 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 Town Council;
3. Sign all contracts, ordinances, resolutions, franchises, and all other documents as authorized by the Council;
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.

D. 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.

E. MAYOR PRO TERM

At the first meeting after each municipal election, the Council shall select one 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 term, G.S. 160A-71

F. POWER OVER EMPLOYEES

The Council 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

DIVISION 2 PART 2 CHAPTER 2.1 MAYOR AND BOARD

ART. 2.1.2. MEETINGS

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 Council and shall make recommendations on matters referred to them as they shall find necessary for the best interests of the town.

6. SUMMON EMPLOYEES

Require any employee of the town to appear before and report to the Council at any meeting.

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

G. COMPENSATION

The compensation of the Mayor and Council 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.

ART. 2.1.2. MEETINGS

A. REGULAR MEETINGS

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

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

B. SPECIAL MEETINGS

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

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

C. MEETINGS OPEN TO PUBLIC

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

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

D. 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.

ART. 2.1.3. ORDINANCES

A. PROCEDURE, FORM; PUBLICATION

DIVISION 2 PART 2 CHAPTER 2.1 MAYOR AND BOARD

ART. 2.1.3. ORDINANCES

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.

B. 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.

C. OFFICIAL COPY

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

D. 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 Council'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.

E. 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.

F. IMPROPER AMENDING VOID

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

CHAPTER 2.2 TOWN ADMINISTRATION

ART. 2.2.1. TOWN OFFICIALS

A. TOWN CLERK

1. The Town Clerk shall be elected by the Council at the first meeting of the Council after their election and qualification, or as soon thereafter as possible.
2. It shall be the duty of the clerk to:
 - i. Act as clerk to the Council, 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 Council;
 - ii. Have the powers and perform the duties of treasurer; and
 - iii. Perform such other acts as may be required by the Council.

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.

B. 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 Council, draft ordinances covering any subjects within the power of the town; and
6. Perform any other duties required of him by NCGS Section 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.

C. SUPERINTENDENT OF PUBLIC WORKS

The Superintendent of Public Works shall be appointed by the Council 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. He shall act as the town's Building Inspector, Electrical Inspector, Plumbing Inspector and Insulation Inspector.
4. He shall perform any other duties required by the Town Council.

(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.

ART. 2.2.2. PLANNING BOARD

A. ESTABLISHMENT

DIVISION 2 PART 2 CHAPTER 2.2 TOWN ADMINISTRATION

ART. 2.2.2. PLANNING BOARD

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.

B. MEMBERSHIP, TERM, VACANCIES

1. The Planning Board shall consist of seven members, five of whom shall be citizens living within the corporate limits of the Town of Stantonsburg, and two of whom shall be citizens living within the town's extraterritorial jurisdiction. The in-town members shall be appointed by the Town Council. The extraterritorial members shall be appointed by the Wilson County Board of Commissioners in accordance with NCGS Section 160A-362.

i. IN-TOWN MEMBERS

01. Two members shall be appointed for a term of one year.

02. Two members shall be appointed for a term of two years.

03. One member shall be appointed for a term of three years.

ii. EXTRATERRITORIAL MEMBERS

01. One member shall be appointed for a term of one year.

02. One member shall be appointed for a term of two years.

2. 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.

3. Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the Town Council for in-town members, and by the County Board of Commissioners for extraterritorial members.

4. 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)

C. ORGANIZATION, RULES, MEETINGS, RECORDS

1. 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.

2. 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.

3. 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 NCGS 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.

4. All members of the Planning 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 Planning Board shall declare that interest prior to a vote of the board on the

DIVISION 2 PART 2 CHAPTER 2.2 TOWN ADMINISTRATION

ART. 2.2.2. PLANNING BOARD

question, and shall abstain from voting on the question. This provision shall not prohibit such members from participation in discussions of the Planning 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 Part 10.

D. COMPENSATION

1. All members of the Planning Board shall serve as such without compensation.
2. 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 Town Council.

(Ord. of 11/7/83, Sec. 4)

E. POWERS AND DUTIES

1. 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 Town Council of the Town of Stantonsburg, including the power to:
 - i. Make studies of the area within its jurisdiction and surrounding areas.
 - ii. Determine objectives to be sought in the development of the study area.
 - iii. Prepare and adopt plans for achieving objectives.
 - iv. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
 - v. Advise the legislative body concerning the use and amendment of means for carrying out plans.
 - vi. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct.
 - vii. Perform any other related duties that the Town Council may direct.
 - viii. 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 Town Council. The Planning Board, with concurrence of the Town Council, 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.
 - ix. Enter into and carry out contracts, with the concurrence of the Town Council, with any other city, county, or regional council or planning agency under which technical planning assistance is furnished; and, with the concurrence of the Town Council, 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,
 - x. 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.

DIVISION 2 PART 2 CHAPTER 2.2 TOWN ADMINISTRATION

ART. 2.2.2. PLANNING BOARD

- xi.** 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.
 - xii.** Perform all of the duties of the zoning Board of Adjustment, as set forth in Section 9.2.1.J.3.
- 2.** 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 Town Council, or unless the incurring of such other obligation is otherwise approved by the Town Council.

(Ord. of 11/7/83, Sec. 5; amended, Ord. of 11/4/85)

F. ANNUAL REPORT AND BUDGET REQUEST

The Planning Board shall annually submit to the Town Council 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 Town Council.

(Ord. of 11/7/83, Sec. 6)

CHAPTER 2.3 FINANCIAL ADMINISTRATION

ART. 2.3.1. PURCHASING

A. DISBURSEMENT OF FUNDS

1. 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."

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

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

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

B. 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 Council 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 Council as to anticipated needs for purchases and make purchases in advance of needs as authorized by the Council;
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 2.2.1.A.

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

ART. 2.3.2. BUSINESS LICENSE

A. DEFINITIONS

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

1. "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.
2. "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:
 - i. By maintaining a business location within the town;
 - ii. By soliciting business within the town; or
 - iii. By picking up or delivering merchandise or performing services within the town.

DIVISION 2 PART 2 CHAPTER 2.3 FINANCIAL ADMINISTRATION

ART. 2.3.2. BUSINESS LICENSE

3. "Person." The term "person" includes any individual, trustee, executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.
4. "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)

B. TAX COLLECTOR; DUTIES

1. The town Tax Collector is hereby designated as the proper town official to issue privilege license.
2. The Tax Collector shall make any investigation necessary and the tax collector is authorized to enter upon the premises of any such business during normal business hours for the purpose of determining whether this article has been complied with.
(Ord, of 5/4/87, Sec. 3),

C. LICENSE; DUE DATE

Unless otherwise provided in section 2.3.2.O, 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.

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

D. APPLICATION; FALSE STATEMENT THEREON

1. 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:
 - i. Name and nature of the business for which the license is sought;
 - ii. The address where the business is conducted, and a mailing address for the business, application, and his relationship to the business;
 - iii. The gross receipts of the business for the most recently completed tax year, if applicable; and
 - iv. Any other information which the Tax Collector determines to be necessary.
2. 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 dollars, or imprisoned for not less than 30 days.

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

E. MULTIPLE BUSINESSES

If a person is engaged in more than one business made subject to a license under this article, such person shall procure the license for each such business, even if the businesses are conducted at the same business location.

(Ord. of S/ 4/87, Sec. 7)

F. 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 S/4/87, Sec. 9)

G. CHANGE IN PLACE OF BUSINESS

If a person who has obtained a license for a business subject to this article desires to move from one business location to another within the town, the license which has been

DIVISION 2 PART 2 CHAPTER 2.3 FINANCIAL ADMINISTRATION

ART. 2.3.2. BUSINESS LICENSE

issued shall be valid for the remainder of the license year at this new location, and no additional license shall be required. 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)

H. 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)

I. UNLAWFUL TO CONDUCT BUSINESS WITHOUT A LICENSE

1. 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. Violators shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 dollars, 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.
2. The town may seek an injunction against any person engaging in business in violation of this section,

(Ord. of 5/4/87, Sec. 14)

CHAPTER 2.4 TOWN POLICY

A. FAIR HOUSING COMMITTEE

- 1.** The Town Council 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 Council.
- 2.** 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.
- 3.** 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 NCGS Section 14-4, punishable by a fine of \$50 dollars.
- 4.** The fair housing committee shall submit a statement of finding of fact for all grievances filed with it to the Town Council. The Town Council 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.
- 5.** 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.
- 6.** 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 2.5 EXTRATERRITORIAL JURISDICTION

A. BOUNDARIES OF EXTRATERRITORIAL JURISDICTION

The boundaries of the extraterritorial jurisdiction of the Town of Stantonsburg, according to and as authorized by NCGS Section 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 Stantonsburg", 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 2.6 OFFICERS, EMPLOYEES, AND AGENTS

ART. 2.6.1. CODE OF CONDUCT

A. RESTRICTIONS ON THE SOLICITING OR ACCEPTANCE OF GRATUITIES

No employee, officer, or agent of the Town of Stantonsburg 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)

B. CONFLICTS OF INTEREST

No employee, officer, or agent of the Town of Stantonsburg 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)

C. GRATUITIES FROM CONTRACTORS PROHIBITED

No employee, officer, or agent of the Town of Stantonsburg shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

(Ord. of 3/9/87,, Sec, 3)

D. 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 Council, including, but not limited to, suspension without pay, demotion or dismissal.

(Ord. of 3/9/87, Sec. 4)

E. 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 Council 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 2.7 BOARDS AND COMMISSIONS

ART. 2.7.1. TOWN APPEARANCE COMMISSION

A. 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)

B. GENERAL DUTY OF THE COMMISSION

The duty of the Town of Stantonsburg Appearance Commission shall be to make a careful study of the visual problems and needs of the Town of Stantonsburg 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 Stantonsburg.

(Ord. 4/11/88, Sec. 2)

C. MEMBERSHIP, TERM, AND VACANCIES

1. 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.
2. 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.
3. The five members of the Appearance Commission residing in the Town limits shall be appointed by the Town Council. 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 Stantonsburg Town Council requesting that it be made, the Town Council may make the appointments.
4. The Town Council 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 Council 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.
5. Members shall serve until the expiration of their terms or until their successors have been appointed.
6. 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)

D. MEMBERS RIGHTS AND PRIVILEGES; COMPENSATION

1. All members of the Appearance Commission shall have equal rights, privileges and duties in all matters (except the chairman's right to vote only in case of any equal division), wherever such matters might arise, be they within the corporate limits of the town or in the extraterritorial zone adjacent thereto.

DIVISION 2 PART 2 CHAPTER 2.7 BOARDS AND COMMISSIONS

ART. 2.7.1. TOWN APPEARANCE COMMISSION

2. 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)

E. 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 reelection once consecutively.

(Ord. of 4/11/88, Sec. 5)

F. 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)

G. POWERS AND DUTIES

The Appearance Commission shall act in an advisory capacity to the Town Council, 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:

1. To initiate, promote, and assist in the implementation of programs of general community beautification in the town;
2. 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.
3. To promote leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations, and agencies;
4. 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;
5. To prepare both general and specific plans for the improved appearance of the Town. 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;
6. Any other duty that the Town Council may choose to direct this commission to undertake as it may reflect to the appearance of the town and surrounding community;
7. 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;
8. To formulate and recommend to the town Planning Board or Town Council 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 Town and its surrounding areas;
9. To seek voluntary adherence to the standards and policies of its plan;

DIVISION 2 PART 2 CHAPTER 2.7 BOARDS AND COMMISSIONS

ART. 2.7.2. PARKS AND RECREATION COMMISSION

10. 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; and

11. 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)

H. STAFF SERVICES

The Appearance Commission may recommend to the Town Council suitable arrangements for the procurement or provision of staff or technical services for the commission, and the Town Council 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)

I. 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 Council. 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 Council through the established method of disbursement that the town has in place.

(Ord. of 4/11/88, Sec. 9)

J. ANNUAL REPORT

1. The commission shall, no later than April 15 of each year, submit to the Town Council 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.

2. The commission shall appear before the Town Council at such times as the Mayor or the Council may require.

(Ord. of 4/11/88, Sec. 10)

ART. 2.7.2. PARKS AND RECREATION COMMISSION

A. 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)

B. 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)

C. MEMBERSHIP, TERM, AND VACANCIES

1. The Parks and Recreation Commission shall consist of six 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.

2. The six 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.

DIVISION 2 PART 2 CHAPTER 2.7 BOARDS AND COMMISSIONS

ART. 2.7.2. PARKS AND RECREATION COMMISSION

3. Three of the initial appointments to the commission shall be made for a two-year term to expire on October 31, 2010. The remaining three commissioners shall be appointed for a one-year term to expire on October 31, 2009. All terms thereafter shall be for a period of two 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.
4. 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)

D. 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 year and each officer shall be eligible for reappointment or re-election for an additional consecutive term.

(Ord. of 10/29/08)

E. 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)

F. 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:

1. To initiate, promote and assist in the implementation of plans and programs for the development of parks and recreational facilities for the Town of Stantonsburg;
2. 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 Stantonsburg;
3. To make studies, findings of fact and analysis of the parks and recreational facilities needs of the Town of Stantonsburg;
4. To prepare or have prepared both general and specific plans for the creation of parks and recreational facilities for the Town of Stantonsburg;
5. 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 Stantonsburg;
6. 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 Stantonsburg, 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

DIVISION 2 PART 2 CHAPTER 2.7 BOARDS AND COMMISSIONS

ART. 2.7.2. PARKS AND RECREATION COMMISSION

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;

7. 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 Stantonsburg. Any grant, gift, donation or devise of real property to the Town of Stantonsburg 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;
8. 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 Stantonsburg;
9. 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;
10. 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;
11. 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;
12. 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;
13. 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;
14. The fiscal year of the Parks and Recreation Commission shall conform to that of the town.

(Ord. of 10/29/08)

G. MEMBERS RIGHTS AND PRIVILEGES; COMPENSATION AND EXPENSES

1. 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.
2. 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 Stantonsburg.

(Ord. of 10/29/08)

CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.1. POLICY STATEMENT

A. 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)

B. 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 whole-heartedly in the plans, policies, and procedure described herein, they are not conditions of employment.

(Ord. of 7/1/91, Art. I, Sec. 2)

C. 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)

ART. 2.8.2. GENERAL PROVISIONS

A. 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)

B. COVERAGE

1. 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.

2. Temporary employees will be included only in the Articles 2.8.4 through 2.8.7 and Article 2.8.11.

(Ord. of 7/1/91, Art. II, Sec. 2)

C. DEFINITIONS

1. "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).

2. "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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.2. GENERAL PROVISIONS

3. "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.
4. "Temporary employee." A person appointed to serve in a position for a definite duration, usually less than six months.
5. "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.
6. "Adverse action." A demotion, dismissal, reduction in pay, layoff, suspension, or an undesirable transfer.

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

D. MERIT PRINCIPLE

1. 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.
2. The town shall embrace the following merit system principles in administering its personnel program:
 - i. 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.
 - ii. Employees shall be recruited, selected, trained and advanced on the basis of their ability, knowledge, skill, and performance.
 - iii. 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.
 - iv. Employees shall be protected from coercion for partisan political purposes.
 - v. 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)

E. RESPONSIBILITY OF TOWN COUNCIL

1. The Town Council shall establish personnel policies and rules, including the classification and pay plan.
2. 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)

F. 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)

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.3. THE CLASSIFICATION PLAN

G. 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)

ART. 2.8.3. THE CLASSIFICATION PLAN

A. 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)

B. 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)

C. 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 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.

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

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

D. 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)

ART. 2.8.4. THE PAY PLAN

A. ADOPTION

The schedule of salary ranges and class titles assigned to salary ranges, as identified in adopted town policy is hereby adopted as the pay plan for the town.

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

B. 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.4. THE PAY PLAN

(Ord. of 7/1/91, Art. IV, Sec. 2)

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

1. 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.
2. 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)

D. 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)

E. SALARY OF TRAINEE

1. 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.
2. 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.
3. 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)

F. 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:

1. PROMOTION

An employee who is promoted 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.

2. DEMOTION

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.4. THE PAY PLAN

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.

3. 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.

4. 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)

G. 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:

1. 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.
2. 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.
3. 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)

H. PAY FOR PART-TIME WORK

The pay plan established by the town 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)

I. OVERTIME

1. To the extent that local government jurisdictions are so required, the town will comply with the Fair Labor Standards Act (FLSA).
2. 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.
3. 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.5. RECRUITMENT AND EMPLOYMENT

4. 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.
5. 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.
6. 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)

J. 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)

K. MERIT BONUS PLAN

1. 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 percent merit bonus when their work performance is determined to be meritorious.
2. 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 percent of the employee's base salary after reaching the top step of the employee's salary range. The merit bonus payment (if any) shall be awarded based upon the performance of the employee as reflected in 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.
3. 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)

L. 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)

ART. 2.8.5. RECRUITMENT AND EMPLOYMENT

A. 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)

B. IMPLEMENTATION OF EEO POLICY

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.5. RECRUITMENT AND EMPLOYMENT

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)

C. 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)

D. 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)

E. APPLICATIONS FOR EMPLOYMENT

All persons expressing an 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)

F. 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)

G. QUALIFICATION STANDARDS

1. 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.
2. Qualification shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
3. 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)

H. 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 fit- ness, and other qualifications required for positions in

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.5. RECRUITMENT AND EMPLOYMENT

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)

I. 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)

J. PROBATIONARY PERIOD OF EMPLOYMENT

1. 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 2.8.5.K if unable to perform assigned duties of the new job satisfactorily.
2. 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.
3. 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.
4. Upon successful completion of the prescribed probationary period, the employee shall be granted a five percent probationary pay increase.

(Ord. of 7/1/91, Art. V, Sec. 10)

K. DEMOTION

1. 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 Section 2.8.8.B.
2. Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Section 2.8.8.B.
3. 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.
4. 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)

L. TRANSFER

1. 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.
2. 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)

ART. 2.8.6. CONDITIONS OF EMPLOYMENT

A. WORKWEEK

1. 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.
2. 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 Section 2.8.4.I. 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.
3. Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.
4. 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)

B. GIFTS AND FAVORS

1. 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.
2. 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.
3. No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.
4. 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)

C. POLITICAL ACTIVITY RESTRICTED

Each employee has a civic responsibility to support good government 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:

1. Engage in any political or partisan activity while on duty;
2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
3. 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;
4. Coerce or compel contributions for political or partisan purposes by another employee of the town; or
5. Use any supplies or equipment of the town for political or partisan purposes.
6. 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)

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

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.6. CONDITIONS OF EMPLOYMENT

D. 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)

E. LIMITATION OF EMPLOYMENT OF RELATIVES

1. 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.
2. These policies shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (1) above prior to the adoption of these policies.
3. Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grand- parents, 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)

F. 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)

G. USE OF TOWN-OWNED VEHICLES

1. The Town Council specifically forbids the personal use of any town owned vehicles, equipment, or supplies by any employee, official or individual.
2. Use of town owned vehicles is governed by the policies adopted by the Town Council on January 6, 1986, summarized in paragraphs (i) and (ii) below. Further clarifications are covered in paragraphs (iii) and (iv).
 - i. 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.
 - ii. For bona fide non-compensatory 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.
 - iii. 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.7. LEAVE OF ABSENCE

- iv. 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)

H. 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)

ART. 2.8.7. LEAVE OF ABSENCE

A. HOLIDAYS

1. 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.
 - i. New Year's Day;
 - ii. Easter Monday;
 - iii. Memorial Day;
 - iv. Independence Day;
 - v. Thanksgiving Day;
 - vi. Day after Thanksgiving; and
 - vii. Christmas (see following Christmas Holiday Schedule).
2. When a holiday other than Christmas Day falls on a Saturday or Sunday, Monday shall be observed as a holiday.
3. The following table describes the town's Christmas Holiday Schedule:

| CHRISTMAS HOLIDAY SCHEDULE | |
|---|---|
| WHEN CHRISTMAS FALLS ON THIS DAY | THE TOWN OBSERVES THE FOLLOWING DAYS AS HOLIDAYS |
| 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 |

4. Holiday leave for employees having a workweek with greater or fewer hours than the basic workweek shall be determined as shown in Section 2.8.7.I.
5. 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.7. LEAVE OF ABSENCE

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

B. 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)

C. 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)

D. VACATION LEAVE

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

1. 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 creates an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the Town Manager.

2. VACATION LEAVE; MANNER OF ACCUMULATION

i. Any employee working the basic workweek of 40 hours shall earn vacation leave at the following rates:

| TABLE OF VACATION LEAVE ACCUMULATION | | | |
|---|---|--|---|
| YEARS OF AGGREGATE SERVICE | VACATION HOURS EARNED EACH MONTH | VACATION HOURS EARNED IN ONE YEAR | VACATION DAYS EARNED IN ONE YEAR |
| Less than 5 Years | 6 hours & 40 minutes | 80 hours | 10 days |
| 5 Years or More | 10 hours | 120 hours | 14 |

ii. 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 2.8.7.I.

3. VACATION LEAVE; MAXIMUM ACCUMULATION

i. 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.

ii. 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 can not be granted annual leave at any one

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.7. LEAVE OF ABSENCE

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.

4. 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.

5. 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.

6. 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 Section 2.8.8.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.

7. 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)

E. SICK LEAVE

1. 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.

2. Immediate family shall be as defined in Section 2.8.6.E.

3. 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.

i. SICK LEAVE; MANNER OF ACCRUAL

01. Each full-time regular and probationary employee working the basic workweek of 40 hours shall accrue sick leave computed at the following rate:

| TABLE OF SICK LEAVE ACCRUAL | | |
|------------------------------------|--------------------------------|-------------------------------|
| HOURS ACCRUED EACH MONTH | HOURS ACCRUED EACH YEAR | DAYS ACCRUED EACH YEAR |
| 8 hours | 96 hours | 12 days |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.7. LEAVE OF ABSENCE

02. 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 2.8.7.I.

F. 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.

G. 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.

H. 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)

I. CALCULATION OF HOLIDAY LEAVE, VACATION LEAVE, AND SICK LEAVE

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

1. 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).
2. The proportion obtained in subsection (1) 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.
3. The number of hours in subsection (2) divided by 12, shall be the number of hours of leave earned monthly by the employees concerned.
4. The proportion obtained in subsection (1) 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)

J. 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.

1. GENERALLY

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.

2. 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

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.7. LEAVE OF ABSENCE

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)

K. WORKERS' COMPENSATION LEAVE

1. 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.
2. 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.
3. 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)

L. 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 Section 2.8.6.E. 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)

M. 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.

1. 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.
2. 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 2.8.6.E. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.
3. 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)

N. MILITARY LEAVE

1. 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.
2. The effect will be to maintain the employee's net salary at the normal level during this period.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.8. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

3. 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)

O. CIVIL LEAVE

1. 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.
2. While on civil leave, benefits and leave shall accrue as though on regular duty.

(Ord. of 7/1/91, Art. VII, Sec. 12)

P. EDUCATIONAL LEAVE WITH PAY

1. 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.
2. 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)

ART. 2.8.8. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

A. 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.

1. RESIGNATION

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

2. 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 the 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.

3. 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

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.8. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

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.

4. DEATH

All compensation due in accordance with Section 2.8.7.D 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.

5. 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)

B. 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.

1. FAILURE IN PERFORMANCE OF DUTIES

- i. 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.
- ii. 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:
 01. Inefficiency, negligence. or incompetence in the performance of duties;
 02. Careless, negligent. or improper use of town property or equipment;
 03. Physical or mental incapacity to perform duties;
 04. Discourteous treatment of the public or other employees;
 05. Absence without approved leave;
 06. Habitual improper use of leave privileges;
 07. Habitual pattern of failure to report for duty at the assigned time and place.
- iii. 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.

2. FAILURE IN PERSONAL CONDUCT

- i. 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.
- ii. 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:
 01. Fraud in securing appointment;
 02. Conduct unbecoming a public officer or employee;
 03. 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;
 04. Misappropriation of town funds or property;

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.8. SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

- 05.** Falsification of town records for personal profit or to grant special privileges;
- 06.** 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;
- 07.** Willful damage or destruction of property;
- 08.** Willful acts that would endanger the lives and property of others;
- 09.** Acceptance of gifts in exchange for "favors" or "influence";
- 10.** Incompatible outside employment or conflict of interest;
- 11.** Violation of political activity restrictions.

3. 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.

4. 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.

5. NON-DISCIPLINARY SUSPENSION

- i.** 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 non-disciplinary 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 non-disciplinary suspension to be allowed.
- ii.** Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Town Manager, if the suspension is terminated with full reinstatement of the employee.
- iii.** 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.

6. 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.

7. REINSTATEMENT

- i.** 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.
- ii.** 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

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.9. GRIEVANCE PROCEDURE

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)

ART. 2.8.9. GRIEVANCE PROCEDURE

A. 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:

1. To provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
2. To encourage employees to express themselves about the conditions of work which affect them as employees;
3. To promote better understanding of policies, practices and procedures that affect employees;
4. To develop in supervisors a greater sense of responsibility in their dealings with employees; and
5. 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)

B. 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)

C. PROCEDURE

1. When an employee (or applicant) has a claim or complaint, the successive steps described below are to be taken toward resolution of the matter.
2. The number of days indicated at each step of the grievance procedure should be considered as the maximum number of allowed working days for presentation and response at that level. Time limits may be extended when mutually agreed upon.
3. Employees (applicants) who use this procedure shall be free from discrimination, coercion, restraint, or reprisal.

i. 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.

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ART. 2.8.10. EMPLOYEE BENEFITS

ii. 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)

D. 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 2.8.9 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)

E. 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)

ART. 2.8.10. EMPLOYEE BENEFITS

A. INSURANCE BENEFITS

1. The town offers group hospitalization insurance to employees.
2. 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)

B. 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)

C. 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)

D. RETIREMENT BENEFITS

1. The town provides retirement benefits for its employees through the North Carolina Local Governmental Employees' Retirement System
(Resolution adopted 4/7/1986).
2. Each employee working 1,000 hours or more annually shall be required to join the town's retirement plan.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.11. PERSONNEL RECORDS AND REPORTS

(Ord. of 7/1/91, Art. X, Sec. 4)

E. 401K PLAN

The town allows employees to defer a portion of their income before taxes into a 401K tax deferral plan. To encourage participation by employees, the town will match the non-law enforcement employee's contribution at a rate of fifty percent of the employees deferral up to an amount equal to one percent of the employee's gross annual salary.

(Ord. of 7/1/91, Art. X, Sec. 5)

F. EMPLOYEE UNIFORMS

1. 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.
2. 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)

ART. 2.8.11. PERSONNEL RECORDS AND REPORTS

A. PERSONNEL RECORDS MAINTENANCE

1. 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.
2. The following information on each town employee shall be maintained:
 - i. Name;
 - ii. Age;
 - iii. Date of original employment or appointment to town service;
 - iv. Current position title;
 - v. Current salary;
 - vi. Date and amount of most recent change in salary;
 - vii. Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
 - viii. Office to which employee is currently assigned; and
 - ix. Immigration Form I-9,

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

B. ACCESS TO PERSONNEL RECORDS

As required by NCGS Section 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:

1. 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.11. PERSONNEL RECORDS AND REPORTS

2. Upon request, records of disclosure shall be made available to the employee to whom it pertains.
3. 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.
4. 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)

C. CONFIDENTIAL INFORMATION

All information contained in a town employee's personnel file, other than the information listed in Section 2.8.11.A will be maintained as confidential in accordance with the requirements of NCGS Section 160A-168 and shall be open to public inspection only in the following instances:

1. 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.
2. A licensed physician designated in writing by the employee may examine the employee's medical record.
3. A town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
4. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
5. 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.
6. 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.
7. 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.
8. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
9. 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)

D. 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)

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.12. IMPLEMENTATION OF POLICIES

E. 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)

F. PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON

NCGS Section 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)

G. PENALTY FOR EXAMINING AND/OR COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION

NCGS Section 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)

H. DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan, or otherwise dispose of any public record except in accordance with NCGS Section 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 NCGS Section 132-3.

(Ord. of 7/1/91, Art. XI, Sec. 8)

ART. 2.8.12. IMPLEMENTATION OF POLICIES

A. 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)

B. 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)

C. 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)

D. EFFECTIVE DATE

These policies shall become effective upon adoption.

(Ord. of 7/1/91, Art. XI, Sec. 4)

ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

A. STATEMENT OF POLICY

1. The Town of Stantonsburg 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.
2. The Town of Stantonsburg 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)

B. RESPONSIBILITIES**1. MAYOR AND TOWN COUNCIL**

- i. The Mayor and Town Council support a town wide safety program through personnel policies and budgetary considerations.
- ii. The Mayor/Town Manager, through the safety committee, is responsible for overall management and administration of the comprehensive safety program.

2. 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 Stantonsburg safety program. Specifically, the committee is responsible for:

- i. Planning and recommending policies and procedures affecting the development and administration of an aggressive accident prevention program.
- ii. Reviewing statistical data, records and reports of safety matters to determine the effectiveness of the program.
- iii. 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.

3. 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.

4. 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:

- i. 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.
- ii. Develop policies and procedures and ensure they are complied with by all personnel under his/her direction.
- iii. Ensure that all employees, new and old, are trained or re- trained in the accepted methods.

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ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

- iv.** Provide personal protective equipment and instruction when necessary and follow-up on proper use of equipment.
- v.** Require monthly employee safety meetings to review accidents, analyze their causes, and promote free discussion of hazardous work problems and possible solutions.
- vi.** Encourage safety suggestions and written comments from employees and adopt those that are feasible.
- vii.** Require accidents to be promptly reported, thoroughly investigated by supervisory personnel and properly recorded.
- viii.** Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed.
- ix.** Ensure that all employees are physically and mentally capable of performing their tasks.

5. SUPERVISORS

- i.** 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.
- ii.** 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:
 - 01.** Enforce all safety rules and procedures.
 - 02.** Make certain all injuries are reported promptly and treated properly and all accidents are reported, even if injury is not apparent.
 - 03.** Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures or modification of equipment.
 - 04.** Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work.
 - 05.** Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation.
 - 06.** Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.
 - 07.** Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action.
 - 08.** Develop and administer an effective program of good house-keeping and maintain high standards of personnel and operational cleanliness throughout all operations.
 - 09.** 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.

6. 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:

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- i. Use the safety equipment which has been provided for use in performing daily work assignments.
 - ii. Wear the prescribed uniform and safety shoes, as required.
 - iii. Not operate equipment for which training or orientation has not been received.
 - iv. Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
 - v. Report defective equipment immediately to a supervisor.
 - vi. 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 handrails, open man-holes, sunken basins and sewers, missing or damaged traffic signs or signals, etc.
 - vii. Report all injuries and accidents regardless of the severity as soon as practical.
 - viii. Protect unsafe conditions that result from municipal work that could present a hazard to the public.
 - ix. 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.
 - x. Participate in all required safety and occupational health training and be certain that they understand instructions completely before starting work.
 - xi. Serve on a safety committee or inspection team when appointed or elected.
- (Ord. of 8/5/91, Sec. I)

7. OPERATIONS

i. 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.

ii. MONTHLY SAFETY TRAINING/NEW EMPLOYEE ORIENTATION

01. All section supervisors will conduct a monthly safety meeting with their employees. 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.
02. 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.
03. 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.

iii. ACCIDENT INVESTIGATION

01. 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.
02. 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

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employees. Accurate, complete accident reports are essential to identify and remedy causes. Copies of accident investigations shall be forwarded to the safety coordinator.

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

iv. 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.

v. 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)

C. DISCIPLINE AND INCENTIVE PROGRAMS

1. DISCIPLINES

- i.** 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.
- ii.** 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 occur. The same action that causes little accidents also causes big accidents, therefore, the emphasis is placed on accident prevention.
- iii.** 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.
- iv.** 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.

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- v. 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.

2. DISCIPLINARY ACTIONS

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

3. INCENTIVES

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

01. 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.

02. 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.

03. 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.

04. 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.

- iii. 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.
- iv. 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)

D. SAFETY RULES AND PROCEDURES

1. 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.
2. Remember, for safety rules to be effective, employees must know that they are supported by management and will be enforced.

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ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

i. GENERAL RULES AND PROCEDURES FOR MUNICIPAL EMPLOYEES

These general rules and procedures apply to all departments.

- 01.** Good housekeeping is maintained throughout all operations.
- 02.** All employees will be properly trained before they are allowed to assume routine duties.
- 03.** 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.
- 04.** Hard hats will be provided for and used by all employees exposed to overhead hazards (electrical Class B hard hats required).
- 05.** 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.
- 06.** "Caution" signs will be posted in shop areas and on major mobile equipment warning that eye protection be worn where eye hazards exist.
- 07.** Emergency eye wash and showers will be available to employees who may be exposed to hazardous chemicals and substances.
- 08.** Employees will be required to wear appropriate footwear as determined by the departmental safety committee.
- 09.** 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., a 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.

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- 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 Town vehicles with limited sight visibility.

ii. SAFETY RULES AND PROCEDURES FOR POLICE DEPARTMENT

- 01.** All candidates for employment as sworn law enforcement personnel will be administered a thorough physical examination prior to employment.
- 02.** This examination should include a stress type electrocardiogram when deemed necessary by the examining physician.
- 03.** All officers should receive a semi-annual blood pressure check.
- 04.** Supervision should keep a record of the results of the blood pressure checks.
- 05.** All officers should receive an annual physical.
- 06.** 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.
- 07.** 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.
- 08.** The department prohibits horseplay involving officers while on duty.
- 09.** 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.

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iii. SAFETY RULES AND PROCEDURES FOR FIRE DEPARTMENT

- 01.** Candidates for firefighting positions will be administered a thorough physical examination prior to employment, including certification for use of SCBA.
- 02.** These physical examinations will include a stress type electrocardiogram and a pulmonary function test.
- 03.** All members of the department will receive a semi-annual blood pressure check.
- 04.** Supervisors will keep a record of the results of the blood pressure check.
- 05.** Fire fighters will receive an annual physical exam, a stress type electrocardiogram, and pulmonary function test.
- 06.** Fire fighters will be properly trained in the use of personal protective equipment.
- 07.** Fire fighters will wear NFPA approved protective equipment and clothing during training sessions and firefighting.
- 08.** The diaphragm in the control valve of breathing apparatus' will be inspected in accordance with manufacturer's specifications.
- 09.** 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.

iv. SAFETY RULES AND PROCEDURES FOR SANITATION DEPARTMENT

- 01.** Adequate hand rails and foot platforms will be provided on all sanitation vehicles.
- 02.** Sanitation trucks will be thoroughly cleaned daily.
- 03.** Backup alarms will be installed on all mobile equipment.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

- 04.** A standard policy that prohibits employees from mounting or dismounting from a moving vehicle will be enforced.
- 05.** Sanitation workers will be provided with an animal repellent.
- 06.** Sanitation workers will be equipped with and required to wear gloves, safety glasses and brightly colored clothing that are approved by the department.
- 07.** Sanitation trucks will keep warning lights flashing during rounds.

v. SAFETY RULES AND PROCEDURES FOR STREETS DEPARTMENT

- 01.** Management should develop standard procedures for entering confined spaces and underground areas in compliance with OSHA law, i.e., checklists, permits, etc.
- 02.** 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.
- 03.** Employees should be properly trained in the use of monitoring devices, rescue equipment and other safety equipment.
- 04.** Excavations and trenches will be designed by a competent person in accordance with OSHA standards.
- 05.** 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.
- 06.** All excavated materials should be stored at least two feet from the trench.
- 07.** Backup alarms should be installed and operable on all mobile equipment with limited sight visibility.
- 08.** Supervisors should ensure that all workers are properly trained in the use of their respective personal protective equipment.
- 09.** 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.

vi. SAFETY RULES AND PROCEDURES FOR MAINTENANCE/GARAGE/WAREHOUSE/ SHOP

- 01.** A protective cage will be used when changing or filling split rim tires.
- 02.** 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.
- 03.** Guard rails will be installed around the grease pit when not in use.
- 04.** A designated area with a no smoking sign and clear of all spark producing devices will be used for charging automotive type batteries.
- 05.** Safety lights will be used for drop cords while working under vehicles.
- 06.** All welders will be properly grounded, located in a dry area, and equipped with properly insulated terminals.
- 07.** Safety devices will be used to prevent the dump and bodies falling while maintenance is being performed.
- 08.** Safety devices will be used when working on hydraulic cylinders while under pressure (back hoes, loaders, etc.)
- 09.** All items or materials will be stacked in a safe manner.

vii. SAFETY RULES AND PROCEDURES FOR ELECTRIC DEPARTMENT

- 01.** All rubber goods will be electrically tested at regularly scheduled intervals.
- 02.** Aerial bucket liners and boom will be electrically tested at intervals of six months to one year depending on use.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

- 03.** Only trained employees with adequate supervision will be allowed to work on energized lines.
- 04.** Hard hats will be worn by all workers on maintenance and construction crews.
- 05.** Safety belts will be properly maintained and inspected before each use.
- 06.** Outriggers will always be in the lowered position when the aerial bucket is in use.
- 07.** Aerial vehicles will be adequately grounded when working near energized lines.
- 08.** Wheel chocks will be used on aerial vehicles.
- 09.** 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).

viii. SAFETY RULES AND PROCEDURES PARKS/RECREATION/LANDSCAPING/CEMETERY/GOLF COURSE DEPARTMENTS

- 01.** A "Danger Chlorine" sign will be attached to the chlorinator room door.
- 02.** The door to the chlorinator room will be locked when unattended.
- 03.** The chlorinator room will be equipped with an adequate exhaust fan with a switch located outside.
- 04.** Respirator equipment will be located adjacent to the chlorinator room.
- 05.** Employees who are involved in the use of chlorine will be thoroughly trained.
- 06.** A respiratory program in compliance with OSHA regulations will be implemented, i.e., physicals, use of SCBA's, testing of equipment and fit, etc.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.13. SAFETY AND LOSS CONTROL PROGRAM

- 07.** Granular chlorine will be stored in a dry location free of petroleum products and proper respirator equipment provided and used.
- 08.** 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.
- 09.** Excavations and trenches will be designed by a competent person in accordance 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.

ix. SAFETY RULES AND PROCEDURES FOR WATER/SEWER/WASTE TREATMENT

- 01.** Approved respirator equipment will be located adjacent to the chlorinator room.
- 02.** Employees involved with the use of chlorine will be thoroughly trained.
- 03.** A respiratory program in compliance with OSHA regulations will be implemented, i.e., physicals, use of SCBA's, testing of equipment and fit, etc.
- 04.** The door to the chlorinator room will be locked when unattended.
- 05.** The chlorinator room will be equipped with an adequate exhaust fan with the switch located outside.
- 06.** Granular chlorine will be stored in a dry location free of petroleum products and a respirator used when material is being handled.
- 07.** Excavations and trenches will be designed by a competent person in accordance with OSHA standards.
- 08.** 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.
- 09.** 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.

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

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x. STATEMENT AND SIGNATURE OF EMPLOYEE REQUIRED

STATEMENT AND SIGNATURE OF EMPLOYEE

I have read and understand the Town of Stantonsburg’s safety policy and program.
I accept my responsibilities as outlined by the document.

Signature

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

Date

ART. 2.8.14. APPENDICES

**A. APPENDIX A: TOWN OF STANTONSBURG SALARY GRADES AND STEPS
(EFFECTIVE 7/1/00)**

B. APPENDIX B: TOWN OF STANTONSBURG SALARY SCHEDULE (JULY 1, 1991)

C. APPENDIX C: TOWN OF STANTONSBURG CLASSIFICATION PLAN

**D. APPENDIX D: TOWN OF STANTONSBURG ALLOCATION OF CLASSES TO SALARY
GRADES**

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

**1. APPENDIX A TOWN OF STANTONSBURG SALARY GRADES AND STEPS
(EFFECTIVE 7/1/00)**

| TABLE OF SALARY GRADES AND STEPS: A-H | | | | | | | | | |
|--|------------------|----------|----------|----------|----------|----------|----------|----------|----------|
| GRADE | HIRE RATE | A | B | C | D | E | F | G | H |
| 10 | 15156 | 15525 | 15913 | 16302 | 16709 | 17117 | 17545 | 17972 | 18423 |
| 11 | 15913 | 16302 | 16709 | 17117 | 17545 | 17972 | 18423 | 18872 | 19343 |
| 12 | 16709 | 17117 | 17545 | 17972 | 18423 | 18872 | 19343 | 19814 | 20310 |
| 13 | 17545 | 17972 | 18423 | 18872 | 19343 | 19814 | 20310 | 20805 | 21326 |
| 14 | 18423 | 18872 | 19343 | 19814 | 20310 | 20805 | 21326 | 21846 | 22392 |
| 15 | 19343 | 19814 | 20310 | 20805 | 21326 | 21846 | 22392 | 22939 | 23513 |
| 16 | 20310 | 20805 | 21326 | 21846 | 22392 | 22939 | 23513 | 24086 | 24688 |
| 17 | 21326 | 21846 | 22392 | 22939 | 23513 | 24086 | 24688 | 25290 | 25922 |
| 18 | 22392 | 22939 | 23513 | 24086 | 24688 | 25290 | 25922 | 26554 | 27219 |
| 19 | 23513 | 24086 | 24688 | 25290 | 25922 | 26554 | 27219 | 27882 | 28579 |
| 20 | 24688 | 25290 | 25922 | 26554 | 27219 | 27882 | 28579 | 29277 | 30009 |
| 21 | 25922 | 26554 | 27219 | 27882 | 28579 | 29277 | 30009 | 30740 | 31510 |
| 22 | 27219 | 27882 | 28579 | 29277 | 30009 | 30740 | 31510 | 32278 | 33086 |
| 23 | 28579 | 29277 | 30009 | 30740 | 31510 | 32278 | 33086 | 33891 | 34739 |
| 24 | 30009 | 30740 | 31510 | 32278 | 33086 | 33891 | 34739 | 35585 | 36475 |
| 25 | 31510 | 32278 | 33086 | 33891 | 34739 | 35585 | 36475 | 37365 | 38300 |
| 26 | 33086 | 33891 | 34739 | 35585 | 36475 | 37365 | 38300 | 39233 | 40214 |
| 27 | 34739 | 35585 | 36475 | 37365 | 38300 | 39233 | 40214 | 41195 | 42225 |
| 28 | 36475 | 37365 | 38300 | 39233 | 40214 | 41195 | 42225 | 43255 | 44337 |
| 29 | 38300 | 39233 | 40214 | 41195 | 42225 | 43255 | 44337 | 45418 | 46554 |
| 30 | 40214 | 41195 | 42225 | 43255 | 44337 | 45418 | 46554 | 47690 | 48882 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

| TABLE OF SALARY GRADES AND STEPS: I-P | | | | | | | | | |
|--|------------------|----------|----------|----------|----------|----------|----------|----------|----------|
| GRADE | HIRE RATE | I | J | K | L | M | N | O | P |
| 10 | 15156 | 18872 | 19343 | 19814 | 20310 | 20805 | 21326 | 21846 | 22392 |
| 11 | 15913 | 19814 | 20310 | 20805 | 21326 | 21846 | 22392 | 22939 | 23513 |
| 12 | 16709 | 20805 | 21326 | 21846 | 22392 | 22939 | 23513 | 24086 | 24688 |
| 13 | 17545 | 21846 | 22392 | 22939 | 23513 | 24086 | 24688 | 25290 | 25922 |
| 14 | 18423 | 22939 | 23513 | 24086 | 24688 | 25290 | 25922 | 26554 | 27219 |
| 15 | 19343 | 24086 | 24688 | 25290 | 25922 | 26554 | 27219 | 27882 | 28579 |
| 16 | 20310 | 25290 | 25922 | 26554 | 27219 | 27882 | 28579 | 29277 | 30009 |
| 17 | 21326 | 26554 | 27219 | 27882 | 28579 | 29277 | 30009 | 30740 | 31510 |
| 18 | 22392 | 27882 | 28579 | 29277 | 30009 | 30740 | 31510 | 32278 | 33086 |
| 19 | 23513 | 29277 | 30009 | 30740 | 31510 | 32278 | 33086 | 33891 | 34739 |
| 20 | 24688 | 30740 | 31510 | 32278 | 33086 | 33891 | 34739 | 35585 | 36475 |
| 21 | 25922 | 32278 | 33086 | 33891 | 34739 | 35585 | 36475 | 37365 | 38300 |
| 22 | 27219 | 33891 | 34739 | 35585 | 36475 | 37365 | 38300 | 39233 | 40214 |
| 23 | 28579 | 35585 | 36475 | 37365 | 38300 | 39233 | 40214 | 41195 | 42225 |
| 24 | 30009 | 37365 | 38300 | 39233 | 40214 | 41195 | 42225 | 43255 | 44337 |
| 25 | 31510 | 39233 | 40214 | 41195 | 42225 | 43255 | 44337 | 45418 | 46554 |
| 26 | 33086 | 41195 | 42225 | 43255 | 44337 | 45418 | 46554 | 47690 | 48882 |
| 27 | 34739 | 43255 | 44337 | 45418 | 46554 | 47690 | 48882 | 50074 | 51326 |
| 28 | 36475 | 45418 | 46554 | 47690 | 48882 | 50074 | 51326 | 52578 | 53893 |
| 29 | 38300 | 47690 | 48882 | 50074 | 51326 | 52578 | 53893 | 55207 | 56587 |
| 30 | 40214 | 50074 | 51326 | 52578 | 53893 | 55207 | 56587 | 57967 | 59417 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

2. APPENDIX B: TOWN OF STANTONSBURG SALARY SCHEDULE (JULY 1, 1991)

| SALARY SCHEDULE TABLE | | | | | | | | | | | | | | | | |
|------------------------------|--------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| SALARY GRADE # | 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 | |
| 1 | (A) | \$9,401 | \$9,636 | \$9,877 | \$10,124 | \$10,377 | \$10,636 | \$10,902 | \$11,175 | \$11,454 | \$11,740 | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 |
| | (SM) | \$391.71 | \$401.50 | \$411.54 | \$421.83 | \$432.38 | \$443.17 | \$454.25 | \$465.63 | \$477.25 | \$489.17 | \$501.42 | \$513.96 | \$525.79 | \$539.96 | \$553.46 |
| | (W) | \$180.79 | \$185.31 | \$189.94 | \$194.69 | \$199.56 | \$204.54 | \$209.65 | \$214.90 | \$220.27 | \$225.77 | \$231.42 | \$237.21 | \$243.13 | \$249.21 | \$255.44 |
| | (H) | \$4.52 | \$4.63 | \$4.75 | \$4.87 | \$4.99 | \$5.11 | \$5.24 | \$5.37 | \$5.51 | \$5.64 | \$5.79 | \$5.93 | \$6.08 | \$6.23 | \$6.39 |
| 2 | (A) | \$9,877 | \$10,124 | \$10,377 | \$10,636 | \$10,902 | \$11,175 | \$11,454 | \$11,740 | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 |
| | (SM) | \$411.54 | \$421.83 | \$432.38 | \$443.17 | \$454.25 | \$465.63 | \$477.25 | \$489.17 | \$501.42 | \$513.96 | \$525.79 | \$539.96 | \$553.46 | \$567.29 | \$581.46 |
| | (W) | \$189.94 | \$194.69 | \$199.56 | \$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) | \$4.75 | \$4.87 | \$4.99 | \$5.11 | \$5.24 | \$5.37 | \$5.51 | \$5.64 | \$5.79 | \$5.93 | \$6.08 | \$6.23 | \$6.39 | \$6.55 | \$6.71 |
| 3 | (A) | \$10,377 | \$10,636 | \$10,902 | \$11,175 | \$11,454 | \$11,740 | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 |
| | (SM) | \$432.38 | \$443.17 | \$454.25 | \$465.63 | \$477.25 | \$489.17 | \$501.42 | \$513.96 | \$525.79 | \$539.96 | \$553.46 | \$567.29 | \$581.46 | \$596.00 | \$610.92 |
| | (W) | \$199.56 | \$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) | \$4.99 | \$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 |
| 4 | (A) | \$10,902 | \$11,175 | \$11,454 | \$11,740 | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 |
| | (SM) | \$454.25 | \$465.63 | \$477.25 | \$489.17 | \$501.42 | \$513.96 | \$525.79 | \$539.96 | \$553.46 | \$567.29 | \$581.46 | \$596.00 | \$610.92 | \$626.21 | \$641.88 |
| | (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 |
| | (H) | \$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 |
| 5 | (A) | \$11,454 | \$11,740 | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 |
| | (SM) | \$477.25 | \$489.17 | \$501.42 | \$513.96 | \$525.79 | \$539.96 | \$553.46 | \$567.29 | \$581.46 | \$596.00 | \$610.92 | \$626.21 | \$641.88 | \$657.92 | \$674.38 |

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SALARY SCHEDULE TABLE

| SALARY GRADE # | 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 | |
| | (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 |
| | (H) | \$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 |
| 6 | (A) | \$12,034 | \$12,335 | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 | \$16,590 | \$17,005 |
| | (SM) | \$501.42 | \$513.96 | \$525.79 | \$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) | \$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 |
| | (H) | \$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 |
| | (A) | \$12,643 | \$12,959 | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 | \$16,590 | \$17,005 | \$17,430 | \$17,866 |
| 7 | (SM) | \$525.79 | \$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) | \$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 |
| | (H) | \$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 |
| | (A) | \$13,283 | \$13,615 | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 | \$16,590 | \$17,005 | \$17,430 | \$17,866 | \$18,313 | \$18,771 |
| 8 | (SM) | \$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) | \$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 |
| | (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 |
| | (A) | \$13,955 | \$14,304 | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 | \$16,590 | \$17,005 | \$17,430 | \$17,866 | \$18,313 | \$18,771 | \$19,240 | \$19,721 |
| 9 | (SM) | \$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 | \$801.67 | \$821.71 |
| | (W) | \$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 | \$370.00 | \$398.44 |
| | (H) | \$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 | \$9.25 | \$9.48 |
| | (A) | \$14,662 | \$15,029 | \$15,405 | \$15,790 | \$16,185 | \$16,590 | \$17,005 | \$17,430 | \$17,866 | \$18,313 | \$18,771 | \$19,240 | \$19,721 | \$20,214 | \$20,719 |
| 10 | (SM) | \$610.92 | \$626.21 | \$641.88 | \$657.92 | \$674.38 | \$691.25 | \$708.54 | \$726.25 | \$744.42 | \$763.04 | \$782.13 | \$801.67 | \$821.71 | \$842.25 | \$863.29 |

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ART. 2.8.14. APPENDICES

SALARY SCHEDULE TABLE

| SALARY GRADE # | 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 | |
| | (W) | \$281.96 | \$289.0 2 | \$296.2 5 | \$303.6 5 | \$311.2 5 | \$319.0 4 | \$327.0 2 | \$335.1 9 | \$343.5 8 | \$352.1 7 | \$360.9 8 | \$370.0 0 | \$398.44 | \$388.73 | \$398.44 |
| | (H) | \$7.05 | \$7.23 | \$7.41 | \$7.59 | \$7.78 | \$7.98 | \$8.18 | \$8.38 | \$8.59 | \$8.80 | \$9.02 | \$9.25 | \$9.48 | \$9.72 | \$9.96 |
| 11 | (A) | \$15,405 | \$15,79 0 | \$16,18 5 | \$16,59 0 | \$17,00 5 | \$17,43 0 | \$17,86 6 | \$18,31 3 | \$18,77 1 | \$19,24 0 | \$19,72 1 | \$20,21 4 | \$20,719 | \$21,237 | \$21,768 |
| | (SM) | \$641.88 | \$657.9 2 | \$674.3 8 | \$691.2 5 | \$708.5 4 | \$726.2 5 | \$744.4 2 | \$763.0 4 | \$782.1 3 | \$801.6 7 | \$821.7 1 | \$842.2 5 | \$863.29 | \$884.88 | \$907 |
| | (W) | \$296.25 | \$303.6 5 | \$311.2 5 | \$319.0 4 | \$327.0 2 | \$335.1 9 | \$343.5 8 | \$352.1 7 | \$360.9 8 | \$370.0 0 | \$398.4 4 | \$388.7 3 | \$398.44 | \$408.40 | \$418.62 |
| | (H) | \$7.41 | \$7.59 | \$7.78 | \$7.98 | \$8.18 | \$8.38 | \$8.59 | \$8.80 | \$9.02 | \$9.25 | \$9.48 | \$9.72 | \$9.96 | \$10.21 | \$10.47 |
| | (A) | \$16,185 | \$16,59 0 | \$17,00 5 | \$17,43 0 | \$17,86 6 | \$18,31 3 | \$18,77 1 | \$19,24 0 | \$19,72 1 | \$20,21 4 | \$20,71 9 | \$21,23 7 | \$21,768 | \$22,312 | \$22,870 |
| 12 | (SM) | \$674.38 | \$691.2 5 | \$708.5 4 | \$726.2 5 | \$744.4 2 | \$763.0 4 | \$782.1 3 | \$801.6 7 | \$821.7 1 | \$842.2 5 | \$863.2 9 | \$884.8 8 | \$907 | \$929.67 | \$952.92 |
| | (W) | \$311.25 | \$319.0 4 | \$327.0 2 | \$335.1 9 | \$343.5 8 | \$352.1 7 | \$360.9 8 | \$370.0 0 | \$398.4 4 | \$388.7 3 | \$398.4 4 | \$408.4 0 | \$418.62 | \$429.08 | \$439.81 |
| | (H) | \$7.78 | \$7.98 | \$8.18 | \$8.38 | \$8.59 | \$8.80 | \$9.02 | \$9.25 | \$9.48 | \$9.72 | \$9.96 | \$10.21 | \$10.47 | \$10.73 | \$11.00 |
| | (A) | \$17,005 | \$17,43 0 | \$17,86 6 | \$18,31 3 | \$18,77 1 | \$19,24 0 | \$19,72 1 | \$20,21 4 | \$20,71 9 | \$21,23 7 | \$21,76 8 | \$22,31 2 | \$22,870 | \$23,442 | \$24,028 |
| 13 | (SM) | \$708.54 | \$726.2 5 | \$744.4 2 | \$763.0 4 | \$782.1 3 | \$801.6 7 | \$821.7 1 | \$842.2 5 | \$863.2 9 | \$884.8 8 | \$907 | \$929.6 7 | \$952.92 | \$976.75 | \$1,001.1 7 |
| | (W) | \$327.02 | \$335.1 9 | \$343.5 8 | \$352.1 7 | \$360.9 8 | \$370.0 0 | \$398.4 4 | \$388.7 3 | \$398.4 4 | \$408.4 0 | \$418.6 2 | \$429.0 8 | \$439.81 | \$450.81 | \$462.08 |
| | (H) | \$8.18 | \$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 |
| | (A) | \$17,866 | \$18,31 3 | \$18,77 1 | \$19,24 0 | \$19,72 1 | \$20,21 4 | \$20,71 9 | \$21,23 7 | \$21,76 8 | \$22,31 2 | \$22,87 0 | \$23,44 2 | \$24,028 | \$24,629 | \$25,245 |
| 14 | (SM) | \$744.42 | \$763.0 4 | \$782.1 3 | \$801.6 7 | \$821.7 1 | \$842.2 5 | \$863.2 9 | \$884.8 8 | \$907 | \$929.6 7 | \$952.9 2 | \$976.7 5 | \$1,001.1 7 | \$1,026.2 1 | \$1,051.8 8 |
| | (W) | \$343.58 | \$352.1 7 | \$360.9 8 | \$370.0 0 | \$398.4 4 | \$388.7 3 | \$398.4 4 | \$408.4 0 | \$418.6 2 | \$429.0 8 | \$439.8 1 | \$450.8 1 | \$462.08 | \$473.63 | \$485.48 |
| | (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 |
| | (A) | \$18,771 | \$19,24 0 | \$19,72 1 | \$20,21 4 | \$20,71 9 | \$21,23 7 | \$21,76 8 | \$22,31 2 | \$22,87 0 | \$23,44 2 | \$24,02 8 | \$24,62 9 | \$25,245 | \$25,876 | \$26,523 |
| 15 | (SM) | \$782.13 | \$801.6 7 | \$821.7 1 | \$842.2 5 | \$863.2 9 | \$884.8 8 | \$907 | \$929.6 7 | \$952.9 2 | \$976.7 5 | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

SALARY SCHEDULE TABLE

| SALARY GRADE # | 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 | |
| | (W) | \$360.98 | \$370.00 | \$398.44 | \$388.73 | \$398.44 | \$408.40 | \$418.62 | \$429.08 | \$439.81 | \$450.81 | \$462.08 | \$473.63 | \$485.48 | \$497.62 | \$510.06 |
| | (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 |
| 16 | (A) | \$19,721 | \$20,214 | \$20,719 | \$21,237 | \$21,768 | \$22,312 | \$22,870 | \$23,442 | \$24,028 | \$24,629 | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 |
| | (SM) | \$821.71 | \$842.25 | \$863.29 | \$884.88 | \$907 | \$929.67 | \$952.92 | \$976.75 | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 |
| | (W) | \$398.44 | \$388.73 | \$398.44 | \$408.40 | \$418.62 | \$429.08 | \$439.81 | \$450.81 | \$462.08 | \$473.63 | \$485.48 | \$497.62 | \$510.06 | \$522.81 | \$535.88 |
| | (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 |
| | (A) | \$20,719 | \$21,237 | \$21,768 | \$22,312 | \$22,870 | \$23,442 | \$24,028 | \$24,629 | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 |
| 17 | (SM) | \$863.29 | \$884.88 | \$907 | \$929.67 | \$952.92 | \$976.75 | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 |
| | (W) | \$398.44 | \$408.40 | \$418.62 | \$429.08 | \$439.81 | \$450.81 | \$462.08 | \$473.63 | \$485.48 | \$497.62 | \$510.06 | \$522.81 | \$535.88 | \$549.29 | \$563.02 |
| | (H) | \$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 | \$13.73 | \$14.08 |
| | (A) | \$21,768 | \$22,312 | \$22,870 | \$23,442 | \$24,028 | \$24,629 | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 |
| 18 | (SM) | \$907 | \$929.67 | \$952.92 | \$976.75 | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 |
| | (W) | \$418.62 | \$429.08 | \$439.81 | \$450.81 | \$462.08 | \$473.63 | \$485.48 | \$497.62 | \$510.06 | \$522.81 | \$535.88 | \$549.29 | \$563.02 | \$577.10 | \$591.52 |
| | (H) | \$10.47 | \$10.73 | \$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 |
| | (A) | \$22,870 | \$23,442 | \$24,028 | \$24,629 | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 |
| 19 | (SM) | \$952.92 | \$976.75 | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 |
| | (W) | \$439.81 | \$450.81 | \$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 |
| | (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 |
| | (A) | \$24,028 | \$24,629 | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 |
| 20 | (SM) | \$1,001 | \$1,026 | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

SALARY SCHEDULE TABLE

| SALARY GRADE # | 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 | |
| | (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 | \$637.00 | \$652.92 |
| | (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 |
| 21 | (A) | \$25,245 | \$25,876 | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 | \$34,801 | \$35,671 |
| | (SM) | \$1,051 | \$1,078 | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 | \$1,450 | \$1,486 |
| | (W) | \$485.48 | \$497.62 | \$510.06 | \$522.81 | \$535.88 | \$549.29 | \$563.02 | \$577.10 | \$591.52 | \$606.31 | \$621 | \$637.00 | \$652.92 | \$669.25 | \$685.98 |
| | (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 |
| | (A) | \$26,523 | \$27,186 | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 | \$34,801 | \$35,671 | \$36,563 | \$37,477 |
| 22 | (SM) | \$1,105 | \$1,132 | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 | \$1,450 | \$1,486 | \$1,523 | \$1,561 |
| | (W) | \$510.06 | \$522.81 | \$535.88 | \$549.29 | \$563.02 | \$577.10 | \$591.52 | \$606.31 | \$621 | \$637.00 | \$652.92 | \$669.25 | \$685.98 | \$703.13 | \$720.71 |
| | (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 |
| | (A) | \$27,866 | \$28,563 | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 | \$34,801 | \$35,671 | \$36,563 | \$37,477 | \$38,414 | \$39,374 |
| 23 | (SM) | \$1,161 | \$1,190 | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 | \$1,450 | \$1,486 | \$1,523 | \$1,561 | \$1,600 | \$1,640 |
| | (W) | \$535.88 | \$549.29 | \$563.02 | \$577.10 | \$591.52 | \$606.31 | \$621 | \$637.00 | \$652.92 | \$669.25 | \$685.98 | \$703.13 | \$720.71 | \$738.73 | \$757.19 |
| | (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 |
| | (A) | \$29,277 | \$30,009 | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 | \$34,801 | \$35,671 | \$36,563 | \$37,477 | \$38,414 | \$39,374 | \$40,358 | \$41,367 |
| 24 | (SM) | \$1,219 | \$1,250 | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 | \$1,450 | \$1,486 | \$1,523 | \$1,561 | \$1,600 | \$1,640 | \$1,681 | \$1,723 |
| | (W) | \$563.02 | \$577.10 | \$591.52 | \$606.31 | \$621 | \$637.00 | \$652.92 | \$669.25 | \$685.98 | \$703.13 | \$720.71 | \$738.73 | \$757.19 | \$776.12 | \$795.52 |
| | (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 |
| | (A) | \$30,759 | \$31,528 | \$32,316 | \$33,124 | \$33,952 | \$34,801 | \$35,671 | \$36,563 | \$37,477 | \$38,414 | \$39,374 | \$40,358 | \$41,367 | \$42,401 | \$43,461 |
| 25 | (SM) | \$1,281 | \$1,313 | \$1,346 | \$1,380 | \$1,414 | \$1,450 | \$1,486 | \$1,523 | \$1,561 | \$1,600 | \$1,640 | \$1,681 | \$1,723 | \$1,766 | \$1,810 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

| SALARY SCHEDULE TABLE | | | | | | | | | | | | | | | |
|------------------------------|-----------|--------------|---------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------|----------|----------|
| SALARY GRADE # | 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 |
| (W) | \$591.52 | \$606.3 1 | \$621 | \$637.0 0 | \$652.9 2 | \$669.2 5 | \$685.9 8 | \$703.1 3 | \$720.7 1 | \$738.7 3 | \$757.1 9 | \$776.1 2 | \$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 | \$19.40 | \$19.89 | \$20.39 | \$20.89 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

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3. APPENDIX C: TOWN OF STANTONSBURG CLASSIFICATION PLAN

| SCHEMATIC LIST OF JOB CLASSES BY FUNCTIONAL GROUP | | |
|--|---------------------------------------|-------------------|
| CLASS TYPE | CLASS TITLE | CLASS CODE |
| Administration | Town Manager | 100.01 |
| | Town Clerk/Finance Officer | 100.02 |
| | Utility & Tax Collector | 100.03 |
| | Superintendent of Utilities | 100.04 |
| Electric | Power Line Technician Line | 200.01 |
| | Technician | 200.02 |
| Police | Police Chief | 300.01 |
| | Police Officer | 300.02 |
| Utility and Street Operations | 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 |

DIVISION 2 PART 2 CHAPTER 2.8 PERSONNEL POLICIES

ART. 2.8.14. APPENDICES

4. APPENDIX D: TOWN OF STANTONSBURG ALLOCATION OF CLASSES TO SALARY GRADES

| TABLE OF ALLOCATION OF CLASSES TO SALARY GRADES | | |
|--|--------------------------|--|
| SALARY GRADE | SALARY RANGE (\$) | POSITION TITLE |
| 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 I |
| 7 | 12,643-17,866 | |
| 8 | 13,283-18,771 | |
| 9 | 13,955-19,721 | Equipment Operator Fleet Services 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 | |

CHAPTER 2.9 AGREEMENTS FOR SERVICES

ART. 2.9.1. INSPECTION AGREEMENTS WITH COUNTY

A. 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)

B. 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.

C. 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)

D. 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)

E. 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)

F. 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)

G. EFFECTIVE DATE

This agreement shall be effective as of January 7, 1992.

(Ord. of 12/9/91)

ART. 2.9.2. MUTUAL AID ASSISTANCE

A. 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)

B. AUTHORIZATION TO PERMIT WORK AT OTHER AGENCIES

The Chief of Police is hereby authorized to permit officers of the Stantonsburg 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.

DIVISION 2 PART 2 CHAPTER 2.9 AGREEMENTS FOR SERVICES

ART. 2.9.2. MUTUAL AID ASSISTANCE

(Res. of 5/11/92)

C. JURISDICTION AND POWERS

While working with the requesting agency, a Stantonsburg police officer shall have the same jurisdiction, powers, rights, privileges and immunities as the officers of the requesting agencies.

(Res. of 5/11/92)

D. 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

CHAPTER 3.1 LAW ENFORCEMENT

ART. 3.1.1. POLICE DEPARTMENT; IN GENERAL

A. CREATION

The police department of the town is hereby created, subject to the terms, authority, and conditions set out in Chapter 3.1 below.

State Law Reference: Municipal law enforcement in general, G.S.160A-281, et seq.

B. 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 Manager and Town Council deems necessary.

C. 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.

D. 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 Manager and to rules, regulations and orders that the Town Council may prescribe.

E. PERSONNEL

The Chief of Police shall have the duty of hiring persons, in accordance with budgetary limitations, 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 and he/she be responsible to the Town Manager in seeing that the police officers faithfully perform their duties.

ART. 3.1.2. POLICE DEPARTMENT OPERATING REGULATIONS

A. CONTROL AND SUPERVISION

The Chief of Police of the town, subject to the general supervision of the Town Manager, 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.

B. POWER AND AUTHORITY

1. 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.
2. 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, ISA-402.

C. CONDITIONS OF EMPLOYMENT

Members of the police department shall be appointed by the Town Manager after due examination by the Town Manager and the Chief of Police and based upon the results of the examination. Unless provided otherwise by the Town Manager under the guidance of the Town Council, members of the police department shall be subject to the general personnel policies of the town.

DIVISION 2 PART 3 CHAPTER 3.1 LAW ENFORCEMENT

ART. 3.1.3. POLICY FOR RESERVE OR AUXILIARY POLICE OFFICERS

D. 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.

E. 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 Manager or a 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,

F. 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 Manager and Town Council-approved guidelines; and
4. To require the proper submission and handling of the necessary and required reports.

ART. 3.1.3. POLICY FOR RESERVE OR AUXILIARY POLICE OFFICERS

A. CRITERIA FOR APPOINTMENT

1. 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.
2. 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.
3. 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.
4. 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.
5. 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)

B. EQUIPMENT

1. EQUIPMENT PROVIDED BY THE TOWN OF STANTONSBURG

i. UNIFORM

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:

- 01.** One short sleeve shirt;
- 02.** One long sleeve shirt;
- 03.** One pair of uniform pants; and
- 04.** One necktie.

ii. AMMUNITION

01. 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.

02. 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 Stantonsburg. No other ammunition will be authorized for use while performing the duties of a Stantonsburg police officer. The use of unauthorized ammunition shall be grounds for immediate separation from the Stantonsburg Police Department as a reserve or auxiliary police officer.

2. EQUIPMENT PROVIDED BY THE RESERVE OR AUXILIARY OFFICER

i. 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.

- 01.** 9 mm semi automatics;
- 02.** 38 caliber revolvers; or
- 03.** 357 caliber revolvers (while using only 38 caliber ammunition).

ii. UNIFORM LEATHER ACCESSORIES

iii. ADDITIONAL ACCESSORIES:

- 01.** Handcuffs;
- 02.** Name plates; and
- 03.** Plain clothes holsters and ammunition carriers.

(Ord. of 5/11/92)

C. INSURANCE COVERAGE

The Town of Stantonsburg will provide the reserve or auxiliary officer with workman's compensation insurance and liability coverage while on duty for the Town of Stantonsburg.

(Ord. of 5/11/92)

D. ON-DUTY PERIODS

Each reserve or auxiliary officer will be required to volunteer 16 hours of work each month to the Town of Stantonsburg subject to the following:

- 1.** No reserve or auxiliary officer shall be on duty as Stantonsburg police officer unless they are working with a full or part-time paid Stantonsburg police officer without prior approval from the Chief of Police.

DIVISION 2 PART 3 CHAPTER 3.1 LAW ENFORCEMENT

ART. 3.1.3. POLICY FOR RESERVE OR AUXILIARY POLICE OFFICERS

2. While on duty, the reserve or auxiliary officer shall consider the full or part-time Stantonsburg officer their superior and shall conduct themselves accordingly. The final decision on all matters shall be made by the full or part-time Stantonsburg 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 Stantonsburg officer. This is to ensure that all cases are prosecuted in court on a timely basis.
(Ord. of 5/11/92)

E. DISCIPLINARY ACTIONS

1. All reserve or auxiliary officers are subject to the same disciplinary actions as full or part-time officers contained in the current policies and procedures of the Town of Stantonsburg at the time of the infraction.
2. 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 Stantonsburg 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)

F. SEPARATION FROM RESERVE OR AUXILIARY STATUS**1. TRANSFER TO PAID DUTY WITH THE TOWN OF STANTONSBURG**

Reserve or auxiliary officers may apply for any full or part-time position that becomes available within the Stantonsburg Police Department.

2. 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 Stantonsburg 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.

3. DISCIPLINARY SEPARATION

In the event a reserve or auxiliary officer is separated from the Stantonsburg Police Department for any reason, all equipment issued by the Town of Stantonsburg 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 3.2 FIRE PROTECTION AND PREVENTION

ART. 3.2.1. VOLUNTEER FIRE DEPARTMENT

A. 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 Town Council 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 Council.

State Law Reference: Municipal fire protection generally, G.S. 160A- 291, et seq.

B. DUTIES OF CHIEF

The Chief, subject to supervision by the Council 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 Council.

C. SAME; DUTIES AS FIRE INSPECTOR

1. 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.
2. He shall make annual, routine inspections of all structures located within the fire district.
3. He shall, upon receipt of a complaint, forthwith investigate.
4. 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.
5. 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.

D. GENERAL AUTHORITY AT FIRES

1. 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.
2. 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.
3. 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.
4. 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.

DIVISION 2 PART 3 CHAPTER 3.2 FIRE PROTECTION AND PREVENTION

ART. 3.2.2. Fire Prevention and Hazards

State Law Reference: Approach of emergency vehicles; driving over fire hose; obstructing fire apparatus, G.S. 20-157.

E. 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.

F. 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.

G. 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.

H. COMPENSATION OF MEMBERS

The members of the Fire Department shall receive such compensation as the Council shall direct.

I. ASSISTANCE FROM OTHER MUNICIPALITIES

1. 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:

- i. When an outside department makes a call within the town, the town shall pay a fixed amount to be established for the calls; and
- ii. 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.

2. The Council 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.

J. REPORT TO COUNCIL

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.

K. 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.

L. 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.

ART. 3.2.2. FIRE PREVENTION AND HAZARDS

A. 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.

DIVISION 2 PART 3 CHAPTER 3.2 FIRE PROTECTION AND PREVENTION

ART. 3.2.3. FIRE LIMITS

B. 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.

ART. 3.2.3. FIRE LIMITS

A. 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 3.3 EMERGENCY AND RESCUE**ART. 3.3.1. EMERGENCIES**

A. STATE OF EMERGENCY; CURFEW AUTHORIZED

- 1.** 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.
- 2.** 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.
- 3.** 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 pro tem of the Town Council shall have and exercise of all of the powers herein given the Mayor.
- 4.** 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 Council.
- 5.** During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:
 - i.** 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;
 - ii.** 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;
 - iii.** 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;
 - iv.** Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;
 - v.** 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
 - vi.** 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.
- 6.** 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.

DIVISION 2 PART 3 CHAPTER 3.3 EMERGENCY AND RESCUE

ART. 3.3.1. EMERGENCIES

7. 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.

B. CURFEWS FOR MINORS

1. The purpose of this section shall be to establish a curfew for minors in the Town of Stantonsburg, 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 Stantonsburg by creating an environment offering protection and security for all concerned.

2. As used in this section the following definitions shall apply:

i. 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.

ii. 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.

iii. 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.

3. A curfew applicable to minors is established and shall be enforced as follows:

i. 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 Stantonsburg 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.

ii. EXCEPTIONS

The restrictions provided by subsection (3i) 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 (3i) 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.

iii. RESPONSIBILITY OF ADULTS

DIVISION 2 PART 3 CHAPTER 3.3 EMERGENCY AND RESCUE

ART. 3.3.1. EMERGENCIES

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 Stantonsburg within the curfew hours set by subsection (3i), except as otherwise provided in subsection (3ii).

iv. 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 (3i), except as otherwise provided in subsection (3ii).

v. ENFORCEMENT

01. 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 Stantonsburg. 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.

100. 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.

200. 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 Stantonsburg Police Department's record system.

300. 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 determination as to whether the violation is a first offense or is a second or subsequent offense.

02. 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 (01) 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 Stantonsburg Police Department's records system, serving as a part of the case file for any criminal action.

03. 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.

vi. AIDING AND ABETTING BY ANY ADULT, GUARDIAN, OR PARENT

DIVISION 2 PART 3 CHAPTER 3.3 EMERGENCY AND RESCUE

ART. 3.3.2. CIVIL PREPAREDNESS

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 (3i) of this section, except as otherwise provided in subsection (3ii).

vii. 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 (3vi) of this section.

viii. EMERGENCY CURFEW

Nothing herein shall be deemed to limit the authority of the Mayor of the Town of Stantonsburg to declare a state of emergency and issue a proclamation imposing an emergency curfew pursuant to Section 3.3.1.A of the Code of Stantonsburg.

ix. 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).

x. PUNISHMENT

The punishment for violation of this section shall be a fine of up to \$100.

(Ord. of 9/8/98)

ART. 3.3.2. CIVIL PREPAREDNESS

Reserved

ART. 3.3.3. EMERGENCY MEDICAL SERVICE

Reserved

**DIVISION 2 PART 3 CHAPTER 3.4 CONTROL AND PROHIBITION OF
OPEN BURNING**

ART. 3.3.3. EMERGENCY MEDICAL SERVICE

**CHAPTER 3.4 CONTROL AND PROHIBITION OF OPEN
BURNING**

A. 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)

B. 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)

C. 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)

D. 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 NCGS Section 14-4.

(Ord. of 6/10/91)

E. 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)

DIVISION 2 PART 3 CHAPTER 3.5 SIGNS PROHIBITING THE CARRYING OF CONCEALED WEAPONS

ART. 3.3.3. EMERGENCY MEDICAL SERVICE

CHAPTER 3.5 SIGNS PROHIBITING THE CARRYING OF CONCEALED WEAPONS

A. 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)

B. 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)

C. 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)

D. EFFECTIVE DATE

This chapter shall be effective on and after January 15, 1996.

(Ord. of 1/15/96)

PART 4. PUBLIC WORKS

CHAPTER 4.1 STREETS AND SIDEWALKS

ART. 4.1.1. ACCEPTANCE AND IMPROVEMENT OF PUBLIC STREETS

A. COUNCIL 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 Town Council must give its approval, finding that:

1. The street complies with engineering standards set by the Council, and
2. The best interests of the town would be served by accepting the street as a town street.

ART. 4.1.2. EXCAVATION AND REPAIR

A. 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 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.

B. SAME; APPLICATION FOR PERMIT; FEES

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in Section 4.1.2.A, 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 Council.

C. LIABILITY FOR EXCAVATIONS

Any person obtaining a permit as provided for in Sections 4.1.2.A and 4.1.2.B 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.

D. 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.

E. EXCAVATIONS; LEAVING UNPROTECTED

DIVISION 2 PART 4 CHAPTER 4.1 STREETS AND SIDEWALKS

ART. 4.1.2. EXCAVATION AND REPAIR

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 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.

F. 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.

G. 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 Council.

H. HOUSE MOVING

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Council 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.

I. 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.

J. DRIVEWAYS; PERMIT REQUIRED

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefore has been issued by the Town Council or some other officer of the town vested with such authority.

K. SAME; APPLICATION

1. All persons desiring a driveway permit shall make application therefor, which application shall show:
 - i. The name and address of the owner or agent in charge of the property abutting and proposed work area;
 - ii. The name and address of the party doing the work;
 - iii. The location of the work area;
 - iv. Attached plans showing details of the proposed alteration;
 - v. The estimated cost of the alteration; and
 - vi. Other information as the issuing officer shall find reasonably necessary to the determination of whether a permit should issue hereunder.
2. The application shall be accompanied by a fee which shall be established by the Council.

L. SAME; STANDARDS

The Town Council 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;

DIVISION 2 PART 4 CHAPTER 4.1 STREETS AND SIDEWALKS

ART. 4.1.3. STREET NAMING

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.

ART. 4.1.3. STREET NAMING

Reserved

DIVISION 2 PART 4 CHAPTER 4.2 GARBAGE AND REFUSE COLLECTION AND DISPOSAL

ART. 4.2.1. GARBAGE REQUIRED TO BE PROMPTLY REMOVED

CHAPTER 4.2 GARBAGE AND REFUSE COLLECTION AND DISPOSAL

ART. 4.2.1. 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.

ART. 4.2.2. TOWN GARBAGE AND TRASH COLLECTION AND STREET SWEEPING SCHEDULE

1. 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.
2. 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)

ART. 4.2.3. 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 handles; provided, however, that cans of less capacity than 15 gallons need be equipped with only one handle.

ART. 4.2.4. COLLECTION OF DRY GARBAGE AND YARD RUBBISH

1. 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.
2. 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.
3. 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)

ART. 4.2.5. CONSTRUCTION WASTE

The town will not remove building or construction wastes.

ART. 4.2.6. 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.

ART. 4.2.7. CANS OR CONTAINERS TO BE KEPT CLEAN

Garbage cans or containers must be kept clean.

ART. 4.2.8. PLACING CANS OR CONTAINERS

**DIVISION 2 PART 4 CHAPTER 4.2 GARBAGE AND REFUSE COLLECTION
AND DISPOSAL**

ART. 4.2.9. REMOVAL OF DEAD ANIMALS

Garbage cans or containers must be placed behind each residence or dwelling in a clearly visible location.

ART. 4.2.9. REMOVAL OF DEAD ANIMALS

Dead animals will be removed from the streets and sidewalks by the town.

ART. 4.2.10. TOWN VEHICLE MAINTENANCE

Strict vehicle maintenance shall be enforced on all town vehicles.

(Ord. of 10/8/90)

PART 5. MUNICIPAL UTILITIES

CHAPTER 5.1 UTILITY BILLING SCHEDULE

ART. 5.1.1. GENERAL PROVISIONS

A. 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.

B. 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)

C. ELECTRICAL, WATER, OR SEWER ACCOUNT

1. 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.

2. 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)

D. 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)

E. 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)

F. 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)

ART. 5.1.2. DEPOSITS

A. RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL CUSTOMERS

1. 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

DIVISION 2 PART 5 CHAPTER 5.1 UTILITY BILLING SCHEDULE

ART. 5.1.2. DEPOSITS

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.

2. The town shall require a deposit from a customer for reestablishment of electric, water, and/or sewer services if:
 - i. 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.
 - ii. 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)

B. REFUND POLICY

1. 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.
2. 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)

C. 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)

D. 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)

E. 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)

F. INVOLUNTARY DISCONTINUANCE OF SERVICE

1. The town will discontinue electrical, water, and/or sewer services for any of the following reasons:
 - i. 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' 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

DIVISION 2 PART 5 CHAPTER 5.1 UTILITY BILLING SCHEDULE

ART. 5.1.2. DEPOSITS

- ii.** 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
 - iii.** Refusal of access to premises; or
 - iv.** Damage to or loss of town property for which the customer is responsible; or
 - v.** 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
 - vi.** 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.
- 2.** 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.
- 3.** 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.
- 4.** 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.
- 5.** 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:
 - i.** The title,
 - ii.** The town official in charge of billing,
 - iii.** The fact that all bills are due and payable upon receipt,
 - iv.** 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
 - v.** 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.
- 6.** 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.
- 7.** 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.

DIVISION 2 PART 5 CHAPTER 5.1 UTILITY BILLING SCHEDULE

ART. 5.1.2. DEPOSITS

- 8.** The Town of Stantonsburg 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 5.2 WATER AND SEWER SERVICE

ART. 5.2.1. GENERAL PROVISIONS

A. 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 Council 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

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.2. SERVICE REGULATIONS

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.

B. PENALTIES AND REMEDIES

1. As provided in this Ordinance, termination of service is a remedy available to the town to enforce any of the provisions of this chapter.
2. A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in NCGS Section 14-4: Sections 5.2.2.K, 5.2.4.F, 5.2.5.A, 5.2.8.B, 5.2.8.C, 5.2.8.F, 5.2.8.G, 5.2.8.H.
3. A violation of any of the sections listed in division (2) other than Section 5.2.8.C shall subject the offender to a civil penalty of \$25. A violation of any of the provisions of Section 5.2.8.C 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.
4. The town may seek to enforce any of the provisions of this chapter through an appropriate equitable action.
5. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
6. 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.
7. The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

ART. 5.2.2. SERVICE REGULATIONS

A. 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.

B. DENIAL OF SERVICE FOR NONPAYMENT OF PRIOR ACCOUNTS

1. 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.
2. 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.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.2. SERVICE REGULATIONS**C. DEPOSIT**

1. 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,
2. Initial deposits shall be made with the service applications. Additional deposits, if required pursuant to division (1), shall be made within 30 days after receipt by the customer of the written notice specified in division (1).
3. A separate deposit shall be paid on each installed water meter.
4. No interest shall be paid on the deposit.
5. Upon termination of service, the deposit shall either be applied to an outstanding bill or refunded to the customer, as provided in Section 5.2.4.F and 5.2.4.G.

D. RATES

1. The Town Council 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.
2. 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.
3. 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.
4. 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.
5. 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:
 - i. B.O.D. in excess of 300 ppm, at \$35 per 1,000 pounds B.O.D.
 - ii. S.S. in excess of 300 ppm, at \$35 per 1,000 pounds S.S.

E. MINIMUM SERVICE CHARGE

1. 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.
2. The minimum service charge per meter shall apply whether all residential units are occupied or unoccupied, unless service has been terminated.
3. Charges for service commence when the meter is installed and connection made, regardless of whether service is actually used at that time.

F. 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

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.2. SERVICE REGULATIONS

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.

G. METER READING AND DETERMINATION OF CHARGES

1. 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.
2. When two or more meters are installed in the same premises for different customers, the town shall clearly identify which meter serves which customer.
3. 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.
4. Readings from different meters will not be combined into one account for billing.
5. Subject to Section 5.2.2.J, a charge shall be made for all water passing through the customer's meter.
6. Bills for water and sewer service shall be calculated in accordance with the rate schedule in effect at the time of billing.

H. BILLS

1. 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.
2. Bills shall notify customers of the provisions of division (1), and shall contain a phone number where a town employee can be contacted concerning questions about the bill.

I. 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 5.2.2.D. The standard for meter accuracy is $\pm 2.5\%$.

J. 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.

K. 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.

L. TOWN PROPERTY AND MAINTENANCE THEREOF

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.3. TOWN AND CUSTOMER RESPONSIBILITIES

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.

ART. 5.2.3. TOWN AND CUSTOMER RESPONSIBILITIES

A. 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 Council shall operate a sewage treatment facility as authorized by NCGS Section 160A-311, and shall appoint a superintendent to carry out the administrative provisions of this chapter.

B. 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.

ART. 5.2.4. SERVICE TERMINATION AND REINSTATEMENT

A. TERMINATION OR INTERRUPTION OF SERVICE BY TOWN

1. The town may terminate service for any of the following reasons:

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ART. 5.2.4. SERVICE TERMINATION AND REINSTATEMENT

- i. Refusal by the customer to pay in full an account that remains delinquent in excess of five days.
 - ii. Prevention of fraud or abuse by a customer.
 - iii. Failure of the customer to comply with any of the provisions of this chapter.
 2. 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.
 3. The town reserves the right to discontinue or interrupt service temporarily for any of the following reasons:
 - i. Emergency repairs.
 - ii. Insufficient supply or treatment capacity.
 - iii. Strike, riot, flood, accident, act of God, or any other unavoidable cause.
 4. The town shall make a good faith effort to notify affected customers before service is discontinued or interrupted as provided in division (3). 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.

B. NOTICE OF PROPOSED TERMINATION OF SERVICE AND RIGHT OF HEARING

1. On the day that an account becomes delinquent (see Section 5.2.2.H), 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:
 - i. The customer's account is delinquent and is subject to a penalty charge in accordance with the current rate schedule.
 - ii. 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.
 - iii. Unless the bill is paid in full or otherwise resolved by a specified date, the town may terminate service without further notice.
2. The service termination date stated in the notice described in division (1) shall be the later of the following:
 - i. The fifth day after the date the notice is mailed; or
 - ii. The fifth day after the account becomes delinquent (see Section 5.2.2.H).
3. 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:
 - i. 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.
 - ii. What the reasons for the proposed termination are, and what, if anything, the customer may or must do to avoid termination of service.
 - iii. 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.

C. HEARING

1. The hearing provided for in Section 5.2.4.A 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 5.2.4.B.
2. 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.

D. STAY OF TERMINATION PENDING HEARING OUTCOME

1. So long as the hearing provided for in Section 5.2.4.A is requested and held before the service termination date indicated in the notice required by Section 5.2.4.B, the town shall postpone the proposed termination date until three days after the written decision is served on the customer as provided in division (2).
2. 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.
3. If the customer fails to make a timely request for the hearing provided for in Section 5.2.4.A, or, following a hearing, fails to comply with the decision of the town within the time specified in division (2), the town may terminate service without further notice.

E. LESSEE MAY TAKE RESPONSIBILITY FOR PAYMENTS

1. 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 5.2.4.A 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 (2).
2. 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 this Ordinance. The lessee shall not be responsible for the debts of the lessor.

F. PROCEDURE FOR SERVICE TERMINATION AND REINSTATEMENT

1. Water and sewer service termination shall be effected only by authorized agents of the town.
2. When service is terminated, discontinued, or interrupted for any reason set forth in Section 5.2.4.A, 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.
3. When service is terminated for nonpayment of bills, the service application deposit shall be applied to the outstanding bill.
4. 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.
5. 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.
6. A charge for service reinstatement shall be made pursuant to Section 5.2.2.D.

G. TERMINATION AT CUSTOMER'S REQUEST

1. 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.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.5. CONNECTION TO THE WATER AND SEWER SYSTEMS WHERE SERVICE IS AVAILABLE

2. 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.
3. When all charges for service are paid in full, the customer's deposit shall be refunded. The deposit will be refunded pursuant to Section 5.2.2.C.
4. 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 therefore as soon as reasonably possible.

ART. 5.2.5. CONNECTION TO THE WATER AND SEWER SYSTEMS WHERE SERVICE IS AVAILABLE

A. CONNECTION REQUIRED

1. 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 (2).
2. 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.
3. 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.
4. It shall be unlawful to use private sewer systems within the town where the public system is available.

B. 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 5.2.5.C. After connection in accordance with this article, service may be initiated in accordance with the procedures set forth in this Ordinance.

C. APPLICATION FOR CONNECTION PERMIT

1. 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.
2. Every application for connection shall be accompanied by the service connection fee specified in Section 5.2.2.D.

D. 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.

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ART. 5.2.5. CONNECTION TO THE WATER AND SEWER SYSTEMS WHERE SERVICE IS AVAILABLE

- i.** Water and sewer connections shall be constructed simultaneously whenever connections are to be made to both systems.
- ii.** 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.
- iii.** The customer may request that the water meter be placed on his premises; however, the final decision for meter placement lies with the town.
- iv.** When the meter is placed on the customer's premises:
 - 01.** The town shall provide a cut-off valve directly before the meter.
 - 02.** The customer shall provide a suitable location for placing the meter, unobstructed and accessible at all times, to the meter reader.
- 5.** 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.
- 6.** Piping on the customer's premises shall be so arranged that the connections are conveniently located with respect to the town's mains.

E. SEPARATE CONNECTIONS REQUIRED FOR EACH LOT

- 1.** 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.
- 2.** There shall be for every lot to which water or sewer service is available:
 - i.** A separate connection with the water main of the town, and a separate service pipe, tap, and meter.
 - ii.** A separate connection with the sewer main of the town.

F. 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:
 - i.** 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.
 - ii.** 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

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ART. 5.2.6. WATER AND SEWER EXTENSION

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.

G. 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.

H. 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.

I. MAINTENANCE OF PRIVATE DISTRIBUTION AND COLLECTION SYSTEMS

1. In addition to the requirements of Section 5.2.5.F, 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.
2. 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.
3. 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.

ART. 5.2.6. WATER AND SEWER EXTENSION

A. 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.

B. EXTENSIONS TO DEVELOPED PROPERTY WITHIN THE TOWN

1. Except as provided in Section 5.2.6.C (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.

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ART. 5.2.6. WATER AND SEWER EXTENSION

2. Except as provided in Section 5.2.6.C, 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.
3. 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.
4. 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.

C. IN-TOWN EXTENSIONS TO NEW SUBDIVISIONS AND OTHER NEW DEVELOPMENTS

As indicated in Section 5.2.6.A, the town's responsibility is to extend its water and sewer lines to properties within the town.

D. EXTENSIONS OUTSIDE OF TOWN

1. 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.
2. 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.
3. 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.

E. EXTENSIONS MADE BY OTHER THAN TOWN FORCES

1. 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.
2. 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.
3. 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.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.7. FIRE PROTECTION SERVICE

4. 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.
5. 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.

F. INSPECTION BY TOWN OF WORK DONE BY OTHERS

1. 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:
 - i. Halt work until approved supervision is obtained and the work done in accordance with town specifications and requirements; or
 - ii. Provide constant inspection by town personnel at the expense of the applicant.
2. 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.

G. DEDICATION OF WATER AND SEWER LINE EXTENSIONS

1. 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.
2. Following dedication as provided in division (1), 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.

ART. 5.2.7. FIRE PROTECTION SERVICE

A. FIRE HYDRANTS

1. 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.
2. The town may contract with a developer to install fire hydrants required pursuant to division (1), but in all cases the full cost of providing for the hydrants shall be borne by the developer.
3. Connection to the town's water system of any hydrant constructed pursuant to division (1) shall constitute dedication to the town of the hydrant.
4. 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.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.8. SANITARY SEWER USE

5. No person, other than an authorized representative of the town, may draw water from or otherwise tamper with any hydrant.

B. FIRE PROTECTION SERVICE LINES

1. Subject to the provisions of this article, the town may allow fire protection service connections to be made to the town's water lines.
2. 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.
3. 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 5.2.2.D.
4. 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.

C. METERING OF FIRE PROTECTION SERVICE LINES

1. 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.
2. 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.

ART. 5.2.8. SANITARY SEWER USE

A. PURPOSE AND POLICY

1. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Town of Stantonsburg, hereafter referred to as the Town, and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).
2. The objectives of this ordinance are:
 - i. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - ii. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the State or otherwise be incompatible with the system;
 - iii. To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
 - iv. To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
 - v. To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - vi. To ensure that the municipality complies with its NPDES or Non-discharge Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the municipal wastewater system is subject.

3. This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
4. This ordinance shall apply to all users of the municipal wastewater system, as authorized by N.C.G.S. Sections 160A-312 and/or 153A-275. The Town shall designate an administrator of the POTW and pretreatment program hereafter referred to as the Town. Except as otherwise provided herein, the Town shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or imposed upon the Town may be delegated by the Town to other Town personnel. By discharging wastewater into the municipal wastewater system, industrial users located outside the Town limits agree to comply with the terms and conditions established in this Ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

B. DEFINITIONS AND ABBREVIATIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

1. ACT OR "THE ACT"

The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251, et seq.

2. APPROVAL AUTHORITY

The Director of the Division of Water Quality of the North Carolina Department of Environmental Quality or his designee.

3. AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER

i. If the industrial user is a corporation, the authorized representative shall mean:

01. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

02. The manager of one or more manufacturing, production, or operation facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established, or actions are taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

ii. If the industrial user is a partnership or sole proprietorship, an authorized representative shall mean a general partner or the proprietor, respectively.

iii. If the industrial user is a Federal, State, or local government facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

iv. The individuals described in paragraphs i-iii above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for

environmental matters for the company, and the written authorization is submitted to the Town.

- v. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to Town prior to or together with any reports to be signed by an authorized representative.

4. BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

5. BUILDING SEWER

A sewer is conveying wastewater from the premises of a user to the POTW.

6. BYPASS

The intentional diversion of waste streams from any portion of a user's treatment facility.

7. CATEGORICAL STANDARDS

National Categorical Pretreatment Standards or Pretreatment Standard.

8. DIRECTOR OR UTILITIES OR PUBLIC WORKS DIRECTOR

The person designated by the Town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.

9. ENVIRONMENTAL PROTECTION AGENCY, OR EPA

The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or another duly authorized official of said agency.

10. GRAB SAMPLE

A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

11. HOLDING TANK WASTE

Any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

12. INDIRECT DISCHARGE OR DISCHARGE

The discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

13. INDUSTRIAL USER OR USER

Any person who is a source of indirect discharge.

14. INTERFERENCE

The inhibition, or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW's NPDES or Non-discharge Permit or prevents sewage sludge use or disposal in compliance with specified applicable State and Federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act

(SWDA)(42 U.S.C. §6901, et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

15. MEDICAL WASTE

Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

16. NATIONAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD

Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. §1317) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

17. NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD

Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 5.2.8.D.1 of this ordinance and are developed under the authority of 307(b) of the Act and 40 CFR, section 403.5.

18. NEW SOURCE

i. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:

- 01.** The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- 02.** The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- 03.** The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

ii. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of section (02) or (03) above but otherwise alters, replaces, or adds to existing process or production equipment.

iii. For purposes of this definition, construction of a new source has commenced if the owner or operator has:

- 01.** Begun, or caused to begin, as part of a continuous on-site construction program:
 - 100.** Any placement, assembly, or installation of facilities or equipment; or
 - 200.** Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

02. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

19. NONCONTACT COOLING WATER

Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

20. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM, OR NPDES, PERMIT

A permit issued pursuant to section 402 of the Act (33 U.S.C. §1342), or pursuant to N.C.G.S. Section 143-215.1 by the State under delegation from EPA.

21. NON-DISCHARGE PERMIT

A disposal system permit issued by the State pursuant to N.C.G.S. Section 143-215.1.

22. PASS THROUGH

A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the POTW's NPDES or Non-discharge Permit, or a downstream water quality standard.

23. PERSON

Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.

24. PH

A measure of the acidity or alkalinity of a substance expressed as standard units and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

25. PHOSPHORUS

The quantity of phosphorus which occur in Orthophosphates, Polyphosphates and Organophosphates usually produced through agricultural run off or via humans which consume plants or animals who digest plants, usually expressed as a concentration (e.g., mg/l).

26. POLLUTANT

Any "waste" as defined in N.C.G.S. Section 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

27. TOTAL MAXIMUM DAILY LOAD (TMDL)

A regulatory term in the U.S. Clean Water Act, describing a plan for restoring impaired waters that identifies the maximum amount of a pollutant that a body of water can receive while still meeting water quality standards.

28. TOTAL NITROGEN

Total nitrogen is the sum of the total kjeldahl nitrogen (ammonia, organic and reduced nitrogen) and nitrate-nitrite. It can be derived by monitoring for organic nitrogen

compounds, free-ammonia, and nitrate-nitrite individually and adding the components together.

29. TOTAL NITROGEN ALLOCATION (TN)

The total nitrogen allocation is generally expressed utilizing a mass based yearly limit with is computed as follows:

$$\text{TN (mg/L)} \times \text{flow (MGD)} \times 8.34 \times 365\text{-days}$$

30. TOWN

The Town Manager, Public Works Director or other individual designated with the responsibility for the pretreatment program and enforcement of this Sewer Use Ordinance.

31. POTW TREATMENT PLANT

That portion of the POTW designed to provide treatment to wastewater often referred to as WWTP or Wastewater Treatment Plant.

32. PRETREATMENT OR TREATMENT

The reduction of the number of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants. unless allowed by an applicable pretreatment standard.

33. PRETREATMENT PROGRAM

The program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the Town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by N.C.G.S. Section 143-215.3(a) (14) in accordance with 40 CFR 403.11.

34. PRETREATMENT REQUIREMENTS

Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

35. PRETREATMENT STANDARDS

Prohibited discharge standards, categorical standards, and local limits.

36. PUBLICLY OWNED TREATMENT WORKS (POTW) OR MUNICIPAL WASTEWATER SYSTEM

A treatment works as defined by section 212 of the Act, (33 U.S.C. §1292) which is owned in this instance by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Town who are, by contract or agreement with the Town, or in any other way, users of the POTW of the Town.

37. SEVERE PROPERTY DAMAGE

Substantial physical damage to property, damage to the user's treatment facilities which causes them to become an inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

38. SIGNIFICANT INDUSTRIAL USER

Any industrial user of the wastewater disposal system:

- i. Has an average daily process wastewater flow of 25,000 gallons or more, or
- ii. Contributes more than 5% of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge, or
- iii. Is required to meet a National categorical pretreatment standard, or
- iv. Is found by the Town, the Division of Water Resources or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singly or in combination with other contributing industrial users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

39. SIGNIFICANT NONCOMPLIANCE OR REPORTABLE NONCOMPLIANCE

A status of noncompliance defined as follows:

- i. Violations of wastewater discharge limits.

01. CHRONIC VIOLATIONS

Sixty-six percent or more of the measurements exceed (by any magnitude) the same daily maximum limit or the same average limit in a six-month period.

02. TECHNICAL REVIEW CRITERIA (TRC) VIOLATIONS

Thirty-three percent or more of the measurements equal or exceed the TRC times the limit (maximum or average) in a six-month period. There are two groups of TRCs:

100. For the conventional pollutants: BOD, TSS, fats, oil and grease TRC = 1.4.

200. For all other pollutants TRC = 1.2.

03. ANY OTHER VIOLATIONS

Any other violation(s) of an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endanger the health of the sewage treatment plant personnel or the public.

04. ENDANGERMENT

Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

- ii. Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the scheduled date.
- iii. Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30-days from the due date.
- iv. Failure to accurately report noncompliance.
- v. Any other violation or group of violations that the control authority considers being significant.

40. SLUG LOAD OR DISCHARGE

Any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass-through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include but is not limited to spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in 5.2.8.D.1 of this ordinance.

41. STANDARD INDUSTRIAL CLASSIFICATION (SIC)

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.8. SANITARY SEWER USE

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

42. STORM WATER

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

43. SUSPENDED SOLIDS

The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

44. UPSET

An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities; inadequate treatment facilities lack of preventive maintenance or careless or improper operation.

45. WASTEWATER

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

46. WASTEWATER PERMIT

As set forth in Section 5.2.8.N.2 of this ordinance.

47. WATERS OF THE STATE

All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

C. LANGUAGE CONSTRUCTION

1. This ordinance is gender neutral, and the masculine gender shall include the feminine and vice-versa.
2. Shall is mandatory; may is permissive or discretionary.
3. The use of the singular shall be construed to include the plural, and the plural shall include the singular as indicated by the context of its use.
4. The following abbreviations when used in this ordinance, shall have the designated meanings:

| TABLE OF ABBREVIATIONS | |
|-------------------------------|---------------------------------|
| ABBREVIATION | TERM |
| BOD | Biochemical Oxygen Demand |
| CFR | Code of Federal Regulations |
| COD | Chemical Oxygen Demand |
| EPA | Environmental Protection Agency |
| FOG | Fat, Oil, and Grease |
| gpd | Gallons per day |
| gpm | Gallons per minute |

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.8. SANITARY SEWER USE

| | |
|----------|--|
| l | Liter |
| mg | Milligrams |
| mg/1 | Milligrams per liter |
| mgd | Million gallons per day |
| N.C.G.S. | North Carolina General Statutes |
| NCDEQ | North Carolina Department of Environment Quality |
| NPDES | National Pollution Discharge Elimination System |
| O&M | Operation and Maintenance |
| p | Phosphorus |
| POTW | Publicly Owned Treatment Works |
| RCRA | Resource Conservation and Recovery Act |
| SIC | Standard Industrial Classification |
| SWDA | Solid Waste Disposal Act |
| TN | Total Nitrogen |
| TSS | Total Suspended Solids |
| TKN | Total Kjeldahl Nitrogen |
| U.S.C | United States Code |
| ug/1 | micrograms per liter |

D. GENERAL SEWER USE REQUIREMENTS

1. PROHIBITED DISCHARGE STANDARDS

i. GENERAL PROHIBITIONS

No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any National, State, or local pretreatment standards or requirements.

ii. SPECIFIC PROHIBITIONS

- 01.** No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
- 02.** Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified h1 40 CFR 261.21.
- 03.** Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one half inch (1/2") in any dimension.
- 04.** Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- 05.** Any wastewater having a pH less than 5.0 or more than 12.5 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
- 06.** Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.8. SANITARY SEWER USE

- 07.** Any wastewater having a temperature greater than 150° F (66° C), or which will inhibit biological activity in the POTW treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
- 08.** Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- 09.** Any trucked or hauled pollutants, except at discharge points designated by the Town in accordance with Section 5.2.8.L of this ordinance.
- 10.** Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- 11.** Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- 12.** Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses.
- 13.** Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Town in compliance with applicable State or Federal regulations.
- 14.** Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Town.
- 15.** Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.
- 16.** Any sludges, screenings or other residues from the pretreatment of industrial wastes.
- 17.** Any medical wastes, except as specifically authorized by the Town in a wastewater discharge permit.
- 18.** Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
- 19.** Any material that would be identified as hazardous waste according to 40 CFR Part 261 if not disposed of in a sewer except as may be specifically authorized by the Town.
- 20.** Any wastewater causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B .0200.
- 21.** Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- 22.** Recognizable portions of human or animal anatomy.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.8. SANITARY SEWER USE

- 23. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
- 24. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.

2. OTHER STANDARDS

- i. Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.
- ii. When the Town determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to the interference of POTW operation or pass through, the Town shall:
 - 01. Advise the user(s) of the potential impact of the contribution on the POTW in accordance with Section 5.2.8.R.1; and
 - 02. Take appropriate actions in accordance with Section 5.2.8.N for such user to protect the POTW from interference or pass through.

E. NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

- 1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- 2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Town shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- 3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- 4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

F. LOCAL LIMITS

- 1. An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following average discharge limits.

| AVERAGE DISCHARGE LIMITS | |
|---------------------------------|-------------------------------|
| COMPOUND OR COMPONENT | DISCHARGE LIMIT (MG/L) |
| BOD5 | 300 |
| COD | 500 |
| TSS | 300 |
| Fats, Oil and Grease(FOG) | 50 |
| T.D.S | 1000 |
| Total Nitrogen | 40 |
| Total Phosphorus | 8 |
| NH3 | 25 |
| Arsenic | 0.003 |

| AVERAGE DISCHARGE LIMITS | |
|---------------------------------|-------------------------------|
| COMPOUND OR COMPONENT | DISCHARGE LIMIT (MG/L) |
| Cadmium | 0.003 |
| Chromium | 0.05 (total chromium) |
| Copper | 0.061 |
| Cyanide | 0.015 |
| Lead | 0.049 |
| Mercury | 0.0003 |
| Nickel | 0.021 |
| Silver | 0.005 |
| Zinc | 0.175 |

2. Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The Town may impose mass based limits in addition to, or in place of concentration-based limits.

G. STATE REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

H. RIGHT OF REVISION

The Town of Stantonsburg reserves the right to establish limitations and requirements which are more stringent than those required by either State or Federal regulation if deemed necessary to comply with the objectives presented in Section 5.2.8.N.1 of this ordinance or the general and specific prohibitions in Section 5.2.8.D.1 of this ordinance, as is allowed by 40 CFR 403.4.

I. DILUTION

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant-specific limitation developed by the Town of Stantonsburg or State of North Carolina.

J. PRETREATMENT OF WASTEWATER

1. PRETREATMENT FACILITIES

Users shall provide wastewater treatment as necessary to comply with this ordinance and wastewater permits issued under Section 5.2.8.N.2 of this ordinance and shall achieve compliance with all National categorical pretreatment standards, local limits, and the prohibitions set out in Section 5.2.8.D.1 of this ordinance within the time limitations as specified by EPA, the State, or the Town, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans which shall include a process flow diagram and design calculations showing the pretreatment facilities and operating procedures shall be submitted to the Town of Stantonsburg for review and shall be approved by the Town as recommended by the Town's Engineer before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Town under the provisions of this ordinance. Any subsequent

changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Town prior to the user's initiation of the changes.

2. ADDITIONAL PRETREATMENT MEASURES

- i. Whenever deemed necessary, the Town may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- ii. The Town may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage, and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- iii. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Town and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and regularly repaired, as needed, by the user at their expense.
- iv. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

K. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

1. The Town of Stantonsburg shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in Section 5-2076-1.2(a) (40). All SIUs must evaluate within one year of being designated an SIU. The Town of Stantonsburg may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the Town of Stantonsburg may develop such a plan for any user.
2. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also, see Sections 5.2.8.O.5 and 5.2.8.O.6.
3. An accidental discharge/slug control plan shall address, at a minimum, the following:
 - i. Description of discharge practices, including non-routine batch discharges;
 - ii. Description of stored chemicals;
 - iii. Procedures for immediately notifying the Town of any accidental or slug discharge, as required by Section 5.2.8.O.6 of this ordinance; and
 - iv. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

L. HAULED WASTEWATER

1. Septic tank waste may be introduced into the POTW only at locations designated by the Town, and at such times as are established by the Town. Such waste shall not violate this ordinance or any other requirements established by the Town. The Town may require septic tank waste haulers to obtain wastewater discharge permits.

2. The Town shall require haulers of industrial waste to obtain wastewater discharge permits. The Town may require generators of hauled industrial waste to obtain wastewater discharge permits. The Town also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
3. Industrial waste haulers may discharge loads only at locations designated by the Town. No load may be discharged without the prior consent of the Town. The Town may collect samples of each hauled load to ensure compliance with applicable standards. The Town may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

M. FEES

1. PURPOSE

It is the purpose of this chapter to provide for the recovery of costs from users of the wastewater disposal system of the Town for the implementation of the program established herein. The applicable charges or fees shall be set forth in a schedule of sewer use charges and fees by the Town and approved by the Town Council. A copy of these charges and fees will be made available from the Town.

2. USER CHARGES

A user charge shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW.

- i. The user charge shall reflect, at least, the cost of debt service, operation and maintenance (including replacement) of the POTW.
- ii. Each user shall pay its proportionate cost based on the volume of flow.
- iii. The Town Manager shall review the sewage contributions of users annually, the total costs of debt service, operation, and maintenance of the POTW and will make recommendations to the Town Council for adjustments in the schedule of charges and fees as necessary.
- iv. Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon the volume of flow of the users.

3. SURCHARGES

The amount of the surcharges will be based upon the volume of flow and the character and concentration of the constituents of the wastewater:

- i. The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:
 01. Metered water consumption as shown in the records of meter readings maintained by the Town; or
 02. If required by the Town of Stantonsburg or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the Town of Stantonsburg. The metering system shall be installed and maintained

at the user's expense according to arrangements that may be made with the Town.

03. Where any user procures all or part of his water supply from sources other than the Town, the user shall install and maintain at his own expense a flow measuring device of a type approved by the Town of Stantonsburg. The said flow measuring device shall be available for inspection and reading at all times by Town of Stantonsburg utility staff or designee.

ii. The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the Town. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR Part 136.

iii. The determination of the character and concentration of the constituents of the wastewater discharge by the Town or duly appointed representatives shall be binding as a basis for charges.

4. PRETREATMENT PROGRAM ADMINISTRATION CHARGES

The schedule of charges and fees adopted by the Town of Stantonsburg may include charges and fees for:

i. Reimbursement of costs of setting up and operating the Pretreatment Program;

ii. Monitoring, inspections, and surveillance procedures;

iii. Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;

iv. Permitting;

v. Other fees as the Town of Stantonsburg may deem necessary to carry out the requirements of the Pretreatment Program.

N. WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

1. WASTEWATER DISCHARGERS

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the Town. When requested by the Town, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Town is authorized to prepare a form for this purpose and may periodically require users to update this information.

2. WASTEWATER PERMITS

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the Town to be significant industrial users shall obtain a significant industrial user permit within 180-days of receiving notification of the Town's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the Town be required to obtain a wastewater discharge permit for non-significant industrial users.

i. SIGNIFICANT INDUSTRIAL USER DETERMINATION

All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the Town a significant industrial user determination. If the Town determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a significant industrial user permit application be filed.

ii. SIGNIFICANT INDUSTRIAL USER PERMIT APPLICATION

Users required to obtain a significant industrial user permit shall complete and file with the Town, an application in the form prescribed by the Town, and accompanied

by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the Town's determination in Section 5.2.8.N.2 above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- 01.** Name, address, and location, (if different from the address);
- 02.** Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;
- 03.** Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in Section 5.2.8.D of this ordinance, any of the priority pollutants (section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the POTW; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136, as amended and as required in Section 5.2.8.O.10 and 5.2.8.O.11;
- 04.** Time and duration of the indirect discharge;
- 05.** Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- 06.** Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow and appurtenances by the size, location, and elevation;
- 07.** Description of activities, facilities, and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;
- 08.** Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- 09.** If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:
 - 100.** The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine months.
 - 200.** No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Town including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the Town.
- 10.** Each product produced by type, amount, process or processes and rate of production;
- 11.** Type and amount of raw materials processed (average and maximum per day);

- 12.** Number and type of employees, and hours of operation of the plant and proposed or actual hours of operation of the pretreatment system;
- 13.** If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H ,0908(a), as outlined in Section 5.2.8.O.1 of this ordinance.
- 14.** Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

iii. APPLICATION SIGNATORIES AND CERTIFICATION

All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the Town of Stantonsburg as defined in Section 5.2.8.B and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

iv. APPLICATION REVIEW AND EVALUATION

The Town will evaluate the data furnished by the user and may require additional information.

- 01.** The Town of Stantonsburg is authorized to accept applications for the Town and shall refer all applications to the POTW staff and Town's Engineer for review and evaluation.
- 02.** Within 30 days of receipt the Town shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicant with a statement of what additional information is required.

v. TENTATIVE DETERMINATION AND DRAFT PERMIT

- 01.** The POTW staff and Town's Engineer shall conduct a review of the application and an on- site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- 02.** If the staff's and/or Town's Engineer's tentative determination in Paragraph (1) above is to issue the permit, the following additional determinations shall be made in writing:
 - 100.** Proposed discharge limitations for those pollutants proposed to be limited;
 - 200.** A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 - 300.** A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application.
- 03.** The staff shall organize the determinations made pursuant to Paragraphs (1) and (2) above and the general permit conditions of the Town into a significant industrial user permit.

vi. PERMIT SYNOPSIS

A fact sheet providing a brief synopsis of the application shall be prepared by the POTW staff for submission to the applicant and the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

- 01.** A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the POTW and all established compliance monitoring points.
- 02.** A quantitative description of the discharge described in the application which includes at least the following:
 - 100.** The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;
 - 200.** The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and
 - 300.** The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

vii. FINAL ACTION ON SIGNIFICANT INDUSTRIAL USER PE1MIT APPLICATIONS

- 01.** The Town of Stantonsburg shall take final action on all applications not later than 90 days following receipt of a complete application.
- 02.** The Town is authorized to:
 - 100.** Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this ordinance and N.C.G.S. Section 143-215.1;
 - 200.** Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - 300.** Modify any permit upon not less than 60 days' notice and pursuant to Section 5.2.8.N.2 of this ordinance;
 - 400.** Revoke any permit pursuant to Section 5.2.8.R.1 of this Ordinance;
 - 500.** Suspend a permit pursuant to Section 5.2.8.R.1 of this Ordinance;
 - 600.** Deny a permit application when in the opinion of the Town of Stantonsburg such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of N.C.G.S. Section 143-215.1.

viii. HEARINGS

The Town of Stantonsburg may conduct hearings in accordance with its regular hearing procedure.

01. INITIAL ADJUDICATORY HEARING

An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under Section 5.2.8.R.2, or one issued an administrative order under Section 5.2.8.R.1 shall have the right to an adjudicatory hearing before a hearing officer designated by the Town upon making written demand, identifying the specific issues to be contested, to the Town within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The Town Manager or designee shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The Town shall transmit a copy of the hearing officer's decision by registered or certified mail.

02. NEW PERMITS

Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a newly issued pe1mit, the terms and conditions of the

entire permit are stayed, and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

03. RENEWED PERMITS

Upon appeal, including judicial review in the General Courts of Justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

04. FINAL APPEAL HEARING

Any decision of a hearing officer made as a result of an adjudicatory hearing held under Section 5.2.8.N.2 above may be appealed, to the Council serving the Town upon filing a written demand within 10 days of receipt of notice of the decision. Hearings held under this Subdivision shall be conducted in accordance with local hearing procedures as established by local ordinance. Failure to make written demand within the time specified herein shall bar further appeal. The Council serving the Town shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

05. OFFICIAL RECORD

When a final decision is issued under Section 5.2.8.N.2 above, the Council serving the Town shall prepare an official record of the case that includes:

- 100.** All notices, motions, and other like pleadings;
- 200.** A copy of all documentary evidence introduced;
- 300.** A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.
- 400.** A copy of the final decision of the Council or Board serving the Town.

06. JUDICIAL REVIEW

Any person against whom a final order or decision of the Council serving the Town is entered, pursuant to the hearing conducted under Section 5.2.8.N.2 above, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Wilson County along with a copy to the Town. Within 30 days after receipt of the copy of the petition of judicial review, the Council serving the Town shall transmit to the reviewing court the original or a certified copy of the official record.

ix. PERMIT MODIFICATION

- 01.** Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance:
 - 100.** Changes in the ownership of the discharge when no other change in the permit is indicated,
 - 200.** A single modification of any compliance schedule not in excess of four months,
 - 300.** Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- 02.** Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical

pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Section 5.2.8.N.2, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

- 03.** A request for modification by the permittee shall constitute a waiver of the 60-day notice required by N.C.G.S. Section 143-215. I(b) for modifications.

x. PERMIT CONDITIONS

- 01.** The Town shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this ordinance and N.C.G.S. Section 143-215.1. Wastewater permits shall contain, but are not limited to, the following:

100. A statement of duration (in no case more than five-years);

200. A statement of non-transferability;

300. Applicable effluent limits based on categorical standards or local limits or both;

400. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;

500. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in Section 5.2.8.B;

600. Requirements to implement a Plan or other controls for prevention of accidental discharges and/or slug loads as defined in Section 5.2.8.B, if determined by the Town to be necessary for the user and,

700. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in Section 5.2.8.B. Also, see Sections 5.2.8.O.5 and 5.2.8.O.6;

800. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

- 02.** In addition, permits may contain, but are not limited to, the following:

100. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.

200. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or another measure of identified wastewater pollutants or properties.

300. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

400. Development and implementation of a waste minimization plan to reduce the number of pollutants discharged to the municipal wastewater system.

500. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

600. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

700. Specifications for monitoring programs which may include sampling locations, the frequency of sampling, number, types, and standards for tests, and reporting schedules.

- 800.** Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self monitoring indicates a violation(s).
- 900.** Compliance schedules for meeting pretreatment standards and requirements.
- 1000.** Requirements for submission of periodic self-monitoring or special notification reports.
- 1100.** Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in Section 5.2.8.O.3 and affording the Town, or his representatives, access thereto.
- 1200.** Requirements for prior notification and approval by the Town of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
- 1300.** Requirements for the prior notification and approval by the Town of any change in the manufacturing and/or pretreatment process used by the permittee.
- 1400.** A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the terms of the permit.
- 1500.** Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

xi. PERMIT DURATION

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

xii. PERMIT TRANSFER

Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

xiii. PERMIT REISSUANCE

A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with Section 5.2.8.N.2 a minimum of 180 days prior to the expiration of the existing permit.

O. REPORTING REQUIREMENTS**1. BASELINE MONITORING REPORTS**

- i.** Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Town a report which contains the information listed in paragraph (ii), below. At least 90 days prior to the commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Town a report which contains the information listed in paragraph (ii), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- ii.** Users described above shall submit the information set forth below:

01. IDENTIFYING INFORMATION

The name and address of the facility, including the name of the Operator and Owner.

02. ENVIRONMENTAL PERMITS

A list of any environmental control permits held by or for the facility.

03. DESCRIPTION OF OPERATIONS

A brief description of nature, the average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

04. FLOW MEASUREMENT

Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow the use of the combined waste stream formula set out in 40 CFR 403.6(e).

05. MEASUREMENT OF POLLUTANTS

100. The categorical pretreatment standards applicable to each regulated process.

200. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Town, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.2.8.O.1 of this Ordinance.

300. Sampling must be performed in accordance with procedures set out in Section 5.2.8.O.1 of this Ordinance and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).

06. CERTIFICATION

A statement, reviewed by the user's current authorized representative as defined in Section 5.2.8.B and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

07. COMPLIANCE SCHEDULE

If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 5.2.8.O.3 of this ordinance.

08. SIGNATURE AND CERTIFICATION

All baseline monitoring reports must be signed and certified in accordance with Section 5.2.8.N.2 of this ordinance.

2. COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required Section 5.2.8.O.1 of this ordinance:

- i. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable

pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- ii. No increment referred to above shall exceed nine months;
- iii. The user shall submit a progress report to the Town no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- iv. In no event shall more than nine months elapse between such progress reports to the Town.

3. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD, DEADLINE

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Town a report containing the information described in Section 5.2.8.O.1 of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or another measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 5.2.8.N.2 of this ordinance.

4. PERIODIC COMPLIANCE REPORTS

Municipalities may sample and analyze user discharges in lieu of requiring users to conduct sampling and analysis.

- i. All significant industrial users shall, at a frequency determined by the Town but in no case, less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which is limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in Sections 5.2.8.O.10 and 5.2.8.O.11 of this ordinance. All periodic compliance reports must be signed and certified in accordance with Section 5.2.8.N.2 of this ordinance.
- ii. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Town, using the procedures prescribed in Sections 5.2.8.O.10 and 5.2.8.O.11 of this ordinance, the results of this monitoring shall be included in the report.

5. REPORTS OF CHANGED CONDITIONS

Each user must notify the Town of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. See Section 5.2.8.O.6 for other reporting requirements.

- i. The Town may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 5.2.8.N.2 of this ordinance.
- ii. The Town may issue a wastewater discharge permit under Section 5.2.8.N.2 of this ordinance or modify an existing wastewater discharge permit under Section

5.2.8.N.2 of this ordinance in response to changed conditions or anticipated changed conditions.

- iii. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6. REPORTS OF POTENTIAL PROBLEMS

- i. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 5-2076-1.2(a) (40), that may cause potential problems for the POTW, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration, and volume if known, and corrective actions taken by the user.
- ii. Within five days following such discharge, the user shall, unless waived by the Town, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- iii. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- iv. All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in Section 5.2.8.B.

7. REPORTS FROM UNPERMITTED USERS

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Town as the Town may require.

8. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

- i. If sampling performed by a user indicates a violation, the user must notify the Town within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Town within 30 days after becoming aware of the violation. If allowed by the Town, the user is not required to resample:
 - 01. If the Town monitors at the user's facility at least once a month; or
 - 02. If the Town samples between the user's initial sampling and when the user receives the results of this sampling.
- ii. If the Town does not require the user to perform any self-monitoring and the POTW sampling of the user indicates a violation, the Town shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:
 - 01. The Town monitors at the user's facility at least once a month; or
 - 02. The Town samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or

03. The Town requires the user to perform sampling and submit the results to the Town within the 30 day deadline of the POTW becoming aware of the violation.

9. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

The Town prohibits the discharge of any hazardous wastes without notification and approval of the Town.

- i.** Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharge during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under Section 5.2.8.O.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 5.2.8.O.1, 3, and 4 of this ordinance.
- ii.** Dischargers are exempt from the requirements of paragraph (i), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specific in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- iii.** In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Town, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- iv.** In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- v.** This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

10. ANALYTICAL REQUIREMENTS

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

11. GRAB AND COMPOSITE SAMPLE COLLECTION

- i. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- ii. Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the User's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90 Day Compliance Reports. Additionally, the Town may allow collection of multiple grabs during a 24-hour period which is composited prior to analysis as allowed under 40 CFR 136.
- iii. Composite Samples: All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time proportional composite sampling or grab sampling is authorized by the Town. When authorizing time-proportional composites or grabs, the samples must be representative, and the decision to allow the alternative sampling must be documented.

12. TIMING

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

13. RECORD KEEPING

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used, and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Town.

14. ELECTRONIC REPORTING

The Town may develop procedures for receipt of electronic reports for any reporting requirements of this Ordinance. Such procedures shall comply with 40 CFR Part 3. These procedures shall be enforceable under the provisions of this Ordinance.

P. COMPLIANCE MONITORING**1. MONITORING FACILITIES**

- i. The Town requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

- ii. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- iii. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the requirements of the Town and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Town.

2. INSPECTION AND SAMPLING

The Town will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Town, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The Town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the Town's approval authority's or EPA's access to the user's premises shall be a violation of this ordinance. Unreasonable delays may constitute a denial of access.

3. SEARCH WARRANTS

If the Town, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town, approval authority, or EPA may seek issuance of a search warrant from the court having jurisdiction within the Town.

Q. CONFIDENTIAL INFORMATION

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be assailed at the time of submission of the information or data.
2. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, Non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

3. All records relating to compliance with Pretreatment Standards shall be made available to officials of the approval authority and EPA upon request.

R. ENFORCEMENT**1. ADMINISTRATIVE REMEDIES****i. NOTIFICATION OF VIOLATION**

Whenever the Town finds that any industrial user has violated or is violating this Ordinance, wastewater permit, or any prohibition, limitation or requirements contained therein or any other pretreatment requirement the Town may serve upon such a person a written notice stating the nature of the violation. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the Town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

ii. CONSENT ORDERS

The Town is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to Section 5.2.8.R.1 below.

iii. SHOW CAUSE HEARING

01. The Town may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this ordinance or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the Town determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation.
02. The Town shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate.
03. A show cause hearing under this section is not a prerequisite to the assessment of a civil penalty under Section 5.2.8.R.2 nor is any action or inaction taken by the Town under this section subject to an administrative appeal under Section 5.2.8.N.2.

iv. ADMINISTRATIVE ORDERS

When the Town finds that an industrial user has violated or continues to violate this ordinance, permits or orders issued hereunder, or any other pretreatment requirement the Town may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

01. Immediately comply with all requirements;
02. Comply in accordance with a compliance time schedule set forth in the order;
03. Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
04. Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.

v. EMERGENCY SUSPENSIONS

- 01.** The Town may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit.
- 02.** Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the Town shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Town shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Town prior to the date of the above-described hearing.

vi. TERMINATION OF PERMIT OR PERMISSION TO DISCHARGE

The Town may revoke a wastewater discharge permit or permission to discharge for a good cause, including, but not limited to, the following reasons:

- 01.** Failure to accurately report the wastewater constituents and characteristics of his discharge;
- 02.** Failure to report significant changes in operations, or wastewater constituents and characteristics;
- 03.** Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
- 04.** Violation of conditions of the permit or permission to discharge, conditions of this ordinance, or any applicable State and Federal regulations.
- 05.** Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under Section 5.2.8.R.1 of this ordinance why the proposed action should not be taken.

2. CIVIL PENALTIES

- i.** Any user who is found to have failed to comply with any provision of this ordinance, or the orders, rules, regulations, and permits issued hereunder, may be fined up to \$25,000 per day per violation.
 - 01.** Penalties between \$10,000 and \$25,000 per day per violation may be assessed against a violator only if:
 - 100.** For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation, or
 - 200.** In the case of failure to file, submit, or make available, as the case may be, any documents, data, or reports required by this ordinance, or the orders, rules, regulations, and permits issued hereunder, only if the Town determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- ii.** In determining the amount of the civil penalty, the Town shall consider the following:
 - 01.** The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

- 02.** The duration and gravity of the violation;
 - 03.** The effect on ground or surface water quantity or quality or on-air quality;
 - 04.** The cost of rectifying the damage;
 - 05.** The amount of money saved by noncompliance;
 - 06.** Whether the violation was committed willfully or intentionally;
 - 07.** The prior record of the violator in complying or failing to comply with the pretreatment program;
 - 08.** The costs of enforcement to the Town.
- iii.** Appeals of civil penalties assessed in accordance with this section shall be as provided in Section 5.2.8.O.2.

3. OTHER AVAILABLE REMEDIES

Remedies, in addition to those previously mentioned in this ordinance, are available to the Town who may use any single one or combination against a noncompliant user. Additionally available remedies include, but are not limited to:

i. CRIMINAL VIOLATIONS

The District Attorney for the applicable Judicial District may, at the request of the Town, prosecute noncompliant users who violate the provisions of N.C.G.S. Section 143-215.6B. [Note: Under North Carolina law, it is a crime to negligently violate any term, condition, or requirement of a pretreatment permit, or negligently fail to apply for a pretreatment permit, issued by local governments (N.C.G.S. Section 143-215.6B(f)), to knowingly and willfully violate any term, condition, or requirement of a pretreatment permit, or knowingly and willfully fail to apply for a pretreatment permit, issued by local governments (N.C.G.S. Section 143-215.6B(g)), to knowingly violate any term, condition, or requirement of a pretreatment permit issued by local governments, or knowingly fail to apply for a pretreatment permit, knowing at the time that a person is placed in imminent danger of death or serious bodily injury, (N.C.G.S. Section 143-215.6B(h)), and to falsify information required under Article 21 of Chapter 143 of the General Statutes (N.C.G.S. Section 143-215.6B(i)).

ii. INJUNCTIVE RELIEF

Whenever a user is in violation of the provisions of this ordinance or an order or permits issued hereunder, the Town, through the Town Attorney, may petition the Superior Court of Justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

iii. WATER SUPPLY SEVERANCE

Whenever an industrial user is in violation of the provisions of this ordinance or an order or permit issued hereunder, water service to the industrial user may be severed, and service will only recommence, at the user's expense, after it has satisfactorily demonstrated the ability to comply.

iv. PUBLIC NUISANCES

Any violation of the prohibitions or effluent limitations of this ordinance or of a permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Town. Any person(s) creating a public nuisance shall be subject to the provisions of the appropriate ordinances of the Town governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

4. REMEDIES NONEXCLUSIVE

The remedies provided for in this ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement

response plan. However, the Town may take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user.

S. ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

At least annually, the Town shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b) (10), with applicable pretreatment standards and requirements, during the previous 12-months.

T. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**1. UPSET**

- i. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (ii), below, are met.
- ii. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 01. An upset occurred, and the user can identify the cause(s) of the upset;
 02. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 03. The user has submitted the following information to the Town within 24 hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five days]:
 100. A description of the indirect discharge and cause of noncompliance;
 200. The period of noncompliance, including exact dates and times or, if not connected, the anticipated time the noncompliance is expected to continue; and
 300. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- iii. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof
- iv. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- v. Users shall control the production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

2. PROHIBITED DISCHARGE STANDARDS DEFENSE

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 5.2.8.D.1 of this ordinance or the specific prohibitions in Section 5.2.8.D.1 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- i. A local limit exists for each pollutant discharged, and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- ii. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

3. BYPASS**i. GENERALLY**

A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (ii) and (iii) of this section.

ii. ADVANCE KNOWLEDGE

- 01.** If a user knows in advance of the need for a bypass, it shall submit prior notice to the Town, at least ten days before the date of the bypass, if possible.
- 02.** A user shall submit an oral notice to the Town of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The Town may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. TOWN KNOWLEDGE

- i. The bypass is prohibited, and the Town may take enforcement action against a user for a bypass, unless
 - 01.** The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - 02.** There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - 03.** The user submitted notices as required under paragraph (ii) of this section.
- ii. The Town may approve an anticipated bypass, after considering its adverse effects, if the Town determines that it will meet the three conditions listed in paragraph 4 of this section.

U. SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

V. CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

W. EFFECTIVE DATE

This ordinance shall be in full force and effect from April 8, 2019, and after its passage, approval, and publication, as provided by law.

ART. 5.2.9. WATER SHORTAGE RESPONSE

A. 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)

B. DEFINITIONS

1. ALLOTMENT

The maximum quantity of water allowed for each customer over any applicable period as established in the water rationing provisions of this ordinance.

2. ANY WATER

Any type of water, including fresh water, brackish water, wastewater, or reclaimed water.

3. CUSTOMER

Any person using water for any purpose from the Town of Stantonsburg's 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.

4. EMERGENCY

Water supplies are below the level necessary to meet normal needs and that serious shortages exist in the area.

5. 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.

6. FRESH WATER

Water withdrawn from surface or groundwater which has not been previously used, other than brackish water.

7. 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.

8. NONRESIDENTIAL CUSTOMER

Commercial, industrial, institutional, public and all other such users, with the exception of hospitals and health care facilities.

9. 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.

10. RECLAIMED WATER

Wastewater which has been treated to allow reuse.

11. 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.

12. 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.

13. VOLUNTARY CONSERVATION

Conditions exist which indicate the potential for serious water supply shortages.

14. 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.

15. 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.

16. WATER

Water available to the Town of Stantonsburg by virtue of its water rights or withdrawal permit or any treated water introduced by the Town of Stantonsburg into its water distribution system, including water offered for sale.

17. WATER USE CLASSES

Shall be established as follows:

i. CLASS 1: ESSENTIAL WATER USES**01. DOMESTIC USE**

Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

02. HEALTH CARE FACILITIES

Patient care and rehabilitation, including swimming pools used for patient care and rehabilitation.

03. PUBLIC USE

100. Firefighting.

200. Certain testing and drills by the Fire Department if performed in the interest of public safety and if approved by the municipal Town Council.

300. Flushing of sewers and hydrants as needed to ensure public health and safety and if approved by the Town Council.

ii. CLASS 2: SOCIALLY OR ECONOMICALLY IMPORTANT USES OF WATER**01. ALL DOMESTIC USES OTHER THAN THOSE INCLUDED IN CLASSES 1 AND 3**

100. Home water use including kitchen, bathroom and laundry use.

200. Minimal watering of vegetable gardens.

300. Watering of trees where necessary to preserve them.

02. COMMERCIAL, AGRICULTURAL, INDUSTRIAL, AND INSTITUTIONAL USES

100. 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.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.9. WATER SHORTAGE RESPONSE

- 200.** Irrigation for commercial vegetable gardens and fruit orchards or the maintenance of livestock.
- 300.** Watering by commercial nurseries at a minimum level necessary to maintain stock.
- 400.** Water use by arboretums and public gardens of national, state, or regional significance where necessary to preserve specimens.
- 500.** Use of fresh water at a minimum rate necessary to implement vegetation following earthmoving, where such vegetation is required by law or regulation.
- 600.** Watering of golf course greens.
- 700.** 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.
- 800.** Commercial car and truck washes.
- 900.** Commercial laundromats.
- 1000.** Restaurants, clubs, and eating places.
- 1100.** 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 Town Council, where the system has been drained for health protection or repair purposes.
- 1200.** Schools, churches, motels/hotels, and similar commercial establishments.

iii. CLASS 3: NONESSENTIAL USES OF WATER

- 01.** Ornamental purposes such as fountains, reflecting pools, and artificial waterfalls.
 - 02.** Outdoor noncommercial watering (public or private):
 - 100.** Gardens, lawns, parks, golf courses (except greens) playing fields and other recreational areas.
 - 200.** Filling and operation of recreational swimming pools which serve fewer than 25 dwellings.
 - 300.** Noncommercial washing of motor vehicles.
 - 400.** Serving water in restaurants, clubs, or eating places except by specific request.
 - 500.** Air conditioning: refilling cooling towers after draining except as specified in Class 1.
 - 03.** Public use:
 - 100.** Fire hydrants: any purpose, including use of sprinkler caps and testing fire apparatus and for Fire Department drills, except as listed in Class 1.
 - 200.** Flushing of sewers and hydrants except as listed in Class1.
- (Ord. No. 5707, Sec. 2)

C. DECLARATION OF VOLUNTARY CONSERVATION

Whenever the Town Council of the Town of Stantonsburg 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 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 NCGS Section 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)

D. DECLARATION OF MANDATORY CONSERVATION

Whenever the Town Council of the Town of Stantonsburg 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 Stantonsburg 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 5.2.9.C of this article.

(Ord. No. 5707, Sec. 4)

E. DECLARATION OF WATER SHORTAGE EMERGENCY

Whenever the Town Council of the Town of Stantonsburg 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 5.2.9.C 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.*

F. DECLARATION OF RATIONING

Whenever the Town Council of the Town of Stantonsburg 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)

G. OBJECTIVES OF RATIONING

An ordinance that provides for mandatory rationing shall state findings that:

1. 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.
2. 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.
3. 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)

H. WATER USE RATIONING FOR RESIDENTIAL USERS**1. METERED RESIDENTIAL WATER CUSTOMERS AND ALLOTMENTS**

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ART. 5.2.9. WATER SHORTAGE RESPONSE

- i.** The number of permanent residents in each dwelling unit (household) will determine the amount of water that each household will be allowed.
 - ii.** 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.
 - iii.** Residential water customers are required to provide Town of Stantonsburg 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.
- 01.** 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.
 - 02.** 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 Stantonsburg's normal administrative procedures.

2. NONMETERED RESIDENTIAL WATER CUSTOMERS AND ALLOTMENTS

- i.** 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 Stantonsburg.
- ii.** The Town of Stantonsburg 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.

3. 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 (1) and (2) shall be applied, as appropriate.

4. SUGGESTED CONSERVATION MEASURES

(Ord. No. 5707, Sec. 6b)

I. WATER USE RATIONING FOR NONRESIDENTIAL WATER USERS

- 1.** Nonresidential customers include commercial, industrial, public and all other such users with the exception of hospitals and health care facilities.
- 2.** 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.
- 3.** 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.
- 4.** The Town of Stantonsburg 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.

5. 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.
 - i. 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 Stantonsburg 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.
 - ii. Any person aggrieved by a decision relating to such a variance may file a complaint with the Town Clerk in accordance with established procedures.
6. The Town of Stantonsburg will provide each nonresidential customer with suggested means to reduce usage levels.

(Ord. No. 5707, Sec. 6c)

J. WATER USE RATIONING FOR HEALTH CARE FACILITIES

1. 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.
2. 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.
3. The Town of Stantonsburg will provide each health care facility with suggested means to reduce usage levels.

(Ord. No. 5707, Sec. 6d)

K. ENFORCEMENT OF WATER RATIONING

1. The Town of Stantonsburg will have primary responsibility for monitoring of compliance with the water rationing ordinance.
2. The following provisions shall govern the implementation of temporary service interruptions:
 - i. In order to effectuate compliance with this article, the Town of Stantonsburg 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:
 01. The mandated reduction in system-wide usage has not been achieved/ and/or
 02. 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
 03. Temporary service interruptions are necessary in order to further extend limited and/or dwindling water supplies.
 - ii. In the event it is determined that temporary service interruptions are necessary, the Town of Stantonsburg shall notify its customers through the public media (newspapers, radio, and television), at least one day prior to the temporary service interruptions, that a planned, temporary service interruption is to be imposed. Such notice shall:
 01. State the day or days when the planned, temporary service interruption will occur;

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- 02.** State the time(s) when such planned, temporary service interruptions will commence, and the time(s) such interruption will cease;
 - 03.** 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
 - 04.** 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 Stantonsburg 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 Stantonsburg 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.
- 5.** 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.
- i.** "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:

| TABLE OF EXCESS WATER-USE PENALTIES | |
|---|--|
| VIOLATION | FINE AMOUNT |
| 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 |

- ii.** 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.
- 6.** In addition to the excess-use civil penalty, noncompliance with the water rationing provisions of this article will result in the following:
- 01.** For the first excess use, a warning of possible discontinuation shall be issued to the customer.
 - 02.** 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.
- 7.** Meter reading schedules are authorized to be altered to assure adequate monitoring of compliance with this article.

DIVISION 2 PART 5 CHAPTER 5.2 WATER AND SEWER SERVICE

ART. 5.2.9. WATER SHORTAGE RESPONSE

8. 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:

01. The Town of Stantonsburg 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 Stantonsburg's final decision and action in such cases shall be provided to the customer or aggrieved party.

(Ord. No. 5707, Sec. 6e)

L. SHORTAGE WATER RATES

Upon the declaration of a water supply shortage as provided in Sections 5.2.9.C through 5.2.9.F the Town Council of the Town of Stantonsburg 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:

1. Uniform charges for water usage per unit of use (uniform unit rate);
2. Extra charges for use in excess of a specified level (excess demand surcharge); or
3. Discounts for conserving water beyond specific levels.

(Ord. No. 5707, Sec. 7)

M. 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:

1. 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 Stantonsburg 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 Stantonsburg determines is reasonable under the circumstances. If the order is not complied with, the Town of Stantonsburg may terminate water service to the customer subject to the following procedures:
 - i. The Town of Stantonsburg 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;
 - ii. 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
 - iii. The Town Council or hearing officer shall make findings of fact and order whether service should continue or be terminated.
2. A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to subsection (1). In the event of subsequent violation the reconnection fee shall be \$200 for the second violation and \$300 for each additional violation.
3. 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)

N. 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)

ART. 5.2.10. ADDENDUM

A. CONSERVATION MEASURES

Direct users to adopt the following conservation measures:

1. INDOOR RESIDENTIAL USE**i. CONSERVATION FOR VOLUNTARY AND MANDATORY CONSERVATION PHASES**

- 01.** Use dishwashers only when they are full. Washing dishes by hand (don't let the tap run!) Saves about 25 gallons.
- 02.** Adjust water level on clothes washing machines, if possible. Use full loads only, if not adjustable.
- 03.** Turn off faucets while brushing teeth, etc. Saves about 5 gallons per day.
- 04.** 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.
- 05.** Do not use the toilet as a trash can.
- 06.** Use sink and tub stoppers to avoid wasting water.
- 07.** Keep a bottle of chilled water in the refrigerator for drinking.
- 08.** Find and fix leaks in faucets and water-using appliances. Faucets can usually be fixed cheaply and quickly by replacing washers.
- 09.** Adapt plumbing with flow-restricting or other water-saving devices. These are usually inexpensive and easy to install.
- 10.** Learn to read your water meter so you can judge how much water you use and what difference conservation makes.
- 11.** Take shorter showers and shallow baths. Saves about 25 gallons.
- 12.** Reduce the number of toilet flushes per day. Each flush uses about 5 gallons (2-3 if you have water saving toilets).
- 13.** Don't use a garbage disposal.
- 14.** Use non-phosphate detergent and save laundry water for lawns and plants.

ii. CONSERVATION FOR EMERGENCY CONSERVATION OR RATIONING PHASE

(In addition to measures listed above)

- 01.** Turn off shower while soaping up.
- 02.** Use disposable eating utensils.

2. OUTDOOR RESIDENTIAL USE**i. CONSERVATION FOR NORMAL CONDITIONS AND VOLUNTARY CONSERVATION PHASE LAWNS**

- 01.** 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.
- 02.** Water only when lawn shows signs of wilt. Grass that springs back when stepped on does not need water.

- 03.** Water thoroughly, not frequently: long enough to soak roots. A light sprinkling evaporates quickly and encourages shallow root systems. Water slowly to avoid runoff.
- 04.** Don't let the sprinkler run any longer than necessary. In an hour, 600 gallons can be wasted.
- 05.** 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.
- 06.** Use pistol-grip nozzles on hoses to avoid waste when watering flowers and shrubs.
- 07.** Aerate lawns by punching holes 6 inches apart. This allows water to reach roots rather than run off surfaces.
- 08.** Position sprinklers to water the lawn, not the pavement.
- 09.** Avoid watering on windy days when the wind not only blows water off target, but also causes excess evaporation.
- 10.** Keep sprinkler heads clean to prevent uneven watering.
- 11.** Adjust hose to simulate a gentle rain. Sprinklers that produce a fine mist waste water through evaporation.
- 12.** Know how to turn off an automatic sprinkler system in case of rain.
- 13.** Use an alarm clock or stove timer to remind you to shut off sprinklers that don't have timers.

ii. VEGETABLES AND FLOWER GARDENS

- 01.** Water deeply, slowly and weekly. Most vegetables require moisture to a depth of 6 to 8 inches.
- 02.** Keep soil loose so water can penetrate easily.
- 03.** Keep weeds out to reduce competition for water.
- 04.** Put the water where you want it and avoid evaporation by using soil-soakers or slow-running hoses, not sprinklers.

iii. TREES AND SHRUBS

- 01.** Water deeply using a soil-soaker or drip-irrigation.
- 02.** Water only when needed. Check the depth of soil dryness by digging with a trowel.
- 03.** 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.
- 04.** Dig troughs around plants to catch and retain water.
- 05.** Water trees growing in full sun more often than those in shade.
- 06.** Do not use sprinklers. Apply water directly at base.
- 07.** Do not fertilize during the summer. Fertilizing increases a plant's need for water.
- 08.** Postpone planting until fall or spring when there is generally less need for water.
- 09.** 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.
- 10.** Water when cloudy, at night, or even when a light rain is falling.

3. OUTDOOR RESIDENTIAL USE**i. CONSERVATION FOR VOLUNTARY CONSERVATION PHASE**

(In addition to measures listed above)

- 01.** Do not allow children to play with hose or sprinklers.

- 02.** Limit car washing.
- 03.** Be ready to catch rainfall that occurs. Place containers under drain sprouts.
- 04.** Use leftover household water if available.
- 05.** Consider delaying the seeding or sodding of new lawns.
- 06.** Determine the amount of water being used outdoors by comparing water bills for summer and winter.

ii. CONSERVATION FOR MANDATORY CONSERVATION PHASE

(In addition to measures listed above)

- 01.** Vegetable gardens and food trees should be given minimal amounts of water on an individual basis only.
- 02.** Do not water lawns and inedible plants.
- 03.** Do not use sprinklers.
- 04.** Most outdoor watering is prohibited under Emergency Conservation conditions.

B. HEALTH CARE FACILITY USE

- 1.** Reduce laundry usage or services by changing bed linens, etc. only when necessary to preserve the health of patients.
- 2.** Use disposable food service items.
- 3.** Eliminate, postpone, or reduce, as they may be appropriate, elective surgical procedures during the period of emergency.

C. INDUSTRIAL USE

- 1.** 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.
- 2.** Assure that valves and solenoids that control water flows are shut off completely when the water-using cycle is not engaged.
- 3.** Adjust water-using equipment to use the minimum amount of water required to achieve its stated purpose.
- 4.** Shorten rinse cycles for laundry machines as much as possible; implement lower water levels wherever possible.
- 5.** For processing, cooling, and other uses, either re-use water or use water from sources that would not adversely affect public water supplies.
- 6.** 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.
- 7.** Install automatic flushing valves to use as little water as possible or to cycle at longer intervals.
- 8.** Place water-saving posters and literature where employees, students, patients, customers, etc. will have access to them.
- 9.** Check meters on a frequent basis to determine consumptive patterns.
- 10.** Review usage patterns to see where other savings can be made.

CHAPTER 5.3 ELECTRIC SYSTEM

ART. 5.3.1. CONTROL VESTED IN TOWN COUNCIL

The electric light and power system owned by the town shall be under the control of the Mayor and Town Council, 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.

ART. 5.3.2. DUTIES OF SUPERINTENDENT

1. 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.
2. Plans, directs, controls and reviews the operation of the public works department to insure that it is operated in the most efficient manner.
3. Prepares and submits budget requests for the public works department.
4. Makes studies and investigations of the present and potential public works needs and prepares plans for the improvement and development of programs and facilities.
5. Screens and disposes of or corrects public complaints concerning public works departments.
6. Makes on-site visits as necessary to observe departmental activities to assess operational efficiency.
7. Consults with the Town Manager, department heads, legal staff, and state and local officials as required.
8. Under the direction of the Town Manager, maintains an adequate supply of parts and materials as needed; prepares specifications for materials and equipment.
9. Under the direction of the Town Manager, participates in the hiring, training, evaluation and dismissal of public works personnel.
10. Performs other duties as required or assigned.

(Amended, Ord. of 2/8/93)

ART. 5.3.3. 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.

ART. 5.3.4. TOWN TO MAKE CONNECTIONS

The town will, in every usual instance, connect to the provided weatherhead of any dwelling, commercial building, or other structure.

ART. 5.3.5. 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 Council 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.

ART. 5.3.6. NO PERSON TO OBTAIN CURRENT WITHOUT PAYMENT AND PERMIT

DIVISION 2 PART 5 CHAPTER 5.3 ELECTRIC SYSTEM

ART. 5.3.7. RIGHT TO SHUT OFF CURRENT FOR REPAIRS

No person shall obtain current for private use unless such person shall pay for the privilege and receive the usual permit to do so.

ART. 5.3.7. 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.

ART. 5.3.8. 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.

ART. 5.3.9. 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.

ART. 5.3.10. TOWN MEMBERSHIP IN JOINT AGENCY

1. The Town Council 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.
2. 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

CHAPTER 6.1 BUSINESSES AND TRADES

ART. 6.1.1. PEDDLING AND SOLICITING

A. PEDDLING AND SOLICITING 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.

B. 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.

C. 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

DIVISION 2 PART 6 CHAPTER 6.1 BUSINESSES AND TRADES

ART. 6.1.2. GAMES ROOMS

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.

ART. 6.1.2. GAMES ROOMS

A. DEFINITION

1. GAME ROOMS

- i. 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.
- ii. 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)

B. LICENSE REQUIRED

1. Every operator of a game room shall be required to procure a privilege license in accordance with the privilege license regulations of the town.
2. In addition, every operator of a game room shall apply for and obtain a license from the Town Council to operate a game room. Application for such a license shall be made upon forms provided by the Town Clerk.
3. 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.
4. It shall be unlawful to operate a game room within the town without a license as required by division (2).

(Ord. of 12/6/82, Sec. 2)

C. RESTRICTIONS

The Town Council 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)

D. PROHIBITED CONDUCT

Licenseses 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)

E. 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.

DIVISION 2 PART 6 CHAPTER 6.1 BUSINESSES AND TRADES

ART. 6.1.3. ELECTRONIC GAMING OPERATION

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)

F. REVOCATION OF LICENSE

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Council may revoke the license of any game room operator who violates the provisions of Section 6.1.2.D or Section 6.1.2.E; or is convicted of unlawfully selling alcoholic beverages or narcotic drugs.

(Ord. of 12/6/82, Sec. 6)

ART. 6.1.3. ELECTRONIC GAMING OPERATION

A. DEFINITIONS

For the purposes of this article, the term "electronic gaming operation" means the following:

1. 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 cybercafes.
2. The terms, "internet cafes," "internet sweepstakes," "electronic gaming machines/operations," and "cybercafes" 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)

B. PRIVILEGE LICENSE

Electronic gaming operations shall apply for and receive a privilege license to operate in the Town of Stantonsburg that shall be renewed on an annual basis.

C. REGULATIONS

1. 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

DIVISION 2 PART 6 CHAPTER 6.1 BUSINESSES AND TRADES

ART. 6.1.3. ELECTRONIC GAMING OPERATION

identifying numbers of the acquired machines to the town so that the appropriate privilege license tax may be levied on said machines.

- 2.** No electronic gaming machine may be used or stored on the premises of an electronic gaming operation without the appropriate annual privilege license.

(Ord. of 5/10/10, Secs. 4, 5)

D. REPEALER

All provisions of any town ordinance or resolution in conflict with this article are repealed.

(Ord. of 5/10/10, Sec. 6)

E. FAILURE TO PROCURE LICENSE

If an operator of an electronic gaming operation does not acquire a business license when due, such operator will receive a written warning for noncompliance, and, following written warning, the operation shall have 14 calendar days to obtain the business license. Failure to secure the business license within 14 calendar days from the date of the warning shall result in enforcement action as provided in this Ordinance.

(Ord. of 5/10/10, Sec. 7)

DIVISION 2 PART 6 CHAPTER 6.2 LICENSING OF INSULATION CONTRACTORS

ART. 6.2.1. AUTHORITY

CHAPTER 6.2 LICENSING OF INSULATION CONTRACTORS

ART. 6.2.1. 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)

ART. 6.2.2. 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:

- A.** Licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes;
- B.** Working under the supervision of a registered architect or professional engineer;
- C.** An owner working upon his own building; or
- D.** Licensed under this chapter.

(Ord. of 12/77)

*Editor's Note: See Part 2, Chapter 9, Article A. for Agreement for Inspection Services.

ART. 6.2.3. APPLICATIONS

Every person desiring a license under this chapter shall submit an application for the license to the Clerk conforming to the following requirements:

A. FORM OF APPLICATION

Each application shall be a written statement upon forms provided by the Clerk.

B. CONTENTS OF APPLICATION

Each application shall contain the following information:

- 1.** Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;
- 2.** Names and home addresses of the partners, if a partnership;
- 3.** Names and home addresses of the officers and directors, if a corporation;
- 4.** Place where the proposed business is to be located;
- 5.** 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;
- 6.** 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;
- 7.** 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 Section 6.2.2 to the applicant or any employee, partner, officer, or director of the applicant.

ART. 6.2.4. 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.

ART. 6.2.5. FALSE STATEMENTS

False statements on any application for a license shall be grounds for immediate revocation or denial of the license,

DIVISION 2 PART 6 CHAPTER 6.2 LICENSING OF INSULATION CONTRACTORS

ART. 6.2.6. PROCEDURE FOR ISSUANCE

(Ord. of 12/77)

ART. 6.2.6. 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 Council.

B. LICENSING AGENCY

The applicant and any comments and recommendations relating thereto shall be considered by the Town Council, which shall then issue or deny the license pursuant to the following standards.

C. STANDARDS

The Town Council 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 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)

ART. 6.2.7. 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)

ART. 6.2.8. SUSPENSION; REVOCATION

A. The Town Council 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 council. After reasonable notice to the licensee, the council shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

(Ord. of 12/77)

ART. 6.2.9. 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)

ART. 6.2.10. REQUIRED PERMIT; FEE; EXCEPTIONS

DIVISION 2 PART 6 CHAPTER 6.2 LICENSING OF INSULATION CONTRACTORS

ART. 6.2.11. PENALTIES

- 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 council 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 (1):
 - 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)

ART. 6.2.11. 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)

DIVISION 2 PART 6 CHAPTER 6.3 STREET AND SIDEWALK USE AND REGULATION

ART. 6.3.1. OBSTRUCTING

CHAPTER 6.3 STREET AND SIDEWALK USE AND REGULATION

ART. 6.3.1. OBSTRUCTING

A. ASSEMBLY ON STREETS AND SIDEWALKS

Except as provided in Section 6.2.3.A 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 interfere with pedestrian or vehicular traffic. Any person refusing to disperse upon being so ordered by a police officer shall be guilty of a misdemeanor.

B. DISPLAY OF GOODS

It shall be unlawful for merchandise to be displayed by any person on the sidewalks in the town.

C. 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.

D. 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 Council.

E. SHRUBS AND LIMBS OR VEGETATION AT INTERSECTION TO BE TRIMMED OR CUT

1. 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.
2. 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.

F. 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.

ART. 6.3.2. USE AND CLEANLINESS

A. 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.

B. 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.

C. MAINTENANCE OF PUBLIC AREAS

DIVISION 2 PART 6 CHAPTER 6.3 STREET AND SIDEWALK USE AND REGULATION

ART. 6.3.3. PARADES AND DEMONSTRATIONS

Every owner, lessee, tenant, occupant or other person in charge of any commercial establishment or premises which maintains any paved or un-paved 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.

D. SAME; RECEPTACLES

Suitable receptacles may be provided in parking or access areas within the meaning of Section 6.2.2.C. The receptacles shall be plainly marked and constructed to prevent scattering of any trash, litter, rubbish or other materials deposited therein.

ART. 6.3.3. PARADES AND DEMONSTRATIONS

A. DEFINITIONS

For the purpose of Article 6.2.3 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 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 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 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.

B. 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.

C. 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 writ- ten 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;

DIVISION 2 PART 6 CHAPTER 6.3 STREET AND SIDEWALK USE AND REGULATION

ART. 6.3.3. PARADES AND DEMONSTRATIONS

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)

D. 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; and
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.

E. 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.

F. 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. Violation by any participant of Section 6.2.3.E of this article; or
2. The failure to comply with the terms and conditions of the permit.

G. 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.

**DIVISION 2 PART 6 CHAPTER 6.3 STREET AND SIDEWALK USE AND
REGULATION**

ART. 6.3.3. PARADES AND DEMONSTRATIONS

H. 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 sidewalks within a single block at any one time.
- 3.** Pickets may carry written or printed placards or signs not exceeding two feet in width and two 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.

I. EXCEPTIONS

Sections 6.2.3.A through 6.2.3.H shall not apply to:

- 1.** Funeral processions; or
- 2.** Any governmental agency acting within the scope of its functions.

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.1. FINDINGS AND DETERMINATIONS

CHAPTER 6.4 CABLE TELEVISION SYSTEM FRANCHISE

ART. 6.4.1. FINDINGS AND DETERMINATIONS

The Town Council of the Town of Stantonsburg, 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 Stantonsburg, the Council, 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)

ART. 6.4.2. 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 Stantonsburg upon the terms and conditions as set forth herein.

(Ord. of 8/11/97, Sec. II)

ART. 6.4.3. DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning 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.

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.4. CONDITIONS TO USE OF STREETS

F. GRANTEE

Alert Cable TV of Wilson, Inc. and any lawful successor.

G. GROSS ANNUAL RECEIPTS

1. 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:
 - i. Revenue from all charges for services provided to subscribers of entertainment and non-entertainment services (including leased access fees); and
 - ii. Revenue from the insertion of commercial advertisements upon the cable television system; and
 - iii. Revenue from all charges for leased use of grantee's studio, if any; and
 - iv. 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
 - v. Revenue from the sale or use or cablecast of any programming developed for community use or institutional users.
2. 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)

Editor's Note: Prior ordinance history includes portions of Ordinance of 8/12/82.

ART. 6.4.4. 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.

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.5. SCHEDULES, STANDARDS FOR CONSTRUCTION, MAINTENANCE AND OPERATION

- 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)

**ART. 6.4.5. 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 limited 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 operate and maintain its cable television service so that there will be no interference with television or radio reception through individually owned receiving antennas.

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.6. REMUNERATION TO TOWN

- 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.
 - 1.** 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)

ART. 6.4.6. 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 6.3.C 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.

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.7. SERVICES

- 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)

ART. 6.4.7. 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)

ART. 6.4.8. 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)

ART. 6.4.9. 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 Town Council 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 Council 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

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.10. PROTECTION OF SUBSCRIBER PRIVACY

The Council 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)

ART. 6.4.10. 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;

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.11. RIGHTS RESERVED TO THE TOWN

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)

ART. 6.4.11. 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 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:
1. \$500,000 coverage for all personal injuries in each accident; and
 2. \$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)

ART. 6.4.12. 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)

ART. 6.4.13. EFFECTIVE DATE

The effective date of the franchise shall be October 14, 1997, subject to final adoption of this chapter by the Town Council.

(Ord. of 8/11/97, Sec. XIII)

ART. 6.4.14. ACCEPTANCE

**DIVISION 2 PART 6 CHAPTER 6.4 CABLE TELEVISION SYSTEM
FRANCHISE**

ART. 6.4.15. SEVERABILITY

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)

ART. 6.4.15. 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)

**DIVISION 2 PART 6 CHAPTER 6.5 FRANCHISE TO DISTRIBUTE
NATURAL GAS**

ART. 6.5.1. THE PARTIES

CHAPTER 6.5 FRANCHISE TO DISTRIBUTE NATURAL GAS

ART. 6.5.1. 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)

ART. 6.5.2. 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)

ART. 6.5.3. 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)

ART. 6.5.4. 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)

ART. 6.5.5. 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)

ART. 6.5.6. 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)

ART. 6.5.7. 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)

ART. 6.5.8. 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)

**DIVISION 2 PART 6 CHAPTER 6.5 FRANCHISE TO DISTRIBUTE
NATURAL GAS**

ART. 6.5.9. EXTENDING MAINS AND SERVICES

ART. 6.5.9. 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)

ART. 6.5.10. 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)

ART. 6.5.11. 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

**DIVISION 2 PART 6 CHAPTER 6.5 FRANCHISE TO DISTRIBUTE
NATURAL GAS**

**ART. 6.5.12. MUNICIPALITY TO BE FURNISHED INDEMNITY AGAINST INJURIES, DAMAGE, AND
NUISANCES**

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)

**ART. 6.5.12. 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, it 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 agenda and employees.

(Ord. of 6/5/89)

ART. 6.5.13. 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)

ART. 6.5.14. 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)

ART. 6.5.15. ASSIGNMENT OF MORTGAGE

**DIVISION 2 PART 6 CHAPTER 6.5 FRANCHISE TO DISTRIBUTE
NATURAL GAS**

ART. 6.5.16. ACCEPTANCE

- 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 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)

ART. 6.5.16. ACCEPTANCE

- A.** 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.
- B.** 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

CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.1. WORDS AND PHRASES DEFINED

A. 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 tandem wheels either of which is over 20 inches in diameter.

4. BLOCK

A portion of any street located between any two intersections of any two streets or public alleyways next adjacent to each other.

5. COMMERCIAL VEHICLE

Every vehicle is 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

i. 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 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.

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.1. WORDS AND PHRASES DEFINED

- ii. Where a highway includes two 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 roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.

11. LANED ROADWAY

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

12. MOTORCYCLE

Every motor vehicle having a saddle for the rider and designed to travel on not more than three 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 un-occupied, 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

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.2. ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS

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 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.

ART. 7.1.2. ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS

A. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- 1.** 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.
- 2.** 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.
- 3.** 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.

B. 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.

C. AUTHORIZED EMERGENCY VEHICLES

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.3. TRAFFIC CONTROL DEVICES

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.

ART. 7.1.3. TRAFFIC CONTROL DEVICES

A. 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 7.1.2.C.

B. 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.

C. TRAFFIC CONTROL SIGNAL LEGEND

1. Whenever traffic is controlled by traffic control signals (Section 7.3.1) exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively one 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:

i. GREEN ALONE OR "GO"

01. 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.

02. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

ii. YELLOW ALONE OR "CAUTION" WHEN SHOWN FOLLOWING THE GREEN OR "GO" SIGNAL

01. 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.

02. 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.

iii. RED ALONE OR "STOP"

01. 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 Section 7.3.2 hereof.

02. 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.

iv. RED WITH GREEN ARROW

01. 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.

02. 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.

2. 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.

D. 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)

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.

E. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS

1. 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.

2. 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.

F. 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.

G. 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,

H. 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.

I. 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.

J. YIELD SIGNS

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.4. SPEED REGULATIONS

1. The driver of a vehicle approaching a yield sign erected at these intersections described in Section 7.3.4, 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.
2. 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 stop line; but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
3. 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.

ART. 7.1.4. SPEED REGULATIONS

A. 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.

B. EXCEPTIONS

1. 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:
 - i. 20 miles per hour (Section 7.3.5)
 - ii. 25 miles per hour (Section 7.3.6)
 - iii. 30 miles per hour (Section 7.3.7)
 - iv. 40 miles per hour (Section 7.3.8)
 - v. 45 miles per hour (Section 7.3.9)
 - vi. 50 miles per hour (Section 7.3.10)
 - vii. 55 miles per hour (Section 7.3.11)
2. 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:
 - i. 20 miles per hour (Section 7.3.12)
 - ii. 25 miles per hour (Section 7.3.13)
 - iii. 30 miles per hour (Section 7.3.14)
 - iv. 40 miles per hour (Section 7.3.15)
 - v. 45 miles per hour (Section 7.3.16)
 - vi. 50 miles per hour (Section 7.3.17)
 - vii. 55 miles per hour (Section 7.3.18)

ART. 7.1.5. TURNING MOVEMENTS

A. 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.

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.6. ONE WAY STREETS AND ALLEYS

B. AUTHORITY TO PLACE RESTRICTED TURN SIGNS

The Council 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 Section 7.13.19, 7.3.20, and 7.3.21 hereby incorporated herein.

C. 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.

ART. 7.1.6. ONE WAY STREETS AND ALLEYS

A. 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.

B. ONE WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described in Section 7.3.22, 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.

C. SECTION 7.3.22 ONE WAY STREETS

An Ordinance to add a one block section of W. Macon Avenue in a westerly direction from Main Street to Yelverton Street to Section 7.3.22 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 7.3.20 of the Charter and Code of Ordinances, prohibiting right turns from Yelverton Street onto W. Macon Avenue.

D. 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 Street.

E. SECTION 120

From Yelverton Street onto W. Macon Avenue at the intersection of Yelverton and W. Macon.

ART. 7.1.7. SPECIAL STOPS REQUIRED

A. THROUGH STREETS DESIGNATED

Those streets and parts of streets described in Section 7.3.23, hereby made a part hereof, are declared to be through streets for the purpose of this article.

B. 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 control-led at all times by traffic control signals; provided, however, that at the intersection of two 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.

C. INTERSECTIONS WHERE STOP REQUIRED

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.8. MISCELLANEOUS DRIVING RULES

1. The Council may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any stop intersection, and shall erect a stop sign at every place where a stop is required.
2. These places are specified in Section 7.3.24, hereby made a part hereof.

D. SIGNS TO BEAR THE WORD "STOP"

Every sign erected pursuant to this article shall bear the word "stop" in letters not less than eight 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 cross- walk on the side of the intersection or, if none, at the nearest line of the roadway.

E. VEHICLES TO STOP AT STOP SIGNS

1. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection described in Section 7.3.24 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.
2. 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.

ART. 7.1.8. MISCELLANEOUS DRIVING RULES

A. 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.

B. 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.

C. 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.

D. NO THROUGH TRUCKS

1. 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.
2. For purposes of this section, a "truck" is defined to mean a vehicle having an axle load limit in excess of 13,000 pounds.

ART. 7.1.9. PEDESTRIANS' RIGHTS AND DUTIES

Reserved

ART. 7.1.10. REGULATIONS FOR BICYCLES

A. EFFECT OF REGULATIONS

1. 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.
2. 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.

B. 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.

C. OBEDIENCE TO TRAFFIC CONTROL DEVICES

1. Any person operating a bicycle shall obey the instructions of traffic control signals, signs, and other official control devices applicable to vehicles, unless otherwise directed by a police officer.
2. 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.

D. RIDING ON BICYCLES

1. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
2. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

E. RIDING ON ROADWAYS AND BICYCLE PATHS

1. 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 proceeding in the same direction.
2. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
3. 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.

F. SPEED

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

G. CARRYING ARTICLES

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

H. RIDING ON SIDEWALKS

No person shall ride a bicycle upon the sidewalks of the town.

I. BICYCLES TO HAVE LIGHTS

When ridden at night, all bicycles shall be equipped with lights and reflectors in conformance with state law.

ART. 7.1.11. METHODS OF PARKING

A. 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.

B. 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.

C. PARKING NEAR INTERSECTIONS

It shall be unlawful to park a motor vehicle nearer than 15 feet from the intersection of any street.

D. 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.

ART. 7.1.12. STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

A. STOPPING, STANDING OR PARKING PROHIBITED; NO SIGNS REQUIRED

1. 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:

- i. On a sidewalk;
- ii. In front of a public or private driveway;
- iii. Within an intersection;
- iv. Within 15 feet of a fire hydrant;
- v. On a crosswalk;
- vi. Within 20 feet of a crosswalk at an intersection;
- vii. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- viii. 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;
- ix. Within 50 feet of the nearest rail of a railroad crossing;
- x. 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);
- xi. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- xii. On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- xiii. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- xiv. At any place where official signs prohibit stopping.

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.13. STOPPING FOR LOADING OR UNLOADING ONLY

2. 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.

B. 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.

C. 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.

D. 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 vehicle to another.

E. 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.

F. 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.

ART. 7.1.13. STOPPING FOR LOADING OR UNLOADING ONLY

Reserved

ART. 7.1.14. STOPPING, STANDING, OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

A. 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.

B. 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.

C. 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 Section 7.3.27, hereby made a part hereof.

D. PARKING TIME LIMITED ON CERTAIN STREETS

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.15. GOLF CARTS

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 Sections 7.3.28, 7.3.29, and 7.3.30, hereby made a part hereof.

E. 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.

ART. 7.1.15. GOLF CARTS

A. 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)

B. DEFINITIONS

For the purpose of this article, the following words and phrases shall have the following meanings:

1. 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.

2. DRIVER'S LICENSE

A valid license issued to operate a motor vehicle issued by North Carolina or any other state.

3. 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.

4. OPERATE

To drive, or be in physical control of a golf cart that is moving or has its engine on.

5. OPERATOR

One who operates a golf cart.

(Ord. of 10/12/09)

C. RULES AND REGULATIONS

1. 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.
2. All golf carts must be electric powered only. Gasoline powered golf carts shall not be operated on public roads.
3. 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.
4. Golf carts operators must have a valid driver's license and proof of financial responsibility.
5. 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.

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.15. GOLF CARTS

6. 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.
7. All applicable state laws shall be adhered to, including those applicable to the possession and use of alcoholic beverages.
8. 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.
9. Golf cart operators shall adhere to all traffic flow patterns, and shall operate on the right side of the roadway.
10. Golf carts shall not be operated on sidewalks.
11. Golf carts shall not be operated on private property without the permission and consent of the property owner.
12. 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)

D. INSPECTION AND FEES

1. 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.
2. 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:
 - i. Inspection by Police Department \$20.00 annually (includes permit/sticker)
 - ii. Reinspection by Police Department \$5.00 (If a cart fails the initial inspection)
3. 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.
4. 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 Stantonsburg Police Department.

(Ord. of 10/12/09)

E. ENFORCEMENT

1. It shall be the policy of the Stantonsburg Police Department to issue a uniform citation against any person the officer has probable cause to believe has violated this article.
2. 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)

F. 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

DIVISION 2 PART 7 CHAPTER 7.1 GENERAL TRAFFIC REGULATIONS

ART. 7.1.15. GOLF CARTS

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 7.2 MOTOR VEHICLE REGISTRATION

ART. 7.2.1. DISPLAY OF PLATES

Every motor vehicle driven on the streets of the town for which registration is required, shall display the number plate issued therefore 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 auto- mobiles authorized, G.S. 20-97,

CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.1. TRAFFIC CONTROL SIGNALS

Traffic control signals shall be installed at the following locations (See section 7.1.3.C):

(Reserved)

ART. 7.3.2. NO RIGHT TURN ON RED STREETS

Vehicles may not turn right on red lights after coming to a complete stop on the following streets (See section 7.1.3.C):

(Reserved)

ART. 7.3.3. YELLOW CAUTION SIGNAL LIGHTS

Flashing yellow caution signal lights shall be installed at the following locations (See section 7.1.3.D):

(Reserved)

ART. 7.3.4. YIELD RIGHT-OF-WAY

A. Yield right-of-way signs shall be posted at the following locations (See section 7.1.3.J).

B. The driver of any vehicle when driving on the "yield" street shall yield right-of-way before entering the "Through" Street, as listed below:

| YIELD AND THROUGH STREETS | |
|----------------------------------|--|
| YIELD STREETS | THROUGH STREETS |
| Black Creek Road | Travis Street (when vehicle is moving in a northwesterly direction) |
| Travis Street | Saratoga Road |
| Bagley Street | Yelverton Street |
| Julian Avenue | Yelverton Street |
| Julian Avenue | Travis Street |
| Julian Avenue | Saratoga Road |
| Thompson Avenue | Yelverton Street |
| Thompson Avenue | Travis Street |
| Thompson Avenue | Saratoga Road |
| Whitley Street | Thompson Avenue |
| Whitley Street | Commercial Avenue |
| Commercial Avenue | Yelverton Street (when vehicle is moving in a northwesterly direction) |
| Greenwood Avenue | Whitley Street |
| Greenwood Avenue | Yelverton Street |
| Greenwood Avenue | Travis Street |
| Travis Street | Greenwood Avenue (when vehicle is moving in a southwesterly direction) |
| Yelverton Street | Macon Street |
| Whitley Street | Broad Street |
| Macon Avenue | Whitley Street |
| Macon Avenue | Travis Street |
| Broad Avenue | Yelverton Street |

DIVISION 2 PART 7 CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.5. TWENTY MILE-PER-HOUR SPEED LIMIT

| YIELD AND THROUGH STREETS | |
|----------------------------------|---|
| YIELD STREETS | THROUGH STREETS |
| Broad Avenue | Main Street |
| Travis Street | Greenwood Avenue (when vehicle is traveling in a northeasterly direction) |
| Travis Street | Broad Avenue |
| R.B. Avenue | Saratoga Street |
| Julia Place | R.B. Avenue |
| Derek Lane | R.B. Avenue |

(Resolution of 9/8/97)

ART. 7.3.5. TWENTY MILE-PER-HOUR SPEED LIMIT

Twenty mile per hour speed limit on the following state highway system streets (See section 7.1.4.B).

| TWENTY MILE-PER-HOUR STREETS | |
|--|-------------------------|
| DESCRIPTION | ORDINANCE NUMBER |
| 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 |

ART. 7.3.6. TWENTY-FIVE MILE-PER-HOUR SPEED LIMIT

Twenty-five mile per hour speed limit on the following state highway system streets (See section 7.1.4.B).

| TWENTY-FIVE MILE-PER-HOUR STREETS | |
|---|-------------------------|
| DESCRIPTION | ORDINANCE NUMBER |
| 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 |

ART. 7.3.7. THIRTY MILE-PER-HOUR SPEED LIMIT

Thirty mile per hour speed limit on the following state highway system streets (See section 7.1.4.B):

(Reserved)

ART. 7.3.8. FORTY MILE-PER-HOUR SPEED LIMIT

Forty mile per hour speed limit on the following state highway system streets (See section 7.1.4.B):

(Reserved)

DIVISION 2 PART 7 CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.9. FORTY-FIVE MILE-PER-HOUR SPEED LIMIT

ART. 7.3.9. FORTY-FIVE MILE-PER-HOUR SPEED LIMIT

Forty-five mile per hour speed limit on the following state highway system streets (See section 7.1.4.B):

| FORTY-FIVE MILE-PER-HOUR STREETS | |
|--|-------------------------|
| DESCRIPTION | ORDINANCE NUMBER |
| 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 |

ART. 7.3.10. FIFTY MILE-PER-HOUR SPEED LIMIT

Fifty mile per hour speed limit on the following state highway system streets (See section 7.1.4.B).

(Reserved)

ART. 7.3.11. FIFTY-FIVE MILE-PER-HOUR SPEED LIMIT

Fifty-five mile per hour speed limit on the following state highway system streets (See section 7.1.4.B).

(Reserved)

ART. 7.3.12. TWENTY MILE-PER-HOUR SPEED LIMIT

Twenty mile per hour speed limit on the following town streets (See section 7.1.4.B):

- 1. Commercial Avenue, from Yelverton Street to Travis Street.

ART. 7.3.13. TWENTY-FIVE MILE-PER-HOUR SPEED LIMIT

Twenty-five mile per hour speed limit on the following town streets (See section 7.1.4.B):

- A. Tyson Drive;
- B. Yelverton Street;
- C. Travis Street;
- D. 100, 200, and 300 blocks of West Commercial Avenue, from Main Street to the dead end;
- E. Macon Street;
- F. Greenwood Avenue;
- G. Hemphill Drive;
- H. Minshall Avenue;
- I. Applewhite Drive; and
- J. (Ord. of 5/5/80, No. 0- -80, Sec. 1)
- K. 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 J.0/8/84, Sec. 1)

ART. 7.3.14. THIRTY MILE-PER-HOUR SPEED LIMIT

Thirty mile per hour limit on the following town streets (See section 7.1.4.B):

DIVISION 2 PART 7 CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.15. FORTY MILE-PER-HOUR SPEED LIMIT

(Reserved)

ART. 7.3.15. FORTY MILE-PER-HOUR SPEED LIMIT

Forty mile per hour speed limit on the following town streets (See section 7.1.4.B):

(Reserved)

ART. 7.3.16. FORTY-FIVE MILE-PER-HOUR SPEED LIMIT

Forty-five mile per hour speed limit on the following town streets (See section 7.1.4.B):

(Reserved)

ART. 7.3.17. FIFTY MILE-PER-HOUR SPEED LIMIT

Fifty mile per hour speed limit on the following town streets (See section 7.1.4.B):

(Reserved)

ART. 7.3.18. FIFTY-FIVE MILE-PER-HOUR SPEED LIMIT

Fifty-five mile per hour speed limit on the following town streets (See section 7.1.4.B):

(Reserved)

ART. 7.3.19. NO LEFT TURN AT INTERSECTIONS

No left turns at following intersections (See section 7.1.5.B):

(Reserved)

ART. 7.3.20. NO RIGHT TURN AT INTERSECTIONS

No right turns at following intersections (See section 7.1.5.B):

(Reserved)

ART. 7.3.21. NO U-TURNS AT INTERSECTIONS

No U-turns at the following locations (See section 7.1.5.B):

(Reserved)

ART. 7.3.22. ONE-WAY STREETS

One-way streets (See section 7.1.6.B):

ART. 7.3.23. THROUGH STREETS

Through streets (See section 7.1.7.A):

A. Main Street

B. Saratoga Road

ART. 7.3.24. STOP INTERSECTIONS

A. Intersections at which "stop" is required before entering (See section 7.1.7.C):

B. 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:

| STOP INTERSECTIONS | |
|---------------------------|--------------------------|
| STOP STREET | THROUGH STREET |
| Yelverton Street | Black Creek Road |
| Travis Street | Commercial Avenue |
| Main Street | Mayton Drive (N.C. 58) |
| Minshall Avenue | Community Building Drive |
| Community Building Drive | Moyton Drive (N.C. 58) |
| Minshall Avenue | Saratoga Road (N.C. 222) |
| Bagley Street | S. Yelverton Street |

DIVISION 2 PART 7 CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.25. FOUR-WAY STOP INTERSECTIONS

| STOP INTERSECTIONS | |
|---------------------------|---------------------------------|
| STOP STREET | THROUGH STREET |
| W. Thompson Avenue | S. Yelverton Street |
| W. Commercial Avenue | S. Yelverton Street |
| S. Whitley Street | W. Thompson Avenue |
| Saratoga Street | Tyson Drive |
| Ann Lane | S. Saratoga Road |
| E. Julian Avenue | S. Travis Street |
| E. Julian Avenue | S. Saratoga Road |
| E. Thompson Avenue | S. Travis Street |
| E. Thompson Avenue | S. Saratoga Road |
| S. Travis Street | S. Saratoga Road |
| E. Macon Street | N. Travis Street |
| Minshall Avenue | Hemphill Drive |
| Minshall Avenue | Applewhite Road |
| Applewhite Road | Hemphill Drive |
| W. Greenwood Avenue | N. Yelverton Street |
| W. Greenwood Avenue | N. Whitley Street |
| W. Broad Street | N. Yelverton Street |
| W. Broad Street | N. Whitley Street |
| N. Yelverton Street | W. Macon Street |
| W. Macon Street | N. Whitley Street |
| Julian Avenue | Yelverton Street |
| Denver Drive | Saratoga Street/ NC Hwy 111/222 |
| Adam Street | Denver Drive |
| Adam Street | Hazel Drive |

(Ord. of 2/9/87; Ord. of 1/9/92; Ord. of 8/10/98; Ord. of 9/11/06)

ART. 7.3.25. FOUR-WAY STOP INTERSECTIONS

Reserved.

ART. 7.3.26. FREIGHT LOADING ZONES

Freight loading zones (See section 7.1.12.B):

(Reserved)

ART. 7.3.27. PUBLIC CARRIER LOADING AND UNLOADING ZONES

The following streets or portions thereof, are designated as public carrier loading and unloading zones (See section 7.1.12.C):

(Reserved)

ART. 7.3.28. NO PARKING ON THE FOLLOWING STREETS

There shall be no parking allowed on the following streets or portions of streets:

- A.** On the east side of Highway 222, from the Creek Bridge to Thompson Avenue.
(1963 Code, Ch. I. Art. 6, Sec. 18)
- B.** On the left side of Main Street, from Thompson Avenue to Creek Bridge.
(Ord. of 9/63)
- C.** On the south side of Black Creek Road, from Main Street to Tyson Drive.
(Ord. of 2/64)

DIVISION 2 PART 7 CHAPTER 7.3 TRAFFIC APPENDIX

ART. 7.3.29. PARKING LIMITED TO TWO HOURS

- D.** In front of the Post Office, where the mail drop is located.
(Ord. of 9/64)
- E.** The right-of-way of Highway 58 within the town limits.
(Ord. of 10/6/86)
- F.** 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)
- G.** 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)

ART. 7.3.29. PARKING LIMITED TO TWO HOURS

Parking limited to two hours upon any of the streets as follows:

- A.** On both sides of Commercial Avenue, from Travis Street to Yelverton Street.
- B.** On both sides of South Main Street, from Commercial Avenue to Thompson Avenue.
- C.** On the north side of Thompson Avenue, from Travis Street to Yelverton Street.
(1963 Code Ch. I, Art. 6, Sec. 12)

ART. 7.3.30. PARKING LIMITED TO ONE HOUR

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):

ART. 7.3.31. PARKING LIMITED TO A SPECIFIED TIME

Parking limited to specified time:

- A.** Five minute limit, on the side of the Post Office.
(Ord. of 9/64)

PART 8. OFFENSES

CHAPTER 8.1 DISORDERLY CONDUCT

ART. 8.1.1. 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 1.1.6 of this code.

State Law Reference: Authority to regulate and restrict firearms and pellet guns, G.S. 160A-189, 190.

ART. 8.1.2. DRINKING IN PUBLIC PLACES

No person shall consume or serve malt beverages or unfortified wine, as defined by NCGS Section 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.

ART. 8.1.3. 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.

ART. 8.1.4. INJURING PROPERTY OF TOWN

It shall be unlawful to injure, damage, deface, trespass upon, break or injure any property belonging to the town.

ART. 8.1.5. 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)

ART. 8.1.6. 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)

ART. 8.1.7. 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)

ART. 8.1.8. 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.

ART. 8.1.9. 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 Town Council.

(Ord. of 12/3/80)

ART. 8.1.10. PLAYING AND RIDING OF BICYCLES ON CEMETERY PROPERTY

It shall be unlawful for anyone to play or ride bicycles within the town's cemetery.

DIVISION 2 PART 8 CHAPTER 8.1 DISORDERLY CONDUCT

ART. 8.1.11. PLACING OF SIGNS ON UTILITY POLES

(Ord. of 10/6/86)

ART. 8.1.11. 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 8.2 ANIMALS

ART. 8.2.1. DEFINITIONS

A. ANIMAL

Every living creature, domestic or nondomestic, but does not include humans.

B. ANIMAL SHELTER

Any premises designated by the Town Council for the purpose of impounding and caring for animals.

C. 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.

D. BOARD OF HEALTH

Wilson County Board of Health.

E. HEALTH DEPARTMENT

Wilson County Health Department.

F. HEALTH DIRECTOR

Health Director of the Wilson County Health Department.

G. 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.

H. 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.

I. 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.

J. NUISANCE

An animal or group considered a nuisance if it:

1. Damages, soils, or defiles private or public property;
2. Interferes with, molests, or attacks persons or other animals;
3. Is repeatedly at large;
4. Causes unsanitary, dangerous or offensive conditions including fouling of the air by odors;
5. Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
6. By virtue of number or type is offensive or dangerous to the public health, safety, or welfare;
7. Is diseased or dangerous to the public health.

K. OWNER

A person having the right of property in an animal.

L. PERSON

Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

M. PET

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.2. AGENCY AUTHORITY AND RESPONSIBILITY

Any animal kept for pleasure rather than utility.

N. 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.

O. STRAY

Any (domestic) animal not under restraint and found off the property of its owner or keeper.

P. SUSPECTED OF HAVING RABIES

An animal which is unvaccinated against rabies or has bitten a person.

Q. 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.

R. VETERINARY HOSPITAL

Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

S. VICIOUS ANIMAL

An animal that constitutes a physical threat to humans or other domestic animals.

(Ord. of 5/2/05, Sec. I)

ART. 8.2.2. AGENCY AUTHORITY AND RESPONSIBILITY

- A.** Authority is hereby transferred from the board of health to the Town Council to establish and maintain an animal control program, to employ animal control officers and such other employees as shall be determined necessary by the Town Council, and to appoint and compensate animal control officers and such other employees in accordance with policies of the Town Council.
- B.** The employees of the animal control program shall be under the direction of the County Manager:
- 1.** 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.
 - 2.** Enforce and carry out all laws of North Carolina and all ordinances of Wilson County pertinent to rabies control.
 - 3.** 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 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.
 - 4.** Be responsible for the operation of the animal shelter.
 - 5.** 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.
 - 6.** Investigate cruelty or abuse with regard to animals.
 - 7.** 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.
 - 8.** Keep, or cause to be kept, accurate and detailed records of:
 - i.** Seizure, impoundment, and disposition of all animals coming into the custody of the animal control program.
 - ii.** Bite cases, violations and complaints, and investigation of same.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.3. CRUELTY TO ANIMALS

- iii. All monies belonging to the health department and/or county which were derived from fees, penalties, license tags sales of animals, or other sources.
 - iv. Any other matters deemed necessary by the Health Director and County Manager.
9. Be empowered to issue notices of violation of this ordinance in such form as the Town Council may prescribe.
- (Ord. of 5/2/05 § II)

ART. 8.2.3. 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 weeks of age or rabbits under eight 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)

ART. 8.2.4. 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)

ART. 8.2.5. 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 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

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.6. NOISY ANIMALS

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 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 48 hours at the animal shelter. If after 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)

ART. 8.2.6. 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)

ART. 8.2.7. 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)

ART. 8.2.8. 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 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 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

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.9. COMPLIANCE WITH STATE RABIES LAWS - SUPPLEMENT TO STATE RABIES LAWS

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 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 30 days each.

(Ord. of 5/2/05 § VIII)

ART. 8.2.9. 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 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)

ART. 8.2.10. 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 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 doses of vaccine are administered 12 months apart and each subsequent booster dose of vaccine administered as per the vaccine manufacturer's recommended schedule.
- C.** All anti-rabic vaccines shall be administered by a licensed veterinarian.

(Ord. of 5/2/05 by § X)

ART. 8.2.11. VACCINATION TAG AND CERTIFICATE

- A.** Upon complying with the provisions of Section 8.2.J 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.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.12. NOTICE TO HEALTH DIRECTOR WHEN PERSON BITTEN; CONFINEMENT OF ANIMAL

- 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 week after entry, and shall remain confined for two 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 months prior to the date of issuing the certificate.

(Ord. of 5/2/05 § XI)

ART. 8.2.12. 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 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 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 NCGS Section 130A 196-198, the Health Director may order seizure of the animal and its confinement for ten 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 (1) above shall not be released from confinement except by permission from the Health Director.
- D.** Animals confined per subsection (1) 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)

ART. 8.2.13. 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 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.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.14. POSTMORTEM DIAGNOSIS

(Ord. of 5/2/05 § XIII)

ART. 8.2.14. 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)

ART. 8.2.15. 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)

ART. 8.2.16. 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)

ART. 8.2.17. 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)

ART. 8.2.18. NOTICE TO OWNER OR KEEPER

- A.** Upon impounding an animal, notice of such impoundment shall be posted for a minimum of 72 hours (three 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)

ART. 8.2.19. 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 72 hours (three 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 Town Council.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.20. DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL GENERALLY

- 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 8.2.W.

(Ord. of 5/2/05 § XIX)

ART. 8.2.20. 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 8.2.S, 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 Town Council.
- 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)

ART. 8.2.21. 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 months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four 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)

ART. 8.2.22. 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 8.2.S and 8.2.T shall not apply to immediate adoption for destruction as provided for in this section.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.23. DESTRUCTION OF WOUNDED, DISEASED, OR UNWEANED ANIMALS

(Ord. of 5/2/05 § XXII)

ART. 8.2.23. 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)

ART. 8.2.24. 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)

ART. 8.2.25. 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)

ART. 8.2.26. 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 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 Town Council 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)

ART. 8.2.27. 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 bona fide circuses, petting zoos, and other traveling commercial animal exhibitions of limited duration.

(Ord. of 5/2/05 § XXVII)

ART. 8.2.28. 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 Town Council 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.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.29. Interference with Enforcement

The Town Council 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 Town Council may revoke any permit if the person holding the permit refuses or fails to comply with this chapter, the regulations promulgated by the Town Council, or any law governing the protection and keeping of animals.

(Ord. of 5/2/05 § XXVIII)

ART. 8.2.29. 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)

ART. 8.2.30. 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 NCGS Section 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 issuing from a court of competent jurisdiction pursuant to NCGS Section 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:
 - i.** State upon its face the amount of the penalty if such penalty be paid within 72 hours from and after the issuance of the notice and the late fee \$1 if paid more than 72 hours after its issuance.
 - ii.** 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.
 - iii.** 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.
 - iv.** State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said 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 72 hours from and after the issuance of the notice referred to above.

DIVISION 2 PART 8 CHAPTER 8.2 ANIMALS

ART. 8.2.30. Penalty for Violation

- 5.** The notice of violation referred to herein may be delivered to the person violating the provisions of this chapter in person, or may be mailed to said person at his last known address.
- 6.** In addition to the penalty prescribed in subsection (iv) above, a \$1 penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 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)

CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.1. 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)

ART. 8.3.2. DEFINITIONS

For purpose of this chapter, certain words and terms are defined as herein indicated:

A. ABANDONED VEHICLE

As authorized and defined in NCGS Section 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 in- tended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

D. JUNKED MOTOR VEHICLE

As authorized and defined in NCGS Section 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

DIVISION 2 PART 8 CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.3. ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED

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 council.

(Ord. of 4/9/90)

ART. 8.3.3. 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)

ART. 8.3.4. 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)

ART. 8.3.5. 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 (5), 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:

DIVISION 2 PART 8 CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.6. REMOVAL OF ABANDONED, NUISANCE, OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS

1. Protection of property values;
 2. Promotion of tourism and other economic development opportunities;
 3. Indirect protection of public health and safety; and
 4. Preservation of the character and integrity of the community;
 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)

ART. 8.3.6. REMOVAL OF ABANDONED, NUISANCE, OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENTS

- A.** Except as set forth in Section 8.3.G 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.
- B.** 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)

ART. 8.3.7. EXCEPTIONS TO PRIOR NOTICE REQUIREMENT

DIVISION 2 PART 8 CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.8. REMOVAL OF VEHICLES; POST-TOWING NOTICE REQUIREMENTS

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)

ART. 8.3.8. 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;
 - 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 (i-v) 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 (i-v) above.

DIVISION 2 PART 8 CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.9. RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE

(Ord. of 4/9/90)

ART. 8.3.9. 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 NCGS Section 20-222, as amended.

(Ord. of 4/9/90)

ART. 8.3.10. REDEMPTION OF VEHICLE DURING PROCEEDINGS

- A.** 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.
- B.** 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)

ART. 8.3.11. 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)

ART. 8.3.12. 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)

ART. 8.3.13. 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)

ART. 8.3.14. EXCEPTIONS

Nothing in this chapter shall apply to any vehicle:

- A.** Which is located in a bona fide "automobile graveyard" or "junkyard" as defined in NCGS Section 136-143 in accordance with the "Junkyard Control Act", NCGS Section 136-141, et seq.;
- B.** Which is in an enclosed-building;

DIVISION 2 PART 8 CHAPTER 8.3 ABANDONED VEHICLES

ART. 8.3.15. UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE

- C.** 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
- D.** Which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. of 4/9/90)

ART. 8.3.15. 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)

DIVISION 2 PART 8 CHAPTER 8.4 WEEDS AND REFUSE

ART. 8.4.1. UNCONTROLLED GROWTH OF WEEDS AND ACCUMULATION OF REFUSE DECLARED PUBLIC NUISANCE**CHAPTER 8.4 WEEDS AND REFUSE****ART. 8.4.1. 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:

- A.** 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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.

ART. 8.4.2. COMPLAINT AND INVESTIGATION

The Town Clerk, upon notice from any person of the existence of any of the conditions described in Section 8.4.A, 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 8.4.A.

ART. 8.4.3. 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.

ART. 8.4.4. HEARING

Within seven days from receipt of the notice provided for in Section 8.4.C 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.

ART. 8.4.5. REMOVAL BY TOWN

Upon the occurrence of either of the following conditions:

DIVISION 2 PART 8 CHAPTER 8.4 WEEDS AND REFUSE

ART. 8.4.6. COST INCURRED BY OWNER

- A.** A hearing is requested and held under Section 8.4.D 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
- B.** 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 re- move 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.

ART. 8.4.6. 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.

ART. 8.4.7. 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 8.4.Eof 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 NCGS Section 160A-193.

ART. 8.4.8. 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 NCGS Section 14-4.

CHAPTER 8.5 GENERAL HEALTH REGULATIONS

ART. 8.5.1. UNLAWFUL TO VIOLATE COUNTY HEALTH REGULATIONS

- A.** It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the County Board of Health.
- B.** The enforcement of this section shall be under the supervision of the County Health Officer.

ART. 8.5.2. 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.

ART. 8.5.3. 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.

ART. 8.5.4. 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 8.6 OTHER GENERAL NUISANCES

ART. 8.6.1. 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.

- A.** 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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.
- F.** 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.
- G.** 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.
- H.** 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 days or less while the emergency continues.
- I.** 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.

ART. 8.6.2. 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.

ART. 8.6.3. 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.

DIVISION 2 PART 8 CHAPTER 8.6 OTHER GENERAL NUISANCES

ART. 8.6.4. SAME; EXCEPTION FOR CAMPAIGN POSTERS**ART. 8.6.4. SAME; EXCEPTION FOR CAMPAIGN POSTERS**

- A.** 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.
- B.** 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

CHAPTER 9.1 HOUSING CODE

ART. 9.1.1. GENERAL PROVISIONS

A. FINDING; PURPOSE

1. Pursuant to NCGS Section 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.
2. In order to protect the health, safety, and welfare of the residents of the town as authorized by NCGS Sections 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 NCGS Section 160A-444.

(Ord. Of 4/28/83, Sec. 1)

B. DEFINITIONS

1. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

i. 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.

ii. CONGREGATE HOUSING

Any dwelling containing more than two dwelling units.

iii. 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 the finding of the inspector.

iv. 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 the finding of the inspector.

v. 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.

vi. 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.

vii. 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.

viii. GARBAGE

The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

ix. GOVERNING BODY

The Town Council of the town.

x. 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.

xi. 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.

xii. INSPECTOR

The town building inspector appointed as such to administer this chapter; and any agent of the inspector who is authorized by the inspector.

xiii. 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.

xiv. OPERATOR

Any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

xv. OWNER

Any person who alone, or jointly, or severally with others:

- 01.** Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- 02.** 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.

xvi. PARTIES IN INTEREST

All individuals, associations, and corporations who have interests of record in a dwelling, and any who are in possession thereof.

xvii. 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.

xviii. PUBLIC AUTHORITY

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ART. 9.1.2. STANDARDS OF FITNESS

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.

xix. 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.

xx. 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.

xxi. SUPPLIED

Paid for, furnished, or provided by, or under the control of, the owner or operator.

xxii. 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.

xxiii. TOWN

The Town of Stantonsburg, North Carolina.

xxiv. 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.

2. 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)

ART. 9.1.2. STANDARDS OF FITNESS

A. 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 Section 9.1.2 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)

B. SANITARY FACILITIES

1. 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.
2. 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)

C. FOOD PREPARATION AND REFUSE DISPOSAL

1. 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

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ART. 9.1.2. STANDARDS OF FITNESS

sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

2. 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).
3. 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.
4. 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)

D. SPACE AND SECURITY

1. The dwelling unit shall afford the family adequate space and security.
2. Acceptability criteria.
 - i. 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.
 - ii. Exterior doors and windows accessible from outside the unit shall be capable of being locked.

(Ord. of 4/28/83, Sec. 6)

E. THERMAL ENVIRONMENT

1. The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.
2. 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)

F. ILLUMINATION AND ELECTRICITY

1. 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.
2. 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.
3. 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)

G. STRUCTURE AND MATERIALS

1. 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.
2. 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

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ART. 9.1.2. STANDARDS OF FITNESS

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).

H. INTERIOR AIR QUALITY

1. The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.
2. 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)

I. WATER SUPPLY

1. The water supply shall be free from contamination.
2. The unit shall be served by an approved public or private sanitary water supply.
3. 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)

J. 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)

K. ACCESS

1. The dwelling unit shall be usable and capable of being maintained without unauthorized use of other private properties.
2. 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)

L. EXTERMINATION

1. The unit and its equipment shall be in sanitary condition.
2. The unit and its equipment shall be free of vermin and rodent infestation.

(Ord. of 4/28/83, Sec. 14)

M. CONGREGATE HOUSING

1. The foregoing standards shall apply, except for those in Section 9.1.12.C.
2. In addition, the following standards shall apply:
 - i. The unit shall contain a refrigerator of appropriate size.
 - ii. 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)

ART. 9.1.3. ENFORCEMENT

A. 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)

B. 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)

C. INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS

1. 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.
2. 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)

D. PROCEDURE FOR ENFORCEMENT

1. 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.

2. 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.

- i. 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.
- ii. 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.

3. 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 Council 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 NCGS Section 160-443 and Section 9.1 of this Chapter.

4. PETITION TO SUPERIOR COURT BY OWNER

Any person aggrieved by an order issued by the inspector or a decision rendered by the Town Council 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 NCGS Section 160A-446(f).

(Ord. of 4/28/83, Sec. 19)

E. METHODS OF SERVICE OF COMPLAINTS AND ORDERS

1. 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

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ART. 9.1.3. ENFORCEMENT

the pending proceeding shall be posted in a conspicuous place on the premises affected by the complaint or order.

2. 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)

F. INTERIM ACTION BY INSPECTOR

1. 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.
2. 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 (1) and (2) 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.
3. 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)

G. 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 9.1.3.F 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 NCGS Sections 160A-216 through 160A-238.

(Ord. of 4/28/83, Sec. 22)

H. 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 Council 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.

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ART. 9.1.3. ENFORCEMENT

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.
 - i. 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.
 - ii. 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)

I. 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 NCGS Section 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)

J. 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)

K. VIOLATIONS

1. 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.
2. 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)

L. PENALTY

The violation of any provision of this chapter shall constitute a misdemeanor, as provided by NCGS Section 14-4.

(Ord. of 4/28/83, Sec. 26)

CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.1. GENERAL PROVISIONS

A. TITLE

This Chapter shall be officially known as the Unified Development Ordinance of the Town of Stantonsburg, North Carolina” and may be referred to as “this Ordinance” or “this chapter” and several abbreviated references including the “UDO” or “this UDO.”

B. EFFECTIVE DATE

This Ordinance shall be in full force and effect on June 19, 2023, and repeals and replaces the following regulations:

1. The Zoning Code of the Town of Stantonsburg, North Carolina, as originally adopted on July 1, 1985.
2. The Subdivision Ordinance of the Town of Stantonsburg, North Carolina, as originally adopted on June 19, 2023.

C. SEVERABILITY

Should the courts declare any section or provisions of this Ordinance invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

D. AUTHORITY

This Ordinance consolidates the Town’s zoning and subdivision regulations, as authorized by the North Carolina General Statutes. It is adopted in accordance with:

1. The North Carolina General Statutes, including, but not limited to:
 - i. Chapter 160A, Article 8 (Police Powers);
 - ii. Chapter 160A, Article 15 (Streets, Traffic, and Parking);
 - iii. Chapter 160D (Local Planning and Development Regulation);
 - iv. Chapter 143, Article 21 (Water and Air Resources);
2. The Charter of the Town of Stantonsburg, North Carolina; and
3. Other relevant laws, including but not limited to:
 - i. All other relevant laws of the State of North Carolina; and
 - ii. Any special legislation enacted by the General Assembly.

E. APPLICABILITY

1. GENERAL APPLICABILITY

The provisions of this Ordinance shall apply to the development of all land within the corporate limits and the Extraterritorial Jurisdiction (ETJ) of the Town of Stantonsburg, as shown on the adopted Official Zoning Map, unless the development is expressly exempted by a specific section or subsection of this Ordinance.

2. APPLICATION TO GOVERNMENTAL UNITS

Except when stated elsewhere in applicable law, this Ordinance applies to the following:

i. THE TOWN OF STANTONSBURG

Development by the Town or its agencies or departments.

ii. COUNTY AND STATE GOVERNMENT

Development of buildings by State or County agencies or departments, public colleges or universities, or other political subdivisions of the State, in accordance with the standards in Section 160D-913 of the North Carolina General Statutes.

iii. THE FEDERAL GOVERNMENT

Development owned or held in tenancy by the government of the United States, its agencies, departments, or corporate services, to the full extent permitted by federal law. For those activities of the federal government exempted from these regulations, compliance is strongly encouraged.

3. NO DEVELOPMENT UNTIL COMPLIANCE WITH ALL APPLICABLE LAW

- i.** 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 ordinance for the district in which it is located.
- ii.** No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this ordinance for the district in which it is located.
- iii.** 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 ordinance 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.
- iv.** No part of a yard or other open space required by this ordinance shall be included as a part of a yard or other open space similarly required for another structure or use.
- v.** 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 ordinance.

F. ABROGATION

- 1.** It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.
- 2.** All existing ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

G. CONFLICT

- 1.** Wherever the requirements of this Ordinance are at variance with other requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.
- 2.** Unless restrictions established by covenants with the land are prohibited by state or federal law or contrary to the provisions of this chapter, nothing herein contained shall be construed to render such covenants inoperative.

H. PURPOSE AND INTENT

- 1.** The purpose of this Ordinance is to promote the health, safety, morals, general welfare and provide for the orderly growth and development of the Town of Stantonsburg.
- 2.** The regulations in this Ordinance 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 by requiring the dedication or reservation of rights-of-way and easements for street and utility purposes.
- 3.** In accordance with the purpose and intent, this Ordinance is adopted by the Town to regulate and restrict the height and size of structures; the creation or lots and the percentage of lots that may be occupied; the size of yards and other open spaces; the

density of development; and the location and use of structures and land for trade, industry, residence, or other purposes.

4. 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.

I. CONSISTENCY WITH ADOPTED PLANS

1. The administration, enforcement, and amendment of this Ordinance shall be accomplished in accordance with the Town’s adopted Comprehensive Plan and all other applicable Town-adopted policy guidance.
2. To the extent this Ordinance or the Official Zoning Map is or becomes inconsistent with the Town’s adopted policy guidance, it should be amended to remain consistent.
3. The Comprehensive Plan and other adopted plans are advisory in nature and do not carry the full force of law.
4. Consistency with adopted policy guidance is not a prerequisite for approval of a rezoning application, and the future land use map portion of the Comprehensive Plan shall be deemed amended when the Town Council approves a rezoning application that is inconsistent with the future land use map in accordance with Section 160D-605 of the North Carolina General Statutes.

J. REVIEW AUTHORITIES

The following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development application review and decision:

1. THE TOWN COUNCIL

i. POWERS AND DUTIES

The Town Council shall have the power to initiate, review, and decide applications for:

01. Performance guarantees;
02. Sketch plans and preliminary plats associated with a subdivision;
03. Rezoning; and
04. Text amendments to this UDO.

ii. OTHER POWERS AND DUTIES

The Town Council shall have the following other powers and duties:

01. To approve, by resolution, a schedule of fees governing:
 100. Applications for permits and other development approval reviews under this Ordinance; and
 200. Civil penalties for violations of this Ordinance.
02. To take any other action not delegated to other review authorities, as the Town Council may deem desirable and necessary to implement the provisions of this Ordinance.
03. To conduct any and all business in accordance with the Town Charter and North Carolina General Statutes; and
04. To amend the Comprehensive Plan and other adopted policy guidance as necessary.

2. THE PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160D-301 of the North Carolina General Statutes, and the following.

i. POWERS AND DUTIES

The Planning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

01. APPLICATION DECISIONS

The Planning board shall perform the duties of a Board of Adjustment. The Planning Board of the Town and its extraterritorial jurisdiction shall perform all of the duties of a Board of Adjustment in addition to its other duties. The members of the Planning Board shall have full authority with respect to any Board of Adjustment matter.

02. APPLICATION REVIEWS

The Planning Board shall review and make recommendations on the following applications:

- 100.** Performance guarantees;
- 200.** Sketch plans and preliminary plats associated with a subdivision;
- 300.** Rezoning; and
- 400.** Text amendments to this UDO.

03. OTHER POWERS AND DUTIES

- 100.** To perform studies and surveys of the present conditions and probable future development of the Town and its environs, including but not limited to, studies and surveys of land uses, population, traffic, parking, annexation, and expansions of the extraterritorial jurisdiction.
- 200.** To formulate and recommend to the Town Council the adoption and amendment of the Town of Stantonsburg Comprehensive Plan and other plans as necessary.
- 300.** To initiate proposals for text amendments to the Unified Development Ordinance based upon the findings and recommendations delivered in such studies and adopted plans.
- 400.** To determine whether specific proposed developments conform to the principles and requirements of the adopted comprehensive plan for growth and improvement of the Town.

ii. COMPOSITION

- 01.** The Planning Board shall consist of seven members.
- 02.** Six members shall reside within the corporate limits of Stantonsburg and one member shall reside in the extra-territorial planning jurisdiction (ETJ).
- 03.** The Town Council shall appoint the members from within the Stantonsburg corporate limits from a list of qualified applicants who have submitted a Planning Board application.
- 04.** The Wilson County Board of Commissioners shall appoint the members from within the ETJ following receipt of a recommendation from the Town Council.
- 05.** The member from the extra-territorial planning jurisdiction shall have equal rights, privileges, and duties as the members from within the corporate limits.

iii. TERMS

- 01.** Member terms shall be in accordance with the review authority's rules of procedure.
- 02.** Term limit requirements, if required by the review authority's rules of procedure, may be waived by the Town Council.

iv. QUORUM

A quorum of four members shall be necessary to transact official business of the Planning Board.

3. THE BOARD OF ADJUSTMENT

The Board of Adjustment is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes, and the following:

i. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

01. APPLICATION DECISIONS

The Board of Adjustment shall render final decisions regarding the following permit types:

100. Appeal of administrative decisions;

200. Variances except for those pertaining to the watershed protection standards; and

300. Special use permits.

02. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Town Council, this Ordinance, or State law.

ii. COMPOSITION AND OFFICERS

01. The Planning Board shall serve as the Board of Adjustment.

02. The Planning Board Chair and Vice Chair shall retain their offices when the Planning Board is performing the duties of a Board of Adjustment.

iii. QUORUM

A quorum of four members shall be necessary to transact official business.

iv. VOTING

01. The concurring vote of four-fifths of the Board of Adjustment members voting on a case shall be necessary to grant a variance.

02. A simple majority of the Board of Adjustment members present and voting on a case shall be required to decide an appeal or special use permit.

03. Members who are recused from voting due to a conflict of interest shall not be counted towards a simple or super majority.

4. THE TOWN MANAGER

i. POWERS AND DUTIES

The Town Manager shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

01. APPLICATION DECISIONS

The Town Manager shall render final decisions regarding the following permit types:

100. Certificates of occupancy;

200. Determinations;

300. Exempt subdivisions and limited subdivision plats;

400. Site plans; and

500. Zoning compliance permits.

02. APPLICATION REVIEWS

100. The Town Manager shall review and provide a recommendation on performance guarantees.

200. The Town Manager shall review and provide comments on applications for subdivisions.

300. Comments and recommendations by the Town Manager shall be provided prior to consideration of an application by any other review authority.

03. OTHER POWERS AND DUTIES

The Town Manager shall have the following other powers and duties:

100. To serve as Town Manager in accordance with State law;

200. To enforce the provisions of this Ordinance, including entering any building, structure, or premises, as provided by law, to perform any duty imposed by this Ordinance;

300. To apply remedies for violations of this Ordinance in accordance with Section 9.2.10: Enforcement and Violations;

400. To maintain the Official Zoning Map and related materials;

500. To process development applications and prepare staff reports as indicated in this Ordinance;

600. To maintain public records pertaining to this Ordinance and to make those records available to members of the public upon request;

700. To maintain rules of procedure for each review authority in this Ordinance;

800. To provide technical assistance to review authorities, upon request; and

900. To carry out any other powers and duties delegated by the Town Council that are consistent with this Ordinance and State law.

5. GENERAL REQUIREMENTS FOR ALL REVIEW AUTHORITIES

i. ALL MEETINGS SHALL BE OPEN

All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with Section 143-318 of the North Carolina General Statutes (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the Town Code of Ordinances, Adopted Policy Guidance, and rules of procedure adopted by the respective review authorities.

ii. RULES OF PROCEDURE

All review authorities shall adopt formal rules of procedure consistent with the level of decision-making delegated to that authority. Adopted rules of procedure shall be kept on file, made available on the Town's webpage, are available for public inspection, and shall be maintained by the designated staff to the review authority.

iii. OATH OF OFFICE

All review authority members (including Town staff) who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. They shall maintain a record of the oath's administration.

iv. CONFLICT OF INTEREST

01. LEGISLATIVE AND ADMINISTRATIVE DECISIONS

100. A review authority member shall not vote on an application where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member in accordance with NCGS§160D-109.

200. A review authority member shall not vote on an application where the landowner or applicant is a person with whom the member has a close familial, business, or other associational relationship.

02. QUASI-JUDICIAL DECISIONS

100. A review authority member shall not participate in or vote on any quasi-judicial matter in a manner that would violate an affected persons' constitutional rights to an impartial decision maker in accordance with NCGS§160D-109.

200. Impermissible violations of due process include but are not limited to:

- i. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
- ii. An undisclosed ex parte communication;
- iii. A close familial, business, or other associational relationship with an affected person; or
- iv. A direct, substantial, and readily identifiable financial impact on the member.

03. RECUSAL

100. If a conflict of interest exists, then a review authority member shall recuse themselves from participating in and voting on an application.

200. If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

300. In the event a Town staff member deciding an application has a conflict of interest, the decision shall instead be assigned to the Town Council.

v. MINUTES AND RECORDS

01. Accurate minutes of each meeting shall be maintained by each review authority showing the vote of each member on each question, or if absent or failing to vote, indicating such fact.

02. Each review authority shall keep records of its examinations and official actions.

03. All minutes and records shall be filed in the office of the Town Clerk for the public record.

vi. REGULAR MEETINGS

01. All review authorities shall meet at regularly scheduled times and at such other times as determined by the Chairperson as provided for in the rules of procedure.

02. Special meetings may be called at any time by the Chairperson or by request of a majority of members of the review authority.

vii. STAFF TO BOARDS

01. The Town Manager or a designee shall serve as staff to the review authorities identified in this Ordinance.

02. The Town Attorney may provide legal and procedural assistance, when requested.

viii. ATTENDANCE POLICY

01. All members shall attend meetings on a regular basis.

02. Attendance shall be in accordance with the adopted rules of procedure for the review authority.

ix. REMOVAL

The Town Council may remove any member of the Planning Board or Board of Adjustment for malfeasance or for violation of applicable attendance policies.

x. WAIVER OF TERM LIMIT REQUIREMENTS

The Town Council may, by a majority vote, waive any of the term limit requirements of a review authority, for reasonable cause, including but not limited to, a lack of sufficiently qualified and willing candidates to replace outgoing term-limited members.

ART. 9.2.2. VESTED RIGHTS

A. PURPOSE

This section is intended to implement NCGS§160D-108 with respect to the establishment of vested rights for landowners or applicants who have received a development approval from the Town.

B. VESTED RIGHT DEFINED

As used in this Ordinance, a vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town.

C. EFFECT OF VESTED RIGHT

1. Development approvals that have an established vested right in accordance with NCGS§160D-108 and this section shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.
2. Except when subject to sub-section (3) below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
 - i. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
 - ii. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and NCGS§143-755;
 - iii. A site-specific vesting plan approved in accordance with this Ordinance and NCGS§160D-108.1;
 - iv. A multi-phase development approved in accordance with this Ordinance and NCGS§160D-108; and
 - v. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and Article 10 of Chapter 160D of the North Carolina General Statutes.
3. Amendments to this Ordinance shall apply to vested development approvals if:
 - i. A change to State or federal law occurs and has a retroactive effect on the development or use;
 - ii. There is written consent to be subject to the amendment by the landowner;
 - iii. The development approval expires; or
 - iv. The development is not undertaken or completed in accordance with the approval.

D. ESTABLISHMENT OF A VESTED RIGHT

A vested right may only be established following an approval of a development application in accordance with this section and the applicable requirements in the North Carolina General Statutes. The following sub-sections detail the ways in which a vested right may be established.

1. COMMON LAW VESTED RIGHT

i. DEFINED

A common law vested right establishes the right to undertake and complete the development and use of property on substantial expenditures in good faith reliance on a valid governmental approval. Such approvals include, but are not limited to:

01. Zoning compliance permits;
02. Building permits;
03. Special use permits; and

04. Preliminary plats.

ii. ESTABLISHMENT

A request for a determination of a common law vested right will be reviewed and acted upon by the Town Manager in accordance with Section 9.2.7.C.3, Determination.

iii. APPLICATION

The applicant shall provide satisfactory proof that each of the following standards are met in order to establish a common law vested right:

- 01.** The applicant has, prior to the adoption or amendment of an ordinance, made expenditures or incurred contractual obligations amounting to 25 percent or more of the total project cost not including any land costs; and
- 02.** The obligations and/or expenditures were incurred in good faith; and
- 03.** The obligations and/or expenditures were made in reasonable reliance on and after the issuance of a valid governmental permit, if such permit is required provided however, a mistakenly issued governmental permit shall not give rise to a common law vested right; and
- 04.** The amended or newly adopted ordinance is a substantial detriment to the applicant.

2. ISSUANCE OF A BUILDING PERMIT

Issuance of a building permit by the Town in accordance with the applicable standards in this Ordinance and applicable State law shall entitle the building permit holder to vested rights to develop the proposal as identified in the approved building permit, subject to the following standards:

- i.** The applicant shall not be required to file for a determination to establish common law vested rights or to establish or maintain vested status during the time period for which the building permit remains valid.
- ii.** The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit.
- iii.** The building permit shall expire six months after issuance if work has not substantially commenced.
- iv.** The building permit shall expire after work commences if there is a 12-month discontinuance of work.
- v.** The building permit may be revoked for any substantial departure from the approved plans, failure to comply with any applicable local or State law (not just the building code and UDO), and any misrepresentations made in securing the permit.
- vi.** Building permits mistakenly issued may be revoked.
- vii.** If the building permit expires or is revoked, the vested right based on it is also lost.

3. STATUTORY VESTED RIGHT

Development permits for a building, use of a building, use of land, or subdivision of land establishes statutory vested rights, which shall entitle the permit holder to vested rights to develop the proposal as identified in the approved permit, subject to the following standards:

- i.** Issuance of a building permit is not considered a development permit, and the vesting term shall only continue in accordance with Section 9.2.2.D.2, Issuance of a Building Permit.
- ii.** A development permit is valid for one year after issuance, unless otherwise specified by statute, and the applicant is vested in that permit for the term of validity.

- iii. If the applicant fails to substantially commence authorized work within one year, then the development permit and vesting expire.
- iv. Vesting shall continue provided there is a substantial commencement of authorized work under a valid development permit.
- v. The development permit and vesting shall expire after substantial work commences if there is a two-year period of intentional and voluntary discontinuance of work unless otherwise specified by statute.

4. SITE-SPECIFIC VESTING PLAN

i. DEFINED

- 01.** For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the Town for purposes of obtaining approval.
- 02.** A site-specific vesting plan must provide, with reasonable certainty, all of the following:
 - 100.** The boundaries of the development;
 - 200.** Topographic and natural features affecting the site;
 - 300.** The approximate location of proposed buildings, structures, and other improvements;
 - 400.** The approximate dimensions, including height, of proposed buildings and other structures;
 - 500.** The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
 - 600.** The type or types of proposed land uses; and
 - 700.** The density or intensity of development.
- 03.** A variance or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a Site-Specific Vesting Plan.
- 04.** The following development approvals constitute a Site-Specific Vesting Plan:
 - 100.** Preliminary plats;
 - 200.** Site plans;
 - 300.** A site plan; and
 - 400.** A special use permit (with associated site plan).

ii. ESTABLISHMENT

Development approvals identified by this Ordinance as Site-Specific Vesting Plans shall be granted a vested right to develop for a maximum period of two years from the date of the approval, provided the applicant has requested, in writing, that a vested right is sought, and provided the development subject to the approval complies with all applicable terms and conditions.

5. MULTI-PHASE DEVELOPMENT PLAN

- i. A Multi-Phase Development Plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval and includes more than one phase shall be considered as a Multi-Phase Development Plan that is granted a vested right to develop for a period of seven years from the date of approval of the first site plan associated with the development.
- ii. Vesting shall commence upon approval of the Site Plan for the first phase of the development.

- iii. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

6. VOLUNTARY ANNEXATION

- i. Any petition for Annexation filed with the Town shall contain a signed statement from the applicant indicating if vested rights on the properties subject to the petition have been established in accordance with NCGS§160D-108.
- ii. A statement that declares that no zoning vested right has been established or the failure to provide a statement declaring whether or not vested rights have been established, shall result in a termination of any vested rights established prior to Annexation.

E. TERMINATION

1. GENERALLY

- i. Vested rights established in accordance with this Ordinance shall run with the land.
- ii. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval.
- iii. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.
- iv. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.
- v. In no instance shall vested rights continue if the Town Council finds, after a duly noticed public hearing, that natural or man-made hazards resulting from the development would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.
- vi. In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within 24 months of the discontinuance of work. This 24-month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

2. LIMITATIONS

- i. The establishment of a vested right does not preclude the Town’s application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.
- ii. A vested right shall not preclude the application of changes to building, fire, plumbing, electrical, or mechanical codes made after the development approval where a vested right was established.

ART. 9.2.3. DEFINITIONS AND RULES OF INTERPRETATION

A. RULES OF INTERPRETATION

1. MEANING AND INTENT

All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in Section 9.2.1.H, Purpose and Intent, and the specific purpose statements set forth throughout this Ordinance.

- i. When a specific section of these regulations gives a different meaning than the general definition provided in this section, the specific section’s meaning and application of the term shall control.
- ii. Terms that are not defined are subject to their common or customary meaning.

2. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town.

3. REFERENCES

- i. A reference to a chapter, section, sub-section, or paragraph means a chapter, section, sub-section, or paragraph of this Ordinance, unless otherwise specified.
- ii. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.
- iii. Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

4. DELEGATION OF AUTHORITY

Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do some act or perform some duty, the officer or employee may designate, delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

5. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may,” “can,” and “should” are permissive in nature.

6. TERM NOT DEFINED

If a term used in any chapter of this Ordinance is not defined, the Town Manager is authorized to interpret the term in accordance with Section 9.2.7.C.3, Determination, based upon the definitions used in professionally accepted sources.

7. MEASUREMENTS, GENERALLY

Unless otherwise stated in this Ordinance, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two points.

8. SETBACKS

A setback is the horizontal distance from a lot line or street right-of-way line to the nearest part of the applicable building, structure, sign, or activity, measured perpendicularly to the line.

9. HEIGHT

Building height is the vertical distance from a point established as the mean elevation of the finished grade along the front façade of a building to any of the following points:

- i.** The highest point of a flat roof (excluding coping or parapet walls shorter than five feet above the roof deck);
- ii.** The deck line of a mansard roof;
- iii.** The mid-point of the roof between the ridge and the eaves for a gable, hip, or gambrel roof; or
- iv.** To the highest point of a dome, shed, or cricket-style roof.

10. HEIGHT EXCEPTIONS

The following features are exempted from the maximum height requirements in this Ordinance:

- i.** Parapet walls of less than five feet in height above the roof deck;
- ii.** Spires, steeples, minarets, belfries, cupolas, domes, and similar architectural features not intended for human habitation;
- iii.** Water tanks, vent housings, elevator housings, and equipment covers associated with a building;
- iv.** Chimneys, vent pipes, skylights, or mechanical equipment; and
- v.** Bulkheads or a single-story penthouse occupying 25 percent or less of the total roof area.

B. DEFINITIONS

Except as defined in this Article or in other Articles of this Ordinance, all words used in this Ordinance shall have their customary dictionary definition. For the purpose of this Ordinance, 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. AGRICULTURAL OR HORTICULTURAL USE

The planting, raising, growing, and harvesting of any agricultural product or crop, excluding kennels or livestock operations.

4. 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.

5. BLOCK

A piece of land bounded on one or more sides by streets or roads.

6. BOARD OF ADJUSTMENT

The Town of Stantonsburg Planning Board performs the duties of a Board of Adjustment.

7. BUFFER STRIP

The portion of a yard where special landscaped areas, plantings, hedges, berms, fences, walls, additional setbacks or combinations of the above may be required to separate and partially screen two adjacent land uses that are ordinarily incompatible.

8. BUILDING

Any structure used or intended for supporting or sheltering any use or occupancy.

9. BUILDING SETBACK LINE

A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line, except that on lots having an access strip extending from the front portion of the lot the setback shall be figured from the front of the main portion of the lot.

10. CONDOMINIUM

A form of legal ownership of real property where owners each having individual interested in one or more private units, as well as common interest in the underlying real property and other common areas. The type of structure shall be the determining factor in deciding whether a use is permitted in a district.

11. DEDICATION

A gift, by the owner, or a right to use land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

12. DETERMINATION

A written interpretation prepared by the Town Manager or a designee that explains the meaning or intent of standard in this Ordinance, the location of a boundary on the Official Zoning Map, or the requirements of a development approval.

13. DEVELOPER

Any person, firm, trust, partnership, association, or corporation engaging in land, site or building development.

14. DEVELOPMENT

Development means any of the following:

- i.** The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- ii.** Excavation, grading, filling, clearing, or alteration of land;
- iii.** The subdivision of land, as defined in Section 160D-802 of the North Carolina General Statutes; or
- iv.** The initiation or substantial change in the use of land or the intensity of the use of land.

15. DWELLING, MULTI-FAMILY

A building or group of buildings arranged to be occupied by more than two families, more than two dwelling units but excluding mobile homes and townhouses.

16. DWELLING

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used.

17. DWELLING, SINGLE-FAMILY

A building arranged to be occupied by one family, excluding mobile homes and townhouses.

18. DWELLING, TWO-FAMILY

A building arranged to be occupied by two families, the building having two dwelling units, excluding mobile homes and townhouses.

19. DWELLING UNIT

A single unit providing complete living facilities for one family or household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

20. EASEMENT

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

21. EXTRACTIVE INDUSTRY

A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, hydraulic fracturing, and similar activities. Specifically excluded from this use is grading and removal of dirt associated with an approved site plan or subdivision or excavations associated with, and for the improvement of, a bona fide agricultural use. An extractive industry shall also be as defined in the North Carolina General Statutes, and the Mining Act of 1971.

22. FAMILY

One or more persons living together as a single housekeeping unit.

23. FAMILY CARE HOME

A home with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for not more than six resident persons with disabilities. A disabled person is a person with a temporary or permanent physical, emotional, or mental disability including but not limited to an intellectual disability, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in Section 122C-3(11)b of the North Carolina General Statutes.

24. FAMILY HEALTH CARE STRUCTURE

A transportable residential structure that is primarily assembled at a location other than its site of installation and provides an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.

25. FARMING

The planting, raising, tilling, and harvesting of any agricultural product grown on and from the land, but excluding kennels and livestock operations.

26. FLOOR AREA, GROSS

The number of square feet of total floor area bounded by the exterior walls 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.

27. GROUP HOME

A residential facility (such as an orphanage, shelter, crisis center) with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for more than six persons needing emergency or post-incarceration services (but not including those with mental illness who are dangerous to themselves or others).

28. HALF-STREET

A street whose centerline coincides with a subdivision plat boundary, with one-half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

29. HOME OCCUPATION

An incidental use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services.

30. KENNEL

An establishment for the keeping, boarding, or breeding of dogs, cats, or other domestic animals usually owned, kept, or raised for pet purposes.

31. LEGISLATIVE PUBLIC HEARING

A hearing held for the purpose of soliciting public comments on a proposed change in the zoning text or zoning map. Reasonable time limits on speakers may be imposed and responsible decorum maintained. However, unlike quasi-judicial hearings, there is no requirement for oaths, no limits on expression of personal opinions, and no limit on discussing the matter outside the context of the hearing.

32. 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.

33. LOT

A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both. The term "lot" includes the terms "parcel," "plot," and "tract."

34. LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Wilson County Register of Deeds, or a lot described by metes and bounds, the description of which has been so recorded.

35. 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.

36. 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.

37. 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.

38. LOT, DOUBLE FRONTAGE OR THROUGH

A lot other than a corner lot with frontage on more than one street.

39. LOT, FLAG

A lot having shape and configuration so that it connects to street frontage by an extension and/or arm of the main portion of the lot.

40. LOT, INTERIOR

A lot other than a corner lot with only one frontage on a street.

41. LOT, REVERSED FRONTAGE

A lot on which frontage is at right angles or approximately right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

42. LOT, SINGLE-TIER

A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

43. 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.

44. 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.

45. MANUFACTURED HOME

A factory-built structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. This does not include recreation vehicles. In terms of use and standards in this ordinance, manufactured homes and mobile homes are treated the same; the distinction may remain applicable for building and other codes.

46. MOBILE HOME

A detached residential dwelling unit constructed prior to July 15, 1976, that does not bear a certification of compliance with National Manufactured Housing Construction and Safety Standards Act of 1974. A mobile home is designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and similar features.

47. MOBILE HOME PARK

Any plot of ground upon which two or more manufactured homes and/or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether a charge is made for such accommodations.

48. MOBILE HOME SPACE

Any area of ground within a mobile home park designated for the exclusive use of one manufactured or mobile home.

49. 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.

50. OFFICIAL MAPS OR PLANS

Any maps or plans officially adopted by the Town Council of the Town of Stantonsburg.

51. OPEN SPACE

An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment generally left in its unaltered state.

52. PLANNED UNIT DEVELOPMENT

A planned unit development is a project which is to be located on land under unified control, planned as a whole, and developed in a single development operation or in a programmed series of 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.

53. PLANNING JURISDICTION

The land area subject to this Ordinance, including land area within the corporate limits and extraterritorial jurisdiction, land subject to a pending application for voluntary annexation, or any land subject to an agreement between the County and other governmental entity that extends planning control to that governmental entity.

54. PLAT

A map or plan of a parcel of land which is to be or has been subdivided.

55. 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.

56. PRIVATE DRIVEWAY

A roadway serving two or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

57. PRIVATE STREET

An undedicated private right-of-way or access easement which affords access to abutting properties from a series of driveways to a public street system.

58. PUBLIC SEWAGE DISPOSAL SYSTEM

A system serving two or more dwelling units permitted by the State of North Carolina.

59. PUBLIC WATER SYSTEM

Water system operated by the Town or other public utility authority.

60. RECREATION AREA OR PARK

An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

61. RESERVATION

A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

62. RESIDENTIAL TREATMENT FACILITY

Inpatient facility which provides care for persons with drug and/or alcohol dependency problems and which may include outpatient follow-up care to the facility's patients.

63. RESTAURANT

An establishment whose primary purpose is serving meals to patrons.

64. 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 percent of whose average daily customers take their food or beverages out of the restaurant.

65. RESTAURANT, INDOOR

Any restaurant that does not have a drive-in window or stalls nor provides take-out services.

66. 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.

67. RIGHT-OF-WAY, STREET

A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

68. SHOPPING CENTER

Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

69. SIGN

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.

70. TYPES OF SIGNS

i. GROUND SIGN

A sign erected on a free-standing frame, mast, or pole, and not attached to any building, fence, or wall.

ii. 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.

iii. 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.

iv. 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.

v. PROJECTING SIGN

A sign which extends beyond and is attached to a building wall, and may extend over a public right-of-way.

vi. ROOF SIGN

A sign attached to and extending upward from a roof of a structure.

vii. WALL SIGN

A sign which is attached flat to the wall or facade of a building, or to a fence or wall.

71. 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.

72. 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.

73. SOLAR ENERGY CONVERSION, LEVEL 1

A system consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. Level 1 solar energy conversion uses are secondary uses serving a principal use on the same lot and is an energy system designed primarily to meet on-site demands (but may include transfer of excess electricity to an electric utility grid) and components are typically mounted on the roof(s) of principal or secondary structures, but may also be mounted on the ground.

74. SOLAR ENERGY CONVERSION, LEVEL 2

A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 2 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 2 solar energy conversion uses are located on lots or sites of less than 10 acres in area.

75. SOLAR ENERGY CONVERSION, LEVEL 3

A system consisting of solar panels, modules, and related equipment that collects solar radiation and converts it into electricity for use on site and in other sites. Level 3 solar energy conversion uses are industrial-scale principal uses devoted to collecting solar energy scale for conversion to electricity, and subsequent use in another location. Level 3 solar energy conversion uses are located on lots or sites of 10 acres or more in area.

76. STREET

A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this ordinance).

77. STREET, RURAL ROAD CLASSIFICATIONS

For the purposes of this ordinance, the following classifications apply to rural roads in the planning jurisdiction of the Town of Stantonsburg:

i. PRINCIPAL ARTERIAL

A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

ii. MINOR ARTERIAL

A rural link in a network joining cities and larger towns and providing intrastate and intercounty service at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

iii. MAJOR COLLECTOR

A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

iv. MINOR COLLECTOR

A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

v. LOCAL ROAD

A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

78. STREET, URBAN ROAD CLASSIFICATIONS

For the purposes of this Ordinance, the following classifications apply to urban roads in the planning jurisdiction of the Town of Stantonsburg:

i. MAJOR THOROUGHFARES

Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas.

ii. MINOR THOROUGHFARES

Minor thoroughfares are important streets in the urban system and perform the function of collecting traffic from local access streets and carrying it to the Major Thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.

iii. LOCAL STREET

A local street is any link not part of a higher-order urban system which serves primarily to provide direct access to abutting land and access to higher systems.

79. STREET, RURAL AND URBAN ROAD CLASSIFICATIONS

For the purposes of this ordinance, the following classifications apply to both rural and urban roads in the planning jurisdiction of the Town of Stantonsburg:

i. FREEWAY, EXPRESSWAY, OR PARKWAY

Divided multilane roadway designed to carry large volumes of traffic at relatively high speeds. A freeway is a divided highway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via-connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of parklike development.

ii. RESIDENTIAL COLLECTOR STREET

A local access street which serves as connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

iii. LOCAL RESIDENTIAL STREET

Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

iv. CUL-DE-SAC

A short street having but one end open to traffic and the other end being permanently terminated with a vehicular turnaround provided.

v. FRONTAGE ROAD

A local street or road that is parallel to a full or partial access-controlled facility and functions to provide access to adjacent land.

vi. 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.

80. 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.

81. SUBDIVIDER

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

82. TOWN

The Town of Stantonsburg, North Carolina.

83. TOWN COUNCIL

The elected governing board of the Town of Stantonsburg, North Carolina.

84. TOWN MANAGER

The Town Manager serves as the administrator of the Unified Development Ordinance.

85. TOWNHOUSE

A single-family dwelling unit constructed in a series or group of attached units with property lines separating the units.

86. USED

As applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used.

87. VARIANCE

A grant of relief from the requirements of this Ordinance in response to a hardship.

88. 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.

89. 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.

90. 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.

91. YARD, SIDE

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A yard extending along either side of a lot measured from front yard line to rear yard line, and lying between lot line and the principal structure or use on the lot.

92. ZONING ADMINISTRATOR

The Town Manager or designee serves as the Zoning Administrator.

93. ZONING MAP

The official zoning map of the Town of Stantonsburg, North Carolina.

ART. 9.2.4. ZONING DISTRICTS

A. ZONING DISTRICTS DISTINGUISHED

All land within the Town’s planning jurisdiction shall be in one or more of the following types of zoning districts:

1. All land subject to these standards shall be classified into one of the conventional zoning districts identified in Section 9.2.4.B, Zoning Districts Established.
2. Some lands are classified as being in an overlay zoning district.
3. In cases where land is within an overlay zoning district, the standards in the overlay district apply in addition to the standards governing development in the underlying conventional zoning district.
4. Conflicts between underlying and overlay zoning districts are addressed in accordance with Section 9.2.4.E.3, Determination of Boundaries.
5. Land in the Town’s planning jurisdiction shall be classified or reclassified into a conventional or overlay zoning district only in accordance with the procedures and requirements set forth in this Section 9.2.7.C.7, Map or Text Amendments.

B. ZONING DISTRICTS ESTABLISHED

For the purposes of implementing this Ordinance, all properties within the planning jurisdiction for the Town of Stantonsburg are hereby divided into the following conventional zoning districts.

| ZONING DISTRICT TABLE | | |
|-------------------------------------|-------------|---|
| NAME OF DISTRICT | ABR: | DESCRIPTION OF ZONING DISTRICT |
| Residential-Agricultural | RA | 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. |
| Residential Subdivision | RS | The purpose of this district is to provide for existing and proposed residential subdivisions. |
| Single and Multi-Family Residential | RH | The purpose of this district is to provide for a compatible mixture of single-family dwellings and multi-family buildings and complexes. |
| Mobile Home Residential | RMH | The purpose of this district is to provide areas for the location of mobile homes. |
| Commercial | C | The purpose of this district is to provide areas for offices, services, and businesses. |
| Light Industrial | LI | 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. |

C. MANUFACTURED HOME OVERLAY DISTRICT

1. PURPOSE

The purpose of this section 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 section is to increase the housing opportunities for individuals with a low or moderate income. Such overlay areas shall not consist of an individual

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ART. 9.2.4. ZONING DISTRICTS

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. 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 square feet.

2. ESTABLISHMENT AND CHANGES

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 following the process set forth in Section 9.2.7.C.7, Map or Text Amendments.

3. REQUIREMENTS FOR MANUFACTURED HOME PLACEMENT

- i. The placement of a manufactured home is permitted on lots with a minimum lot size of 40,000 square feet and 200 feet of lot width.
- ii. The manufactured home is subject to the use standards set forth in Section 9.2.5.E.1, Manufactured Homes.
- iii. 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.

D. DIMENSIONAL REQUIREMENTS

The table below establishes the dimensional standards for the lots and placement of principal structures for each conventional zoning district.

| DIMENSIONAL REQUIREMENTS TABLE | | | | | | |
|--|--------|--------|------------|--------|--------|--------|
| ZONING DISTRICT | RA | RS | RH | RMH | C | LI |
| Minimum lot area in square feet for single family dwelling [1] | 40,000 | 15,000 | 10,000 | 10,000 | | |
| Minimum lot area in square feet for two-family dwelling or two townhouse units [1] | 40,000 | 15,000 | 15,000 | 12,000 | | |
| Minimum lot area in square feet for multi-family dwelling townhouse [1] | | | 20,000 [2] | | | |
| Minimum lot area in square feet for non-residential use(s) [1] | 40,000 | 20,000 | 15,000 | 15,000 | 20,000 | 20,000 |
| Minimum lot width (feet) for single-family dwelling | 150 | 100 | 80 | 80 | | |
| Minimum lot width in feet for two-family dwelling | 150 | 100 | 80 | 80 | | |
| Minimum lot width for multi-family dwelling, townhouse, or other use | 150 | 100 | 100 | 100 | 100 | 100 |
| Minimum lot depth (feet) | | | | | 150 | 150 |

| DIMENSIONAL REQUIREMENTS TABLE | | | | | | |
|--|-----------|-----------|-----------|------------|----------|-----------|
| ZONING DISTRICT | RA | RS | RH | RMH | C | LI |
| Minimum front yard (feet) [3] | 30 | 30 | 30 | 30 | 30 | 50 |
| Minimum side yard (feet) [3] | 15 | 10 | 10 | 10 | 10 | 20 |
| Minimum rear yard (feet) [3] | 25 | 25 | 25 | 25 | 25 | 25 |
| Maximum height (feet) | 35 | 35 | 35 | 35 | 50 | 50 |
| Maximum lot coverage (percentage) | 40 | 40 | 40 | 40 | 40 | 40 |
| Notes: [1] Where there is not public water and sewer, lot area requirements must meet the requirements of the county health department or the requirements of this chapter whichever is greater. [2] Minimum lot area of 20,00 sf for up to three units plus 5,000 sf for each additional unit beyond three. [3] For properties with multiple principal uses or buildings, see section 9.2.5.B.3. | | | | | | |

E. OFFICIAL ZONING MAP

1. GENERALLY

- i.** The paper version of the Official Zoning Map maintained in the offices of the Town of Stantonsburg shall be the final authority as to the status of the current zoning district classification of land in the Town’s planning jurisdiction and shall only be amended in accordance with Section 9.2.7.C.7, Map or Text Amendment.
- ii.** The Official Zoning Map designates the location and boundaries of the conventional and overlay zoning districts established in this Ordinance.
- iii.** Paper copies shall be kept on file and are available for public inspection during normal business hours.
- iv.** The Town Manager shall maintain paper copies of superseded versions of the Official Zoning Map for historical reference, as appropriate.
- v.** Copies of the Official Zoning Map may be purchased from the Town and paper copies of the map that are certified by the Town Manager in accordance with Section 160A-79 of the North Carolina General Statutes shall be admissible in evidence and have the same force of effect as the original map.

2. INCORPORATED BY REFERENCE

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 Town Manager and is available for inspection by the public.

3. DETERMINATION OF BOUNDARIES

- i.** The boundaries of zoning districts as are shown upon the official zoning map are hereby adopted, and the provisions 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.

- ii. 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:
 - 01. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow those centerlines.
 - 02. Boundaries indicated as approximately following platted lot lines shall be construed as following those lot lines,
 - 03. Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following those jurisdictional boundaries.
 - 04. Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main track or tracks.
 - 05. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following those centerlines.
 - 06. 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.
 - 07. 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.
 - 08. Boundaries indicated as parallel to or extensions of natural or man-made features indicated in divisions (ii)(01) through (ii)(07) above shall be so construed, and
 - 09. Distances not specifically indicated shall be determined by the scale of the official zoning map.
- iii. Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in Section 9.2.7.C1: Appeals.

4. REVISION

Amendments to the official zoning map shall be adopted by ordinance as provided in with Section 9.2.7. C.7: Map or Text Amendment. Promptly after the adoption of an amendment, the Town Manager shall alter or cause to be altered the official zoning map to indicate the amendment. The Town Manager 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.

5. REPLACEMENT AND COPIES

- i. The Town Manager shall maintain a true copy of the official zoning map, which shall include thereon all matters shown on the official zoning map.
- ii. 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 Town Manager shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the Town Council 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.

ART. 9.2.5. LAND USES

A. USES DISTINGUISHED

This section contains all the standards related to the use of land in the Town’s planning jurisdiction, and is organized by the three kinds of land uses: principal, accessory, or temporary use.

1. Principal uses are the primary, permanent use types proposed on a lot (like a single-family home).
2. Accessory uses are subordinate to the principal use located on the same lot (like a detached garage serving a single-family home) and may be a structure or an activity.
3. Temporary uses are structures or activities allowed for a short duration of time.

B. DEVELOPMENTS WITH MULTIPLE PRINCIPAL USES OR BUILDINGS

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.

C. PROCEDURE FOR CLASSIFICATION OF UNLISTED USE TYPES

1. In the event that a proposed principal or accessory use type is not listed in Section 9.2.5.D, Principal Land Use Table, and such land use is not listed in Section 9.2.5.H, Prohibited Uses, or is not otherwise prohibited by law, the Town Manager shall determine whether a materially similar land use exists in this Ordinance.
2. The Town Manager shall determine whether or not an unlisted use is similar to an existing use type set out in Section 9.2.5.D, Principal Land Use Table, based on the definitions in Section 9.2.3, Definitions and Rules of Interpretation, and the standards for unlisted uses in Section 9.2.7.C.3, Determination. Nothing shall limit the Town Manager from seeking input from Town staff, the Planning Board, or Town Council in making a determination of how to categorize an unlisted use.
3. Should the Town Manager determine that a materially similar land use does exist, the regulations governing that land use shall apply to the unlisted use type and the Town Manager’s determination shall be recorded in writing.
4. In cases where a proposed unlisted use type is not found to be similar to an existing use type, the Town Manager may, but shall not be required to, initiate a text amendment application to revise the text of this Ordinance to add the use type in accordance with Section 9.2.7.C.7, Map or Text Amendment.

D. PRINCIPAL USE TABLE

When a specific land use is permitted in a zoning district, either a “P” or “S” will appear in the appropriate cell. If the cell is blank, then that use is not permitted and is subject to Section 9.2.5.C, Procedure for Classification of Unlisted Use Types. A “P” in a cell indicates that the use is permitted by-right. An “S” in a cell indicates that the use is permitted only upon approval of a special use permit in accordance with Section 9.2.7.C.11, Special Use Permit. Use specific standards are noted in the column labeled USS.

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.5. LAND USES

| PRINCIPAL USE TABLE | | | | | | | |
|---|-----------------|-----------|-----------|-----------|------------|----------|-----------|
| USE | STANDARD | RA | RS | RH | RMH | C | LI |
| RESIDENTIAL USES | | | | | | | |
| Single-family dwellings on individual lots | | P | P | P | P | | |
| Two-family dwellings | | P | P | P | P | | |
| Three-family or four-family dwellings in one building | 9.2.5.E.3 | | | P | | | |
| Multi-family dwellings and complexes | 9.2.5.E.3 | | | S | | | |
| Townhouses | 9.2.5.E.5 | | | S | | | |
| Manufactured and mobile homes on individual lots [1] | 9.2.5.E.1 | S | | | P | | |
| Manufactured and Mobile home parks | 9.2.5.E.2 | | | | S | | |
| Family Care Homes | | P | P | P | P | | |
| Group Homes | | P | P | P | P | | |
| NON-RESIDENTIAL USES | | | | | | | |
| Adult Uses | | | | | | | S |
| Agricultural or horticultural uses | 9.2.5.F.10 | P | | | | | P |
| Amusement parks | 9.2.5.F.1 | | | | | S | |
| Assembly halls | | | | | | P | P |
| Automobile service stations | 9.2.5.F.8 | | | | | P | |
| Campground, commercial | 9.2.5.F.2 | S | | | | | |
| Campground for youth and organized groups | 9.2.5.F.2 | S | S | S | S | | |
| Car washes | | | | | | P | |
| Cemeteries | | P | P | P | P | | |
| Churches, temples, synagogues | 9.2.5.F.3 | S | S | S | S | P | |
| Community Centers | | P | S | S | S | | |
| Commercial amusement buildings including more than | 9.2.5.F.4 | | | | | S | |

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.5. LAND USES

| PRINCIPAL USE TABLE | | | | | | | |
|---|-----------------|-----------|-----------|-----------|------------|----------|-----------|
| USE | STANDARD | RA | RS | RH | RMH | C | LI |
| two electronic game and pinball machines | | | | | | | |
| Commercial plant nurseries and greenhouses | 9.2.5.F.9 | P | | | | | P |
| Day Care Centers | 9.2.5.F.6 | S | S | S | S | P | |
| Extractive Industry | 9.2.5.F.7 | | | | | | S |
| Financial institutions | | | | | | P | |
| Fraternal organizations not open to the public | 9.2.5.F.3 | S | S | S | S | P | |
| Golf courses, excluding carpet or miniature | | P | | P | P | P | |
| Hospitals (except animal hospitals), clinics, nursing homes | | P | | P | P | P | |
| Hotels and motels | | | | | | P | |
| Libraries | | P | P | P | P | P | |
| Museums | | P | P | P | P | P | |
| Offices – business, professional, and public | | | | | | P | |
| Parks | | P | P | P | P | | |
| Planned unit development | 9.2.5.E.4 | S | S | S | S | S | |
| Playgrounds | | P | P | P | P | | |
| Private Clubs | | S | S | S | S | | |
| Public buildings, uses and utilities | | P | S | S | S | P | P |
| Public and Private schools | | P | P | P | P | P | |
| Restaurants | | | | | | P | |
| Retail or wholesale business or services establishment, or public use or utility, which is enclosed in a building with NO outdoor sales and does NOT emit | | | | | | P | |

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.5. LAND USES

| PRINCIPAL USE TABLE | | | | | | | |
|--|-------------------------|----|----|----|-----|---|----|
| USE | STANDARD | RA | RS | RH | RMH | C | LI |
| 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 | | | | | | | |
| 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 may emit smoke, odor, dust, fumes, or noise from the building in which they are located, or involve possible fire hazards | 9.2.5.F.9 9.2.5.F.10 | | | | | S | |
| Shopping Centers | | | | | | P | |
| 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; involves storage of combustible materials; or is among uses listed as exceptions in the list immediately above. | 9.2.5.F.8 9.2.5.F.10 | | | | | S | |
| Solar Energy Conversion, Level 2 | 9.2.5.F.10 | S | | | | | P |
| Solar Energy Conversion, Level 3 | 9.2.5.F.10 | S | | | | | S |
| Telecommunications Towers, collocation | 9.2.5.F.11 | P | P | P | P | P | P |

| PRINCIPAL USE TABLE | | | | | | | |
|--|-----------------|-----------|-----------|-----------|------------|----------|-----------|
| USE | STANDARD | RA | RS | RH | RMH | C | LI |
| Telecommunications Towers, major | 9.2.5.F.11 | S | | | | | S |
| Telecommunications Towers, minor | 9.2.5.F.11 | P | | | | P | P |
| Notes: [1] See Section 9.2.4.C: Manufactured Home Overlay District for additional allowances and standards. | | | | | | | |

E. USE SPECIFIC STANDARDS, RESIDENTIAL USES

In addition to the dimensional requirements and other general development standards, the uses listed below have use specific standards that apply as part of the permit approval process.

1. MANUFACTURED OR MOBILE HOMES ON INDIVIDUAL LOTS

- i.** 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.
- ii.** 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.
- iii.** All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter.
- iv.** 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.
- v.** The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.
- vi.** A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.
- vii.** 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 forth by the North Carolina Department of Insurance, attached firmly to the primary structure and anchored securely to the ground.
- viii.** The moving hitch, wheels and axles, and transporting lights have been removed.

2. MANUFACTURED AND MOBILE HOME PARKS

i. GENERAL REQUIREMENTS

- 01.** An individual mobile homeowner shall be allowed to sell the mobile home in which he resides.
- 02.** 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.
- 03.** 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 park.

- 04.** Porches covered with a roof and open on three sides may be permitted if yard space requirements of this chapter are not violated.
- 05.** Mobile home park identification signs shall not exceed 32 square feet in area. Only indirect, non-flashing lighting shall be used for illumination. The top portion of any sign shall not exceed 12 feet in height.
- 06.** A five-foot buffer strip along any of all boundaries of the mobile home park planted with evergreen trees or shrubbery, or solid fencing at least five feet in height shall be installed. 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.
- 07.** Within a mobile home park, one mobile home may be used as an administrative office.
- 08.** 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:
 - 100.** The establishments shall be subordinate to the residential use and character of the park.
 - 200.** The establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - 300.** The establishments shall be designed to serve the trade and service needs of the park residents only.
 - 400.** The establishments shall be included on the site plan as part of the special use permit approval process.
- 09.** 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.

ii. STREETS AND PARKING

- 01.** 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.
- 02.** 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.
- 03.** 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 North Carolina Department of Transportation shall apply.
- 04.** New street names shall not duplicate or be similar to street names in the county.
- 05.** 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.
- 06.** A minimum of one guest automobile parking space, all-weather surfaced, shall be provided on the park site for each two mobile home spaces.

iii. MOBILE HOME SPACE

- 01.** 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.

- 02.** Each mobile home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners.
- 03.** 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.
- 04.** 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 public street or road.
- 05.** 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.

iv. UTILITY REQUIREMENTS

01. WATER SUPPLY

- 100.** An accessible, adequate, safe, and palatable supply of water shall be provided in each mobile home park.
- 200.** Where a municipal water supply is available, connection shall be made and its supply used exclusively.

02. SEWER CONNECTIONS

- 100.** The municipal sewer must be hooked to all mobile homes.
- 200.** 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. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.
- 300.** A two-inch-by-two-inch concrete apron shall be installed around all sewer connection riser pipes for support and protection.
- 400.** 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 only without any branch fittings. All joints shall be watertight, including connection from the mobile home to sewer riser pipe.
- 500.** All material used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- 600.** Provision shall be made for plugging the sewer pipe when a mobile home does not occupy a space.

03. SOLID WASTE DISPOSAL

- 100.** 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.
- 200.** All solid waste shall be stored in standard airtight, watertight, rodent-proof containers, with a capacity of not more than 32 gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste.

300. 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.

v. RODENTS AND INSECTS; NOXIOUS WEEDS; NON-OPERABLE AUTOMOBILES

- 01.** 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.
- 02.** Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitos, and other pests.
- 03.** 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.
- 04.** 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.
- 05.** 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.
- 06.** No non-operable automobile shall remain in a mobile home park for a period no longer than 60 days.

vi. ILLUMINATION

- 01.** All streets in the mobile home park shall be adequately illuminated from sunset until sunrise.
- 02.** The minimum size streetlight shall be 175-watt mercury-vapor (approximately 7,000 lumens class), or its equivalent, spaced at intervals of not more than 300 feet.

vii. REGISTRATION OF OCCUPANTS

- 01.** 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.
- 02.** The register shall contain the following information:
 - 100.** Name of owner or occupant.
 - 200.** Mobile home space number.
 - 300.** Make, model, and registration number of mobile homes,
 - 400.** Date when occupancy within the mobile home park begins, and date when occupancy within the mobile home park ceases.

3. MULTI-FAMILY DWELLINGS AND APARTMENT COMPLEXES

- i.** Maximum density shall 20,000 square feet for three dwelling units plus an additional 5,000 square feet for each additional unit.
- ii.** Where more than one building is to be located on the site, building separation shall be determined as follows:

| TABLE OF SEPARATION REQUIREMENTS | |
|---|---------------------------|
| HEIGHT OF BUILDING | MINIMUM SEPARATION |
| Up to and including 20 feet | 16 feet |
| 20.1 to 25 feet | 25 feet |
| 25.1 to 30 feet | 30 feet |
| 30.1 to 35 feet | 40 feet |

- iii. The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.
- iv. A yard of at least 50 feet shall be provided around the entire perimeter of the site. Driveways may be located in the perimeter yard but parking spaces and accessory buildings shall not be allowed in the required yard.
- v. Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- vi. Leasing offices, coin-operated laundry facilities, swimming pools, snack bars, and similar service uses for residents of the multi-family dwelling may be permitted provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

4. PLANNED UNIT DEVELOPMENTS

- i. The project site must be at least two gross acres in size, 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 provisions for the operation and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.
- ii. A planned unit development may contain any of the permitted or special uses listed for the district in which it is located subject to approval of the plans by the Town Council.
- iii. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicated for multi-family dwellings in Section 9.2.5.E.3, Multi-family and Apartment Complexes. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for the district in which the project is located.
- iv. Shopping centers are also permitted in a planned unit development when proposed to be located within the Commercial Zoning District. Uses allowed include: 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.
- v. 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:
 - 01. 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 6,000 square feet, provided that the difference between the required area for the zoning district and the reduced area is dedicated to a homeowners' association as common open space.

- 02.** Zero lot line detached single-family dwellings. The dwellings may be located on one side property line and the side setback for the zoning district must be met on the opposite side. The lot size may be reduced to 6,000 square feet provided that the sum of the difference for the zoning district is dedicated as open space owned by a homeowners' association.
- vi.** Common areas and open space shall be deeded to an owners' association, and the developer or owner shall file with the Town Manager and recorded in the Wilson 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:
 - 01.** The association shall be established before the homes, buildings, or uses are sold.
 - 02.** Membership shall be mandatory for each buyer and all successive buyers,
 - 03.** The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.
 - 04.** 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 Council which adequately protects the interests of the town and the owners.
 - 05.** Any owner of each dwelling unit, or each homeowner or other building owner, shall have voting rights in the association.
 - 06.** Uses of common property shall be appropriately listed.
 - 07.** The following information shall also be provided:
 - 100.** The name of the association.
 - 200.** The manner in which directors of the association are to be selected.
 - 300.** The post office address of the initial registered office.
 - 400.** The name of the city and county in which the registered office is located.
 - 500.** The number of directors constituting the initial board of directors.

5. TOWNHOUSES

- i.** Minimum lot area, width, depth, and lot coverage requirements shall be as indicated in Section 9.2.4.D, Dimensional Requirements for the zoning district in which they are located.
- ii.** A perimeter yard for the townhouse project with more than two attached townhouses shall be 50 feet.
- iii.** The minimum number of townhouses attached to each other shall be two and the maximum shall be eight.
- iv.** Common areas and common open space shall be deeded to a homeowners' association, and the developer shall file with the town manager and record in the Wilson 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:
 - 01.** The association shall be established before the homes, buildings, or uses are sold.
 - 02.** Membership shall be mandatory for each buyer and all successive buyers,
 - 03.** The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities.
 - 04.** 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.

- 05.** Any owner of each dwelling unit, or each homeowner or other building owner, shall have voting rights in the association.
- 06.** Uses of common property shall be appropriately listed.
- 07.** The following information shall also be provided:
 - 100.** The name of the association.
 - 200.** The manner in which directors of the association are to be selected.
 - 300.** The post office address of the initial registered office.
 - 400.** The name of the city and county in which the registered office is located.
 - 500.** The number of directors constituting the initial board of directors.

F. USE SPECIFIC STANDARDS, NON-RESIDENTIAL USES

1. AMUSEMENT PARKS

- i.** No activities, including parking, shall be located within 2,000 feet of any residentially zoned property.
- ii.** Lighting from the park shall not produce glare or direct cast on a residential structure.
- iii.** Noise from the park shall not be a nuisance to any residentially zoned property.
- iv.** Buffering shall be sufficient to screen the outdoor use or portion of the use from view of streets and neighboring property.

2. CAMPGROUNDS (COMMERCIAL) AND CAMPGROUNDS FOR YOUTH AND ORGANIZED GROUPS

- i.** The site shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
- ii.** The use shall meet any applicable county health department requirements.

3. CHURCHES AND FRATERNAL ORGANIZATIONS

- i.** The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
- ii.** Noise from a public address system shall not be heard beyond the property where the use is located.
- iii.** The use shall not be located in an area where congestion will be a problem for neighboring residential uses.

4. COMMERCIAL AMUSEMENT BUILDINGS, DISCO AND DANCE ESTABLISHMENTS, ELECTRONIC AND PINBALL MACHINES, NIGHTCLUBS, SKATING RINKS, BILLIARD PARLORS

- i.** The proposed size and number of patrons shall not adversely affect neighboring uses.
- ii.** Hours of operation will be limited to 10 a.m. to 10 p.m.

5. COMMUNITY CENTERS AND PRIVATE CLUBS

- i.** Noise from a public address system shall not be heard beyond the property.
- ii.** The use will not be located in an area in which traffic congestion will be a problem for neighboring residential uses.

6. DAY CARE CENTERS

Licensing must be obtained by the State of North Carolina.

7. EXTRACTIVE INDUSTRY

i. APPLICATIONS

01. Applicants for a special use permit shall submit two copies of all documents required by the State of North Carolina for a mining permit application, the reclamation plan, and any maps and charts accompanying these documents.
02. No extractive industry shall commence until a special use permit has been approved in accordance with this Ordinance.
03. Special use permit approval shall not become effective until a mining permit is issued by the North Carolina Department of Environmental Quality, or successor agency.
04. A special use permit shall automatically expire if at any time after its issuance the state mining permit is revoked or terminated.

ii. STANDARDS

01. The operation will not constitute a substantial physical hazard to a neighboring dwelling house, school, religious structure, hospital, commercial, or industrial building, public street, or public property.
02. The operation will not have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreational open space area.
03. A visual screen of evergreen plantings shall be established and maintained around that portion of the mining site that is being excavated or being used for the storage of minerals, as required elsewhere by this ordinance.
04. When excavated areas have been reclaimed in accordance with the Mining Act of 1971, of North Carolina and as amended or Chapter 5 of the North Carolina Administrative Code, Title 15 "Environment & Natural Resources", any artificial screening may be removed.
05. The visual screening requirements in this section may be waived when:
 100. The Town determines that existing vegetative cover will fulfill these requirements. Such natural screening may consist of existing vegetative cover including, but not limited to, trees and shrubs, not less than 50 percent of which shall be evergreen. Screening may also consist of earthen berms or other artificial screens used individually or in combination with each other and existing vegetation to achieve a screening effect required by this section. Screening materials and vegetation may be located in required buffer areas. All berms and other artificial screens requiring extensive land disturbance shall comply with the North Carolina General Statutes.
 200. It is determined that due to topographic, or other circumstances where, through no fault of the permittee, that the requirements of this section cannot be provided. In such case, an alternative plan shall be submitted.
06. All mining activities shall conform to the vibration policy adopted by the Land Quality Section of the North Carolina Department of Environmental Quality.

8. 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 SPECIAL USES IN THE LIGHT INDUSTRIAL ZONING DISTRICT

- i. The effects of the individual operation on neighboring property and the area shall not create an adverse effect.
- ii. Buffering shall be sufficient to screen the outdoor use or portion of the use from view of streets and neighboring property.

- iii. The outdoor 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.
- iv. 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.

9. OUTDOOR STORAGE YARDS

- i. Sufficient buffering shall be provided to completely screen the use from view of streets and neighboring properties.
- ii. 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.

10. SOLAR ENERGY CONVERSION

i. PURPOSE

- 01.** The purpose of these standards is to facilitate the construction, installation, and operation of solar energy conversion uses in the Town of Stantonsburg in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, residential areas, and other sensitive lands.
- 02.** It is the intent of these standards to encourage the development of solar energy conversion uses that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the State’s energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard.
- 03.** These standards are not intended to abridge safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. These provisions shall not nullify any local, State, or federal laws.

ii. APPLICABILITY

- 01.** The standards in this section apply to the construction of any new level 2 or level 3 solar energy conversion use established after June 19, 2023.
- 02.** Modifications to an existing solar energy conversion use that increases its total area by more than five percent of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be to these standards.
- 03.** Maintenance or repair of an existing solar energy conversion use in place prior to June 19, 2023 is not subject to these standards.

iii. ADDITIONAL PERMITS REQUIRED

- 01.** Nothing in these standards modifies already established building code standards required to construct a solar energy conversion use and building and electrical permits are required.
- 02.** Nothing in these standards modifies already established Wilson County Health Department requirements, and a solar energy conversion use shall not be constructed over an on-site wastewater system unless approved by the Wilson County Health Department.
- 03.** Nothing in these standards modifies the requirements or exempts a solar energy conversion use from complying with the various stormwater jurisdictions and regulations established by the NC Department of Environmental Quality.

iv. SETBACKS

- 01.** Except for any security fencing, all solar energy conversion uses shall be setback at least 100 feet from any residence. The 100-foot setback requirement shall not apply in cases where the solar energy conversion use is on a working farm and the use is within 100 feet of a different lot containing the principal residential structure associated with the farm.
- 02.** Level 2 solar energy conversion use equipment shall be subject to the zoning district dimensional requirements and shall not be located within a required front yard or sight distance triangle.
- 03.** Level 3 solar energy conversion equipment shall comply with the zoning district dimensional requirements, or the required setbacks in the table below, whichever is greater:

| LEVEL 3 SOLAR ENERGY CONVERSION USE REQUIRED SETBACKS | | | |
|--|---|--------------------------------|--------------------------------|
| ZONING DISTRICT | FRONT SETBACK (FEET) | SIDE SETBACK (FEET) | REAR SETBACK (FEET) |
| RA | 30 | 12 | 25 |
| RS | In accordance with the Zoning District Requirements | | |
| RH | In accordance with the Zoning District Requirements | | |
| RMH | In accordance with the Zoning District Requirements | | |
| C | In accordance with the Zoning District Requirements | | |
| LI | 30 | 15 | 25 |

v. HEIGHT LIMITATIONS

The height of solar energy conversion uses shall be measured from the highest natural grade below each solar panel and shall not exceed 25 feet above grade.

vi. AVIATION NOTIFICATION

Any level 2 or level 3 solar energy conversion use over one half of an acre in size shall comply with the following notification requirements:

- 01.** An application for the establishment of a solar energy conversion use shall include a map showing a radius of five nautical miles from the center of the use with any airport operations highlighted.
- 02.** Written notification of the intention to request a solar energy conversion use permit shall be provided by the applicant to North Carolina Commanders Council for consideration of potential impacts to low altitude military flight paths. Notice shall be provided at 30 days prior to the hearing for a special use permit or 45 days prior to construction in cases where a special use permit is not required. Notification shall include the location of the use (i.e., a map, coordinates, address, or parcel ID), the proposed technology (i.e., roof-mounted PV, ground-mounted fixed PV, tracked PV, solar thermal, etc.), and the size of the use in acres. Proof of delivery of notification and date of delivery shall be submitted with permit application.

vii. SOLAR GLARE HAZARD TO AVIATION ANALYSIS

- 01.** The applicant shall prepare an analysis of the glare hazard from the solar energy conversion use in accordance with the latest version of the Solar Glare Hazard Analysis Tool (SGHAT).
- 02.** The full report for each flight path and observation point, as well as the contact information for the Town Manager, shall be sent to the following authorities by the applicant at least 30 days prior to the hearing for a special use permit or 45 days prior to construction in cases where a special use permit is not required:
 - 100.** The appropriate airport operations official at the airport in the National Plan of Integrated Airport Systems (NPIAS) within five nautical miles of the proposed solar energy conversion use;
 - 200.** The Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina; and
 - 300.** The appropriate airport operations official at any airport not in the NPIAS, including military airports, within five nautical miles within five nautical miles of the proposed solar energy conversion use.
- 03.** Proof of delivery of notification and date of delivery shall be submitted with permit application.
- 04.** Any applicable design changes (e.g., module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and a new report shall be sent without undue delay to the parties identified above for accurate records of the as-built system.

viii. SITE PLAN

A site plan shall be submitted to the Town Manager demonstrating compliance with:

- 01.** All applicable setback and height limitations;
- 02.** Applicable zoning district requirements such as lot coverage;
- 03.** Applicable solar requirements in these standards; and
- 04.** Notification of intent to relevant utility.

ix. VISIBILITY

- 01.** Signage shall be limited solely to security and safety signage.
- 02.** Any exterior lighting shall be limited to security lighting and shall be motion sensor controlled.

x. DECOMMISSIONING

- 01.** A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), shall be submitted with permit application, and shall address the following:
 - 100.** The conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.);
 - 200.** The removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations;
 - 300.** The restoration of property to condition prior to development of the use;
 - 400.** The timeframe for completion of decommissioning activities;
 - 500.** A description of any agreement (such as a lease) with landowner regarding decommissioning;
 - 600.** An identification of the party currently responsible for decommissioning; and
 - 700.** Plans for updating this decommissioning plan.

- 02.** Before final electrical inspection, the applicant or landowner, as appropriate, shall provide evidence that the decommissioning plan is recorded with the Wilson County Register of Deeds.
- 03.** Prior to the issuance of a building permit, the landowner shall provide a performance guarantee in favor of the Town of Stantonsburg in an amount equal to the estimated removal cost of the solar collectors, cabling, electrical components, and any other associated facilities, less the salvage value of the equipment prior to dismantling, unless it can be shown that the salvage value will exceed the estimated removal cost. If the landowner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office located in Wilson County. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to its construction.

xi. ABANDONMENT

- 01.** A solar energy conversion use that ceases to produce any energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interests in the use provides substantial evidence (updated every six months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility.
- 02.** Upon determination of abandonment, the Town Manager shall notify the party (or parties) responsible they must remove the use and restore the site to its pre-development condition within 120 days of notice by the Town Manager.
- 03.** It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the site to its pre-development condition.
- 04.** If the responsible party (or parties) fails to comply, the Town Manager may remove the use, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the use and restore the site to its pre-development condition.

xii. VEGETATIVE BUFFER REQUIRED

- 01.** A solar energy conversion use adjacent to a residential zoning district shall maintain fencing and a vegetated buffer along the perimeter of the site adjacent to the residential district.
- 02.** In cases where a solar energy conversion use is visible from a road, the use shall maintain fencing and a vegetated buffer along the entire length of the associated road frontage except as necessary for a driveway or site ingress/egress.
- 03.** The vegetative buffer shall be configured in accordance with the following:
 - 100.** Plant material shall be evergreen, a minimum of 30" in height at time of planting and shall reach a minimum height of at least eight feet within three years of planting.
 - 200.** The evergreen vegetative buffer shall consist of a double row of evergreen shrubs with a triangular spacing no more than four feet apart and a maximum of four feet distance between each row.
 - 300.** The buffer shall include a green chain link fence with slats or other fencing yielding an equivalent level of opacity located between the plant material and the solar energy conversion equipment.
 - 400.** The closest row of vegetation shall be no more than six feet from the fence.
- 04.** Failure to maintain the evergreen buffer shall constitute a violation of the Unified Development Ordinance.

05. The evergreen vegetative buffer shall be maintained until the solar energy system is decommissioned and removed from the parcel or parcels of land which it is constructed.

xiii. INSPECTION

01. Each solar energy conversion use shall be required to have the facility inspected quarterly by the Town Manager or a designee following the issuance of the zoning compliance permit to verify continued compliance with this Ordinance.

02. Additional inspections shall be conducted as necessary in the event of complaints.

11. STORAGE OF INFLAMMABLE LIQUIDS AND OTHER HAZARDOUS SUBSTANCES

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.

12. TELECOMMUNICATIONS TOWERS, MAJOR, MINOR AND COLLOCATIONS

i. CLASS OF TOWERS

01. MAJOR TELECOMMUNICATIONS TOWERS

A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards.

02. MINOR TELECOMMUNICATIONS TOWERS

A new or replacement telecommunications tower with a height of less than 50 feet above grade is a minor telecommunications tower subject to these standards.

03. COLLOCATION

A collocation includes the placement of antennas, antenna-support structures, and related wireless telecommunications equipment on an existing or replacement telecommunications tower subject to these standards.

ii. GENERAL STANDARDS

01. COMPLIANCE WITH ALL FEDERAL AND STATE REGULATIONS

All wireless telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all wireless telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to wireless telecommunications facilities in G.S. §160D-930 through §160D-934.

02. SIGNAGE

100. A sign shall be posted to identify the party responsible for the operation and maintenance of the facility to include an emergency contact number.

200. All other signage shall be limited to safety or security information.

03. SECURITY

Telecommunications towers and vertical projections with wireless telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the wireless telecommunication facility whether through use of walls or fencing with a minimum height of six feet above adjacent grade, or anti-climbing devices.

04. ABANDONMENT

- 100.** The wireless telecommunications facility shall be deemed abandoned if wireless telecommunications signals do not resume for a period of 180 consecutive days or longer from the date the written documentation of cessation is filed.
- 200.** Upon making a determination that a wireless telecommunications facility has been abandoned, the Town shall forward written documentation of the abandonment to the wireless services provider, or the owner of the land, if different.

05. REMOVAL

- 100.** The Town may require the wireless services provider or the owner of the land, if different, to remove an abandoned wireless telecommunications facility within 30 days of the date it is deemed abandoned.
- 200.** Should the wireless services provider, or the owner of the land, if different, fail to remove the abandoned telecommunications facility within 30 days of the date that notice of abandonment is filed, the Town may cause the wireless telecommunications facility to be removed and may recover the actual cost of such removal, including legal fees, if any, from the wireless services provider, or the owner of the land, if different.

06. LIABILITY INSURANCE

- 100.** The permit holder for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amount of \$1,000,000 per occurrence/\$2,000,000 aggregate.
- 200.** The commercial general liability insurance policy shall specifically include the Town and consultants as an additional named insured.
- 300.** The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least A.
- 400.** The insurance policies shall contain an endorsement obligating the insurance company to furnish the town with at least 30 days' prior written notice in advance of the cancellation of the insurance.
- 500.** Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.
- 600.** Before construction of a permitted wireless telecommunications facility is initiated, but in no case later than 15 days after issuance of the zoning compliance permit, the permit holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

iii. REQUIREMENTS FOR MAJOR TELECOMMUNICATIONS TOWERS

01. SETBACKS

Towers and their associated antennas shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height.

02. HEIGHT

- 100.** The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the

highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade.

- 200.** In cases where a telecommunications tower is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 200 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

03. COLLOCATION REQUIRED

Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

- 100.** Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two wireless telecommunications service provider's equipment.
- 200.** Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three wireless telecommunications service provider's equipment.
- 300.** Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four wireless telecommunications service provider's equipment.

iv. REQUIREMENTS FOR MINOR TELECOMMUNICATIONS TOWERS

01. SETBACKS

Towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located.

02. HEIGHT

The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.

03. COLLOCATION

Minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower height by more than 10 feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower.

v. REQUIREMENTS FOR COLLOCATIONS

01. MAXIMUM HEIGHT

- 100.** Collocations that will increase the existing overall height of the telecommunications tower by the greater of 20 feet or more than ten percent shall require review as a new telecommunications tower.
- 200.** Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation on a building wall or roof shall not project more than ten feet above the highest point of the building's roof or parapet wall.

02. SETBACKS

100. In cases where an existing telecommunication tower’s height is increased in order to accommodate a collocation, the existing tower shall be set back at least one foot from the front, side, and rear lot lines for each foot of overall wireless telecommunications facility height, to the maximum extent practicable.

200. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

03. METHOD OF ATTACHMENT

Antennae, antenna-support structures, or other wireless telecommunications equipment, associated with a collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The applicant shall furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.

G. ACCESSORY USES

The purpose of this section is to allow accessory uses and structures that are incidental and subordinate to principal uses provided they comply with the standards set forth in this section to reduce potentially adverse impacts on surrounding lands.

1. ACCESSORY STRUCTURES

- i.** An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building and must meet all yard requirements applied to the principal building.
- ii.** Detached accessory buildings shall not exceed 35 feet in height or the height of principal building, whichever is less.
- iii.** Detached accessory buildings shall not be located closer than ten feet to any other building or mobile home.
- iv.** No portion of an accessory building, recreational structure or use shall be located forward of the principal structure and in no case closer than 20 feet from a street right-of-way line.
- v.** Accessory buildings, recreational structures, or uses shall be setback at least three feet from side and rear lot lines.
- vi.** In multi-family developments, accessory buildings and uses shall not be placed in the required buffer yard around the perimeter of the site.

2. ANIMALS

- i.** In residential zoning districts, any resident may keep domesticated animals not exceeding 150 pounds in weight on any lot or contiguously owned lot provided such domesticated animals are maintained and kept strictly as pets and not for sale, exchange, other commercial purpose or for consumption.
- ii.** In the RA Zoning District, landowners may maintain and house domesticated animals exceeding 150 pounds in weight, 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 provided such use is not deemed to be a livestock operation.

3. FENCES AND WALLS

- i. 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.
- ii. Fences in the rear and side yards of a height greater than seven feet shall be constructed of open materials like woven wire or wrought iron fencing.
- iii. 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.
- iv. At intersections and driveways, fences shall be placed in accordance with Section 9.2.8, E, Visibility at Intersections.
- v. These requirements are not applicable to fence or walls which serve to meet a buffer standard.

4. HOME OCCUPATIONS

Class I Home occupations are permitted in all districts by right and Class II Home Occupations are permitted pursuant to the issuance of a special use permit.

i. CLASS I HOME OCCUPATIONS ARE SUBJECT TO THE FOLLOWING LIMITATIONS:

- 01.** The area of the dwelling devoted to the use shall not exceed 25% of the total floor area of the dwelling or 500 square feet, whichever is less.
- 02.** A home greenhouse shall be permitted provided that the structure meets the requirements in Section 9.2.5, F, 1: Accessory Structures.

ii. CLASS II HOME OCCUPATIONS ARE SUBJECT TO THE FOLLOWING LIMITATIONS:

The area of the dwelling devoted to the use shall not exceed 25% of the total floor area of the dwelling or 500 square feet, whichever is less. In addition, one accessory building, not exceeding 1,000 square feet, may be used 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. The accessory building must meet all dimensional requirements for an accessory structure. The accessory building must resemble a residential garage.

iii. ALL HOME OCCUPATIONS ARE SUBJECT TO THE FOLLOWING LIMITATIONS:

- 01.** No more than two persons other than a resident of the dwelling shall be engaged in the occupation.
- 02.** 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.
- 03.** 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.
- 04.** 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.
- 05.** No outdoor sales or storage shall be permitted in connection with the home occupation.
- 06.** The use may not emit noise beyond that which normally occurs in the applicable zoning district.
- 07.** Vehicles used in the conduct of the home occupation must be parked off-street and meet the requirements of Section 9.2.5.I.6, Parking or Storage of Heavy Vehicles Prohibited.

- 08.** No home occupation shall involve the use of electrical or mechanical equipment which would change the fire rating of the structure in which the use is conducted.
- 09.** The use shall not emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception, or other nuisance.
- 10.** The use shall not be volatile or present a fire hazard.
- 11.** The use shall not produce discharge into any waterway, stream, lake, or into the ground or a septic tank if the waste will be dangerous or a nuisance to persons, animals, plants, or crops.
- 12.** 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 deliveries shall take place between the hours of 7:00 a.m. and 9:00 p.m.

iv. THE FOLLOWING USES ARE STRICTLY PROHIBITED AS HOME OCCUPATIONS:

- 01.** Animal hospitals and kennels
- 02.** Car washes
- 03.** Commercial automotive repair garages
- 04.** Truck terminals
- 05.** Slaughterhouses
- 06.** Paint, petroleum, and chemical plants
- 07.** Any occupation which involves the storage of liquid petroleum, gasoline, kerosene, or other flammable liquids
- 08.** Funeral homes and mortuaries
- 09.** Massage parlors
- 10.** Sale of reading or viewing material of a pornographic nature
- 11.** Movie theaters
- 12.** Bottled gas sales.

5. SOLAR ENERGY CONVERSION, LEVEL 1

A level 1 solar energy conversion use shall comply with the standards in Section 160D-914 and the following:

- i.** Solar energy conversion equipment may be roof-mounted, attached to a principle or secondary structure, be ground-mounted, or placed over a parking or other hard-surface area;
- ii.** The footprint of a ground-mounted solar energy conversion use shall not exceed 50 percent of the floorplate of the principal structure, or one acre, whichever is less;
- iii.** The use shall comply with the dimensional requirements for the district where located;
- iv.** Solar energy conversion equipment shall not obscure required sight distance triangles;
- v.** Solar energy conversion systems shall not be placed over or within two feet of an on-site wastewater system, including drain fields and repair areas.
- vi.** Solar energy conversion equipment may be placed within a required landscaping area provided it does not compromise the screening objective of the landscaping;
- vii.** Ground-mounted solar energy conversion facilities shall not exceed 20 feet in height above adjacent pre-construction grade.

6. NON-RESIDENTIAL ACCESSORY USES

i. CAFETERIAS AND SNACK BARS

In non-residential zoning districts, cafeterias and snack bars are permitted as an accessory use for employees and offices of industrial uses.

ii. DWELLING FOR CARETAKERS AND WATCHMEN

Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses.

iii. ELECTRONIC GAME MACHINES AND PINBALL MACHINES

In non-residential zoning districts, establishment devoted to another purpose shall be permitted to have no more than two electronic game machines and pinball machines.

H. TEMPORARY USES

This section allows for the establishment of specific temporary uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such temporary uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.

1. ITINERANT MERCHANT SALES

Itinerant merchant sales, not including food truck vendors, are permitted subject to the following standards:

- i.** The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;
- ii.** Itinerant merchants shall file an indemnification form with the Town when engaged in open air sales;
- iii.** Itinerant merchant sales shall be located outside of street rights-of way, required sight distance triangles, required landscape areas, vehicular circulation areas, or and areas where pedestrian access is needed to ensure safe movement through or across a site;
- iv.** All merchandise and related materials shall be removed from the site following the sale;
- v.** The maximum period of operation of itinerant merchant sales shall be from 8:00 AM to 11:00 PM; and
- vi.** Permitted itinerant merchant sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

2. OUTDOOR SEASONAL SALES

Outdoor seasonal sales are permitted on a lot in all non-residential zoning districts, subject to the following standards; however, the on-site accessory sales of seasonal products by an agricultural use is not considered outdoor seasonal sales and is not subject to these standards:

- 01.** Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;
- 02.** The maximum hours of operation of an outdoor seasonal sales use shall be from 8:00 AM to 11:00 PM, except when abutting a residential district, then the seasonal sales use shall cease by 9:00 PM;
- 03.** One recreational vehicle or similar structure is allowed as a temporary dwelling for security purposes in association with the seasonal sales use, provided it meets the general standards of Section 9.2.5.H.5, Temporary Dwelling, and is removed at the end of the sale; and
- 04.** Outdoor seasonal sales shall be limited in duration to a maximum of 45 continuous days from the date the temporary use permit is issued.

3. PORTABLE STORAGE CONTAINER

Portable storage containers may be permitted as a temporary use accessory to a single-family detached, single-family attached, or duplex unit, subject to the following standards.

i. TYPES DISTINGUISHED

Portable storage containers shall take one of the following three forms:

- 01.** A container used for the purposes of storage of personal property such as household items being temporarily stored or relocated;
- 02.** A roll-off box, bin, or construction dumpster used for the collection and hauling of waste or debris; or
- 03.** A fully enclosed, non-motorized, trailer (commonly known as a semi-trailer) with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

ii. EXEMPTIONS

The standards in this section shall not apply to portable storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on the site is on-going.

iii. MAXIMUM NUMBER AND SIZE

- 01.** Containers shall be no larger in dimension than eight feet in height, eight feet in width, or 20 feet in length.
- 02.** No more than two portable storage containers shall be located on a single lot or parcel of land.
- 03.** No other type of container or shipping container shall be located on the same lot or parcel of land when one or two portable shipping containers are in place.

iv. HAZARDOUS SUBSTANCES

Portable storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to the following: solid waste, hazardous materials, explosives, and or unlawful substances and materials.

v. LOCATION

- 01.** A portable storage container may be located in a driveway, a designated parking area, or behind a dwelling.
- 02.** If site conditions make placement of the portable storage container behind a dwelling, on a driveway, or in a designated parking area impossible, then the portable storage container may be located immediately adjacent to the driveway or designated parking area.
- 03.** A portable storage container shall not be located between the front of a dwelling and the street it faces unless any other placement is impossible due to site conditions.
- 04.** In no instance shall a portable storage container be located within a Town street, public street right-of-way, or in a location that poses a threat to public health or safety.

vi. DURATION

Portable storage containers may be located on a site for a maximum of up to 90 days per calendar year.

4. SPECIAL EVENTS

A special event includes, but is not limited to arts and crafts shows, cultural events, musical events, concerts and stage shows, celebrations, festivals, fairs, carnivals, circuses, or outdoor religious events.

i. EXEMPT EVENTS

A special event is not subject to these requirements, if:

- 01.** The event lasts two or fewer days within a 180-day period on a lot with an established principal use; or
- 02.** The event is sponsored by the Town, a County, or the State.

ii. NON-RESIDENTIAL ZONING DISTRICTS

A special event not otherwise exempted from the standards in this section is permitted on a lot in a non-residential districts, subject to the following standards:

- 01.** Circuses, carnivals and similar amusements may be subject to the applicable provisions of the Town Code of Ordinances; and
- 02.** Temporary dwelling(s) are allowed in association with the special event provided they meet the general standards of Section 9.2.5, H, 5: Temporary Dwelling, and are removed at the end of the event.

iii. SPECIAL USE PERMIT REQUIRED

A special event not otherwise exempted from the standards in this section may be permitted on a lot in the RA, RS, RH, and RMH Zoning Districts pursuant to the issuance of a special use permit and subject to the following minimum requirements:

- 01.** The site shall be located at least 200 feet from an occupied residential structure, and shall be adequately designed for its size and purpose.
- 02.** The use shall meet any applicable requirements of the County Health Department.

5. TEMPORARY DWELLING

A temporary dwelling is permitted on a lot subject to the following standards:

- i.** A temporary dwelling may be either a dwelling that meets all applicable North Carolina Building Code requirements for a dwelling or a recreational vehicle.
- ii.** The temporary dwelling shall be located on a lot and meet the dimensional standards of the zoning district, to the maximum extent practicable.
- iii.** Temporary emergency dwellings operated by a religious institution, governmental agency, or nonprofit organization may be located to provide emergency shelter where fire, flood, or other natural disaster has displaced persons.

6. TEMPORARY CONSTRUCTION DWELLING

- i.** One temporary dwelling may be used to house occupants of the principal dwelling while under construction or subject to repair or casualty damage.
- ii.** Temporary dwellings may be used on a construction site and occupied by persons having construction or security responsibilities over such construction site.
- iii.** Temporary dwellings shall be located on the same lot as the principal dwelling under construction.
- iv.** The temporary use permit shall not be issued until a site plan is approved or a building permit is issued for a principal structure.
- v.** A temporary dwelling shall be limited in duration to a maximum of six months, except that the temporary use permit may be renewed for good cause shown.
- vi.** A temporary dwelling shall be removed within 30 days of issuance of a certificate of occupancy for the structure, or removed immediately if the building permit expires or is revoked.

7. TEMPORARY REAL ESTATE OFFICE

A temporary real estate office is permitted on a lot, subject to the following standards:

- i.** The office is located on a lot that is part of the real estate development being sold or leased;
- ii.** Signage complies with the standards of Section 9.2.8, D, Signage, if applicable;

- iii. The office structure placement complies with the dimensional standards of the zoning district in which it is located;
- iv. The temporary office is converted into a dwelling or removed within 30 days after all units are sold or leased; and
- v. In the event a temporary real estate office is a trailer, it shall be removed within 30 days after all units are sold or leased.

I. PROHIBITED USES

The following use types are prohibited throughout the Town’s planning jurisdiction in all zoning districts.

1. AGRICULTURAL USES

- i. Concentrated animal feeding operations; and
- ii. Slaughterhouses.

2. COMMERCIAL USES

Outdoor shooting ranges.

3. INDUSTRIAL USES

- i. Acetylene gas manufacture;
- ii. Acid manufacture;
- iii. Ammonia, bleaching powder, or chlorine manufacture;
- iv. Brick, tile, or terra cotta manufacture;
- v. Cellophane manufacture;
- vi. Creosote manufacture or treatment plants;
- vii. Distillation of bones, coal, petroleum, refuse, tar, or wood;
- viii. Explosives, ammunition, fireworks, or gunpowder manufacture;
- ix. Fat rendering, or production of fats and oils from animal or vegetable products by boiling or distillation;
- x. Garbage, offal, or animal reduction and processing;
- xi. Glue and size manufacture;
- xii. Hazardous materials handling or storage;
- xiii. Leather and leather products manufacturing involving tanning;
- xiv. Linseed oil, shellac, turpentine manufacture or refining;
- xv. Nitrogenous tankage, fish meal or manufacture of any fertilizer materials carrying an objectionable odor;
- xvi. Oilcloth or linoleum manufacture;
- xvii. Ore reduction;
- xviii. Pulp mills; or
- xix. Vinegar manufacturing.

4. INSTITUTIONAL USES

- i. Package treatment plant wastewater disposal systems that discharge to surface waters; or
- ii. Storage or processing of radioactive or infectious waste.

5. RESIDENTIAL USES

Use of a travel trailer, camper, or habitable recreational vehicle as a permanent residence.

6. PARKING OR STORAGE OF HEAVY VEHICLES PROHIBITED

- i. The parking or storage of heavy vehicles on lots or on streets adjacent to lots in the RS, RH and RMH district is prohibited, with the following exceptions:
 - 01.** Temporary loading and unloading;
 - 02.** Emergency and disaster service; and
 - 03.** Large vehicles on a religious institution or school property.
- ii. For the purposes of this section, a heavy vehicle shall be a vehicle meeting any of the following standards:
 - 01.** A vehicle in 24 feet in length or more;
 - 02.** A vehicle with three or more axels; or
 - 03.** A vehicle of 14,500 pounds of gross vehicle weight or more.

ART. 9.2.6. NONCONFORMITIES

A. NONCONFORMITIES GENERALLY

1. PURPOSE

There are existing structures, uses of land, lots of record, and development sites that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, and sites are collectively referred to as "nonconformities." The purpose and intent of this section is to allow nonconformities to continue to exist, but to regulate and limit their expansion so as to bring them into conformity with these standards to the extent that is reasonably practicable.

2. BURDEN ON APPLICANT

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the landowner of the land on which the alleged nonconformity is located.

3. CONTINUATION, MINOR REPAIRS, MAINTENANCE PERMITTED

i. CONTINUATION

Nonconformities are allowed to continue in accordance with the requirements of this section.

ii. COMPLETION

Nonconforming projects incomplete as of June 19, 2023, shall only be completed in accordance with this section. Nothing in these standards shall require a change in approved plans or approved uses for development upon which construction was lawfully commenced prior to June 19, 2023. For the purposes of this section, commencement of construction shall mean excavation or demolition, permanent placement of construction materials on site, or the permanent fastening of building materials.

iii. MINOR REPAIRS AND MAINTENANCE ALLOWED

Nonconformities are allowed and encouraged to receive minor repairs and routine maintenance that are necessary to maintain the nonconformity and its surroundings in a safe condition and to protect against health hazards.

iv. STRENGTHENING ALLOWED

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town official.

4. CHANGE IN OWNERSHIP

No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

B. NONCONFORMING STRUCTURES

1. CONTINUATION

The use of a nonconforming structure may be continued and maintained in a state of good repair. Relocation, alterations, expansions, and restorations may only be allowed as outlined in the subsections below.

2. REPLACEMENT

i. A nonconforming structure may be replaced provided the nonconformity is not extended, expanded, enlarged, or the use is altered in any way that increases the degree of nonconformity.

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.6. NONCONFORMITIES

- ii. Nonconforming manufactured or mobile homes may only be replaced in accordance with the standards in Section 9.2.5.E.1, Manufactured or Mobile Homes on Individual Lots.
- iii. Nothing shall limit activities that increase habitable space of a nonconforming residential structure to a height above the regulatory flood elevation.

3. RELOCATION

A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

4. ALTERATION AND EXPANSION

- i. No nonconforming structure may be altered in any way which increases the nonconformity; however, any nonconforming structure or portion thereof may be altered to decrease the degree of nonconformity.
- ii. Nothing shall limit the elevation of a structure as necessary to ensure habitable floor area is outside the regulatory flood elevation.

5. RESTORATION

- i. If a nonconforming structure is damaged or destroyed by any means to an extent of less than 75 percent of its replacement cost or size, it may only be reconstructed but only in a way that will not increase the degree of nonconformity.
- ii. If a nonconforming structure is damaged or destroyed by any means to an extent of 75 percent or more of its replacement cost or size, it may only be reconstructed in accordance with the requirements of this Ordinance.

C. NONCONFORMING USES

All nonconforming uses are hereby declared generally incompatible with the permitted uses in the district in which they are located and with the provisions of this Ordinance.

1. EXTENSION OR EXPANSION

- i. A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity.
- ii. Any use existing prior to the effective date of this chapter which would be permitted by this chapter as a special use in the district in which it is located may be extended or expanded pursuant to the issuance of a special use permit and all changes shall comply with the provisions of this chapter.
- iii. Existing mobile home parks shall not be allowed to expand or increase in any manner unless that expansion meets fully the requirements set forth Section 9.2.5, Land Uses.

2. CHANGE OF USE

- i. No nonconforming use shall be converted to another nonconforming use.

3. CESSATION

- i. In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.
- ii. Any time a nonconforming use is converted to a conforming use, the conforming use shall not revert to the former nonconforming use or any other nonconforming use.

D. NONCONFORMING LOTS OF RECORD

1. NONCONFORMING LOT WIDTH OR AREA

i. SINGLE LOT OF RECORD IN A RESIDENTIAL ZONING DISTRICT

When development is proposed on a lot in a residential zoning district that has an area or width which does not conform to the dimensional requirements of the district where it is located, a single-family detached dwelling may be built on the lot, subject to compliance with applicable setbacks. Approval of a variance is required in cases when the proposed development cannot meet the setback requirements for the district where located.

ii. SINGLE LOT OF RECORD IN A NON-RESIDENTIAL ZONING DISTRICT

When development is proposed on a lot in a non-residential district that has an area or width which does not conform to the dimensional requirements of the district where it is located, the development may be permitted for a permitted use, subject to compliance with all required dimensional, development, design, and use-specific standards. Approval of a variance is required in cases when the proposed development cannot meet the setback requirements for the district where located.

iii. TWO OR MORE ADJOINING AND VACANT LOTS IN ONE OWNERSHIP

When one owner has two or more adjoining and vacant non-conforming lots, then that group of lots shall be combined into one single lot or several lots of minimum permitted width and area for the district in which located.

iv. ADDITION OF LAND ENCOURAGED

Landowners seeking to develop a nonconforming lot of record are strongly encouraged to investigate if adjacent landowners will consider transferring land to the nonconforming lot in order to reduce or remove the nonconforming situation.

2. NONCONFORMITY AFFECTS REQUIRED SETBACKS

In cases where the size or shape of a nonconforming lot inhibits the ability of a use to comply with required setbacks, an applicant may apply for a variance to reduce the setback requirements by the minimum amount necessary in accordance with the standards and requirements in Section 9.2.7.C.12, Variance.

3. EXPANSION OR ENLARGEMENT

The boundaries, shape, or size of a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation, provided it reduces the extent of the nonconformity.

4. GOVERNMENTAL ACQUISITION OF LAND

Conforming lots subject to governmental acquisition of a portion of the lot for a public purpose that results in the lot becoming nonconforming because it no longer complies with lot area, width, or depth standards of the zoning district where located shall be deemed conforming, provided the development complies with the following:

i. COMPLIES WITH USE TABLE

The development proposed complies with the requirements in Section 9.2.5.D, Principal Use Table; and

ii. COMPLIES WITH DIMENSIONAL STANDARDS

With the exception of the lot area requirements for the district where located, the development proposed shall comply with all other dimensional standards and other requirements of the district where located.

E. NONCONFORMING SIGNS

1. PROHIBITED ACTIONS

The following actions associated with a nonconforming sign shall be prohibited:

i. ENLARGEMENT OR ALTERATION

Structural alteration, enlargement, or extension of a nonconforming sign or sign structure shall not be permitted; however, nothing shall limit the ability to modernize

an existing outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes; and

ii. RELOCATION

Relocation of a nonconforming sign upon the premises, unless the relocation meets the requirements of this Ordinance is prohibited, however, nothing shall limit the ability to modernize an existing outdoor advertising use in accordance with Section 136.131.2 of the North Carolina General Statutes.

2. MAINTENANCE OF NONCONFORMING SIGNAGE ALLOWED

A nonconforming sign may remain in place and be maintained, subject to the following standards:

i. MAINTENANCE ACTIONS

Normal maintenance of a nonconforming sign shall be allowed, and shall be limited to the following:

- 01.** Nonstructural repairs, such as repainting or electrical repairs;
- 02.** Incidental alterations which do not increase the degree or extent of the nonconformity; and
- 03.** Changing of copy, as provided in this section.

ii. CHANGE OF SIGN COPY

Nonconforming signs may change copy in the form of replacement panels or replacement lettering, provided such change does not worsen the degree of nonconformity.

3. REPLACEMENT OF NONCONFORMING SIGNAGE

i. REMOVAL

Any nonconforming sign that is removed for any reason shall only be replaced with a sign that complies with the provisions of this Ordinance.

ii. DAMAGE

If a nonconforming sign is damaged beyond 25% of its replacement value, it may only be repaired if the sign can be repaired or replaced in a manner that complies with the provisions of this Ordinance.

4. DISCONTINUANCE OF BUSINESS ACTIVITY

i. LESS THAN 180 DAYS

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of less than 180 days, then the nonconforming sign may remain.

ii. 180 DAYS OR MORE

If the business activity on the premises where a nonconforming sign is located is discontinued for a continuous period of 180 days or more, then the nonconforming sign must be removed or replaced by a sign conforming to the standards of this Ordinance within 30 days of notice by the Town Manager.

ART. 9.2.7. PROCEDURES

A. SUMMARY TABLE OF PROCEDURES

| SUMMARY TABLE OF PROCEDURES | | | | | |
|--|-------------------------|--------------------------------|---------------------------|-------------------------|---------------------------|
| PROCEDURE/ REVIEW AUTHORITIES | TOWN MANAGER | BOARD OF ADJUSTMENT | PLANNING BOARD | TOWN COUNCIL | SUPERIOR COURT |
| Appeal | | D | | | A |
| Certificate of Occupancy | D | A | | | |
| Determination | D | A | | | |
| Exempt Subdivision | D | A | | | |
| Limited Subdivision | D | A | | | |
| Major Subdivision [1] | | | R | D | A |
| Map or Text Amendment | | | R | D | A |
| Minor Subdivision | D | A | | | |
| Performance Guarantees | | A | R | D | |
| Site Plan | D | A | | | |
| Special Use Permit | | D | | | A |
| Variance | | D | | | A |
| Zoning Compliance Permit | D | A | | | |
| Role of Review Authority: A=Appeal, D=Decision, R=Recommendation, blank=no role [1] Construction drawings and the final plat shall be reviewed and decided by the Town Manager; an appeal of the Town Manager’s decision is decided by the Board of Adjustment. | | | | | |

B. APPLICATION ADMINISTRATION

1. APPLICATION FILING AND ACCEPTANCE

i. AUTHORITY TO FILE APPLICATIONS

- 01.** Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be filed by the landowner, a contract purchaser with the owner’s consent, or other person having a recognized property interest in the land on which development is proposed with the owner’s consent.
- 02.** Third-party applications to downzone land shall be prohibited.
- 03.** Applications for amendments to the text of this Ordinance shall only be initiated in accordance with Section 9.2.7.C.7, Map or Text Amendment.

ii. APPLICATION FORMS

The Town shall establish development application forms, which shall be maintained by the Town Manager. Applications may only be completed on the forms provided by the Town.

iii. APPLICATION FEES

- 01.** The Town Council shall establish application fees in its Comprehensive List of Fees and Charges which may be updated at the sole discretion of the Town Council.
- 02.** Full payment of required application fees shall take place concurrent with filing the application.

iv. FILING AND REVIEW SCHEDULE

A separate Town document shall contain the filing and review schedules for applications reviewed under this Ordinance. Copies of the application filing and review schedule shall be on file in the Planning Department.

v. APPLICATION FILING

- 01.** An application shall not be considered as submitted until it is determined to be complete.
- 02.** No application shall be reviewed or decided until after it is determined to be complete.
- 03.** The provisions in Section 9.2.7.B.2, Permit Choice, shall only apply to applications that are complete.

vi. BURDEN OF PRESENTING COMPLETE APPLICATION

The burden of presenting and maintaining a complete application shall be solely upon the applicant.

vii. DETERMINATION OF APPLICATION COMPLETENESS

The Town Manager shall determine, within a reasonable period of time, whether an application is complete or incomplete. A complete application is one that:

- 01.** Contains all information and materials identified in this Ordinance and all supporting documentation, as required for submittal of the particular type of application;
- 02.** Is in the form and number of copies required by the Town;
- 03.** Is legible and to scale, if including a plan or plat;
- 04.** Is signed by the person(s) with the authority to file the application;
- 05.** Includes information in sufficient detail to evaluate whether the application complies with the applicable review standards in this Ordinance; and
- 06.** Is accompanied by the required fee(s).

viii. APPLICATION INCOMPLETE

- 01.** If the application is incomplete, the Town Manager shall notify the applicant of the deficiencies in writing. The applicant may correct the deficiencies and resubmit the application for completeness determination.
- 02.** Following receipt of a notice of application deficiency by the Town Manager, an applicant may revise and resubmit the application or the applicant may file a written request to process the incomplete application. Incomplete applications subject to an applicant's written request to process shall be reviewed, but shall not be further amended by the applicant.
- 03.** Failure of an applicant to submit missing or deficient portions of an application or file a written request to process the incomplete application within 60 days of delivery of a written notice of application deficiency shall render the application abandoned.

04. In no instance shall an application that is abandoned or subject to a written request to process an incomplete application be considered a complete application subject to the protections described in Section 9.2.7.B.2, Permit Choice.

ix. APPLICATION COMPLETE

01. On determining that the application is complete, it shall be considered as submitted, and the Town shall notify the applicant and commence review in accordance with the procedures and standards of this Ordinance.

02. Nothing shall preclude the Town Manager or a review authority from re-evaluating an application for completeness in the event application inadequacies are revealed at a date subsequent to an application being declared complete. Such re-review shall not invalidate options or protections to a complete application extended under Section 9.2.7.B.2, Permit Choice.

2. PERMIT CHOICE

i. In cases where the applicable provisions of this Ordinance are amended between the time that an application is declared and when it is decided, the applicant may choose which version of this Ordinance shall apply to their application, in accordance with NCGS§143-755.

ii. The Town shall notify applicants, in writing, when a choice under this section is available, and specify the timeframe within which the applicant must respond. The applicant shall respond, in writing, with their choice of the applicable provisions within a reasonable timeframe.

iii. The applicant's decision shall be final, and review under a different set of requirements may only be accomplished through a withdrawal and re-submittal of the application.

iv. In the event the applicant fails to respond to notice of a choice under this section by the Town within the timeframe specified, the application shall be processed in accordance with the newest regulations.

v. In cases where an applicant has had an opportunity to exercise permit choice under this section, and subsequently places their application on hold, review of the application shall be discontinued, and the requirements in effect at the time application review recommences shall apply.

3. STAFF REVIEW AND ACTION

i. INITIAL STAFF REVIEW

01. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.

02. When an application is determined complete, it shall be distributed to all appropriate staff and review agencies for review and comment, and submitted for preparation of a staff report, in accordance with Town policy.

03. If deficiencies in complying with applicable standards of this Ordinance are identified, the Town Manager shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

ii. STAFF REPORT AND RECOMMENDATION

01. The Town Manager shall prepare a written staff report on any application to be reviewed or decided by the Town Council or the Board of Adjustment.

02. A staff report is not required for applications decided by a member of Town staff though one may be prepared.

- 03.** The staff report shall conclude whether the application complies with all applicable review standards of this Ordinance and adopted policy guidance and recommend one of the decisions authorized for the particular type of application, based on the applicable review standards.
- 04.** The staff report shall not include a recommendation from Town staff on variance or appeal applications.
- 05.** In cases where the staff finds an application does not comply with the provisions of this Ordinance, the staff report shall cite the specific code section(s) in question and the reasons why the application fails to comply.
- 06.** The staff report may identify and recommend modifications to the development proposal that specify how compliance deficiencies might be corrected and how adverse effects of the development application (if any) might be mitigated.
- 07.** Staff reports prepared for Conditional Rezoning, Special Use Permits, Variances, and Vested Rights Certificates may suggest conditions of approval for consideration by the review authority making the decision on the application.

iii. DISTRIBUTION OF APPLICATION AND STAFF REPORT

The Town Manager shall take the following actions within a reasonable period of time before the application is scheduled for review:

- 01.** Schedule and ensure any required public notice of the application is prepared in accordance with Section 9.2.7.B.4, Public Notice;
- 02.** Transmit the application, related materials, and staff report to the appropriate review authority(ies);
- 03.** Transmit a copy of the staff report and any related materials to the applicant and the landowner, if different from the applicant; and
- 04.** Make the application, related materials, and staff report available for examination by the public.

iv. APPLICATIONS SUBJECT TO DECISION BY STAFF

- 01.** In cases where a development application is decided by the Town Manager, the Town Manager shall make one of the following decisions in writing:
 - 100.** Approve the application;
 - 200.** Disapprove the application; or
 - 300.** Delay decision making for a specified time to allow the applicant to revise the application for compliance with the requirements in this Ordinance.
- 02.** In some instances, the Town Manager may decide an application contingent upon further revision by the applicant in accordance with the direction provided in the decision.

4. PUBLIC NOTICE

Applications subject to public hearings by the North Carolina General Statutes are required to provide public notice about the pending application to adjacent landowners in accordance with this section.

i. PUBLIC HEARING SCHEDULING

When a development application is subject to a public hearing, the Town Manager, or a designee, shall ensure that the public hearing is scheduled for a regular meeting or a meeting specially called for that purpose by the review authority.

ii. PUBLIC NOTIFICATION REQUIREMENTS

- 01.** All development applications subject to public notification shall comply with the appropriate standards in NCGS§160D-406, 160D-601, 160D-602, 160D-1005, and other applicable sections of the North Carolina General Statutes.

02. The Table below summarizes the requirements for public notice, but in the event of a conflict with State law, State law shall prevail.

| PUBLIC NOTIFICATION REQUIREMENTS (R=REQUIRED) | | | |
|--|--------------------------|-------------------|-----------------------|
| APPLICATION TYPE | PUBLISHED [1] | MAILED [2] | POSTED [3] |
| Appeal | | R[4] | R |
| Map Amendment | R[5] | R | R |
| Special Use Permit | | R | R |
| Text Amendment | R | | |
| Variance | | R | R |
| <p>NOTES: [1] Notice shall be published once a week for two successive calendar weeks with the first notice published no more than 25 days nor less than 10 days before the public hearing. [2] Notice shall be mailed to the applicant, affected property owners, and property owners of abutting land between 10 and 25 days before the public hearing. [3] Notice shall be posted between 10 and 25 days before the public hearing. [4] Mailed notice shall only be required in cases where the appeal pertains to a particular property. [5] In the case of a large-scale rezoning of 50 or more different landowners, mailed notice may only be provided to landowners residing outside the area of the published notice circulation in accordance with NCGS§160D-602(b).</p> | | | |

5. PUBLIC HEARING PROCEDURES

i. HEARINGS DISTINGUISHED

Public hearings identified in this Ordinance shall be either legislative or evidentiary (quasi-judicial) in nature.

ii. LEGISLATIVE PUBLIC HEARINGS

Text and Map Amendments including conditional rezonings are development applications decided following completion of a legislative public hearing, which shall be conducted in accordance with the following requirements:

01. PROCEDURE

100. Legislative public hearings shall not be conducted until after provision of required public notice in accordance with Section 9.2.7.B.4, Public Notice.

200. The legislative public hearing shall be open to the public and shall be conducted in accordance with the review authority’s adopted rules of procedure for public hearings.

300. Attendees shall be afforded the opportunity to comment during a public hearing, as authorized in the adopted rules of procedure.

02. VOTING

100. The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application.

200. A review authority member shall not vote on an application if there is a conflict of interest in accordance with Section 9.2.1.J.5.Iv, Conflict of Interest.

300. A decision of the review authority on an application considered during a legislative public hearing shall be decided by a simple majority of the review authority members, excluding any members who are recused from voting due to a conflict of interest.

03. APPLICATION REVISION

100. Except in cases where an applicant has compelled the Town staff to process an incomplete application, an applicant may revise an application during a legislative public hearing in response to recommendations or suggestions of the public, the Town staff, or a review authority.

200. In cases where a substantial change to an application is proposed following review by a prior review authority, the review authority deciding the application shall determine if the prior review authority needs to re-review the application before a decision can be made.

300. The Town may provide additional public notice related to revision of an application on a case-by-case basis but is under no legal requirement to provide additional notice in cases where applications are revised in accordance with this section.

400. The review authority deciding the application may approve an application modified during a legislative public hearing provided that all changes are properly identified in the motion of approval and that any conditions of approval are consented to, in writing, by the applicant.

500. In cases where an application has been modified during a legislative public hearing, the applicant shall submit any necessary plans or other documents depicting the modification to the appropriate Town staff before a notice of decision is provided.

04. REMAND

A review authority may remand the application to a prior review authority or Town staff for further consideration of new information or specified issues or concerns, if appropriate.

05. RECORD

100. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with Town policy.

200. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

06. APPEALS

Challenges to legislative decisions made by the Town Council are made through requests for declaratory judgement by the Superior Court for Wilson County, in accordance with Section 160D-1401 of the North Carolina General Statutes.

iii. EVIDENTIARY PUBLIC HEARINGS

Appeals, special use permits and variances are development applications decided following an evidentiary public hearing, which shall be conducted in accordance with State law, the review authority's rules of procedure, and the following requirements:

01. NOTICE REQUIRED

Evidentiary public hearings shall not be conducted until after provision of required public notice in accordance with Section 9.2.7.B.4, Public Notice.

02. OPPORTUNITY TO PRESENT TESTIMONY AND EVIDENCE

100. The applicant, the Town, and any party with standing shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of or cross examine the applicant, the applicant's representatives, anyone providing testimony during the hearing, Town staff, and the Town staff's representatives.

200. Determinations of standing shall be in accordance with NCGS §§160D-406(d) and 160D-1402(c).

03. LIMITATION ON EVIDENCE

100. The Chair or other presiding officer may limit or exclude incompetent evidence, immaterial evidence, repetitive evidence, and personal attacks.

200. Decisions shall not be based upon hearsay evidence though such evidence may be entered into the record.

300. Only evidence presented during the public hearing may be relied upon in making a decision on the application.

04. EX PARTE COMMUNICATION

Ex parte communications between an applicant or an affected party and a member of the review authority are prohibited. If it occurs, it shall be disclosed during the evidentiary public hearing.

05. VOTING

100. The review authority shall consider the application, relevant support materials, staff report, any recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 9.2.7.C: Review Procedures.

200. Unless stated otherwise in this Ordinance, the decision shall reflect the review authority's determination of any contested facts and their application to the applicable standards.

300. A review authority member shall not vote on an application if there is a conflict of interest in accordance with Section 9.2.1.J.5.Iv, Conflict of Interest.

06. APPLICATION REVISION

100. An applicant may revise an application during an evidentiary public hearing in response to recommendations or suggestions of the review authority, Town staff, or the public.

200. The review authority may approve an application modified during an evidentiary public hearing provided all changes are properly identified in the motion of approval by the review authority and that any conditions of approval are consented to, in writing, by the applicant.

300. In cases where an application has been modified during an evidentiary public hearing, the applicant shall submit any necessary plans or other documents depicting the modification to the appropriate Town staff before a notice of decision is provided.

07. DELAY OF DECISION

The review authority may delay a decision on the application if additional information is requested of the applicant.

08. RECORD

100. A recording may be made of all public hearings and if made, the recordings shall be maintained in accordance with Town policy.

200. Accurate minutes shall be kept of all proceedings, but a transcript need not be made.

09. APPEALS

Appeals of quasi-judicial decisions made by the Town Council or the Board of Adjustment shall be taken to the Superior Court for Wilson County, in accordance with Sections 160D-1401 or 160D-1402 of the North Carolina General Statutes, as appropriate.

6. CONDITIONS OF APPROVAL

- i.** Conditions shall be limited to those that address conformance of development and use of the site with Town regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use of the site.
- ii.** Conditions shall be in writing and may be supplemented with text or plans and maps.
- iii.** No condition shall be made part of the application which:
 - 01.** Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
 - 02.** Establishes a minimum size of a dwelling unit;
 - 03.** Establishes a minimum value of buildings or improvements;
 - 04.** Excludes residents based upon race, religion, or income; or
 - 05.** Obligates the Town to perform in any manner relative to the approval of the application or the development of the land.
- iv.** All conditions of approval shall be consented to, in writing, by all owners of land or applicants subject to the conditions prior to delivery of a written notice of decision.
- v.** All conditions of approval shall be identified in the approval, the notice of decision, and on any associated plans or plats.
- vi.** Any condition of approval approved by the Town and the applicant shall become a part of the application approval and the applicant, landowner, or subsequent assign shall remain subject to its terms and requirements.

7. WRITTEN NOTICE OF DECISION

i. CONTENT

The notification of a decision on a development application shall be issued in the name of the applicant or applicant's agent, as appropriate, directed to the address(es) identified in the application materials, and shall identify the following:

- 01.** The land or matter subject to the application;
- 02.** A reference to any approved plans, as appropriate;
- 03.** The approved use(s), if any, and statement that the approval runs with the land; and
- 04.** Any conditions of approval or other applicable requirements.

ii. TIMING

The Town Manager shall provide the applicant written notification of a decision or action within a reasonable time after a final decision on a development application has been made.

iii. COPY OF DECISION

- 01.** In addition to providing the notification of a decision on an application to an applicant, the Town Manager shall make a copy of the decision available to anyone who submits a written request prior to the issuance of the decision.
- 02.** The Town Manager shall also make a copy of the notice of decision available to the public in the Town offices during normal business hours.

8. CONTINUANCE, WITHDRAWAL, ABANDONMENT

An applicant may request that a review authority’s consideration of a development application be continued or withdrawn by submitting a written request to the appropriate review authority.

i. PROCEDURE FOR CONTINUANCE OF APPLICATIONS SUBJECT TO A PUBLIC HEARING

- 01.** In cases where an applicant seeks a continuance of an application subject to a public hearing, but public notification of the hearing has not yet been provided, the Town Manager shall consider and decide the request.
- 02.** If public notification of the pending public hearing has been provided in accordance with this Ordinance, the request for continuance shall be placed on the public hearing agenda and be considered by the review authority. Additional public notification may be required for a continued application.
- 03.** A request for continuance may be approved in cases where the applicant needs additional time to prepare evidence, secure approval from outside agencies, bring the application into closer alignment with the Town’s adopted policy guidance or the requirements of this Ordinance, or for good cause, as determined by the review authority.

ii. WITHDRAWAL

- 01.** An applicant may withdraw an application at any time following submittal of a signed request to withdraw the application.
- 02.** If an applicant withdraws an application for the same land after public notification two times within a single calendar year, the same application may not be resubmitted for a period of one year from the date of the second withdrawal.
- 03.** Application fees for withdrawn applications shall not be refunded.

iii. ABANDONMENT

- 01.** In cases where Town staff has notified the applicant in writing of a deficiency or a need for additional information in order to review or process an application and 60 days has lapsed with no response from the applicant, the application shall be considered abandoned and the review process shall be halted.
- 02.** Abandoned applications are considered withdrawn and shall be subject to the standards in Section 9.2.7.B.8. ii, Withdrawal.
- 03.** Abandoned applications are returned to the applicant and application fees shall not be refunded.

C. REVIEW PROCEDURES

1. APPEAL

i. APPLICABILITY

Appeals of decisions or determinations by the Town Manager made pursuant to this Ordinance shall be reviewed and decided in accordance with NCGS§§160D-405 and 160D-1403 and this procedure, as appropriate.

ii. STANDING TO APPEAL A DECISION BY A TOWN STAFF MEMBER

Only those parties possessing any of the following criteria shall have standing to appeal a decision or determination by the Town Manager to the Board of Adjustment:

- 01.** An ownership interest, a leasehold interest, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision or determination being appealed; or
- 02.** An option or contract to purchase the property that is the subject of the decision or determination being appealed; or
- 03.** An applicant before the review authority whose decision is being appealed; or
- 04.** Any other person who will suffer special damages as the result of the decision or determination being appealed; or
- 05.** An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision or determination being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal; or
- 06.** The appellant is the Town Council of Stantonsburg.

iii. INITIATION

- 01.** An applicant, property owner, or other person with standing shall initiate an appeal by filing a notice of appeal with the Town Manager within 30 days of the date they receive the written notice of decision being appealed.
- 02.** Receipt of written notice of decision provided via first class mail in accordance with NCGS§160D-403(b) shall be deemed to be received on the third business day following deposit of the notice for mailing with the United States Postal Service.

iv. APPLICATION

- 01.** Petitions for appeal shall specify the grounds for the appeal.
- 02.** The Town Manager shall transmit to the Board of Adjustment all the papers constituting the record upon which the action being appealed was taken.

v. DECISION

- 01.** The decision shall be based on the competent, material, and substantial evidence in the record of the appeal, as supplemented by arguments presented at the evidentiary hearing, and the standards in Section 9.2.7. C. vi, Review Criteria.
- 02.** The decision shall be one of the following:
 - 100.** Affirmation of the decision or determination (in whole or in part);
 - 200.** Modification of the decision or determination (in whole or in part); or
 - 300.** Reversal of the decision or determination (in whole or in part).
- 03.** Voting shall be in accordance with Section 9.2.7.B.iii.05, Voting.
- 04.** If a motion to reverse or modify is not made, or a motion fails to receive a majority vote from Board of Adjustment members eligible to vote, then the appeal shall be denied.

- 05.** Each decision shall be made in writing and reflect the Board of Adjustment's determination of contested facts and their application to the standards in this Ordinance.
- 06.** The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- 07.** The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the offices of the Planning Department.

vi. REVIEW CRITERIA

- 01.** The Board of Adjustment is limited to the following decisions in considering the appeal:
 - 100.** Whether the review authority erred in the determination of this Ordinance; or
 - 200.** Whether the review authority erred in determining whether a standard of this Ordinance was met.
- 02.** The Board of Adjustment shall not hear any evidence or make any decision based on hardships or special conditions, except as part of an application for a variance.

vii. EFFECT

- 01.** The filling of an appeal shall stay all of the following:
 - 100.** Any further proceedings or actions conducted by the applicant except in such cases where such stoppage would cause imminent peril to life or property as determined by the Town Manager;
 - 200.** The application of any further remedies for violation of this Ordinance by the Town; and
 - 300.** The accumulation of any further fees or fines associated with violation of this Ordinance.
- 02.** In cases where the Town Manager certifies to the Board of Adjustment that a stay would cause imminent peril to life or property or would seriously interfere with enforcement of this Ordinance; administrative proceedings shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
- 03.** In the event enforcement proceedings are not stayed by an appeal, the appellant may file a request for an expedited hearing of the appeal in accordance with NCGS§160D-405(f), and the Board of Adjustment shall conduct a meeting to hear the Appeal within 15 days of the date the request for an expedited hearing is filed.
- 04.** Nothing shall prevent the Board of Adjustment from staying the issuance of any final approval of development applications, including Building Permits, affected by the issue being appealed in accordance with NCGS§160D-405(f).

viii. APPEAL

In accordance with Section 9.2.7. B.5.iii.09, Appeals.

2. CERTIFICATE OF OCCUPANCY

i. APPLICABILITY

No newly erected building or structure, or existing building or structure that has been moved or enlarged or changed in use shall be occupied or used until a certificate of occupancy certifying that the land, building, or structure, and its use complies with this Ordinance and the applicable standards of the State Building Code(s) is issued in accordance with this section.

ii. REVIEW CRITERIA

An application for a certificate of occupancy shall be decided by the Town Manager in accordance with the degree to which the land, building, structure, or proposed use complies with:

- 01.** All relevant standards of this Ordinance;
- 02.** Any other applicable Town requirements;
- 03.** All applicable conditions of approval;
- 04.** The building permit;
- 05.** The applicable State Building Code(s) requirements; and
- 06.** All applicable State and federal requirements.

iii. TEMPORARY CERTIFICATE OF OCCUPANCY

01. A temporary certificate of occupancy may be issued permitting occupancy for a stated period of time of either the entire building or property or of specified portions of the building if the Town Manager finds that the building or property may safely be occupied prior to the completion of development activity.

iv. EFFECT

Approval of a certificate of occupancy authorizes the occupancy of a building or the commencement of activity.

v. AMENDMENT

A certificate of occupancy application may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

vi. EXPIRATION

A certificate of occupancy shall not expire. A temporary certificate of occupancy shall expire in accordance with its designated timeframe. In no instance shall a temporary certificate of occupancy remain valid for a period of longer than six months.

vii. APPEAL

An appeal of a decision on a certificate of occupancy may be filed with the North Carolina Commissioner of Insurance, in accordance with NCGS§160D-1127.

3. DETERMINATION

i. APPLICABILITY

The Town Manager shall determine all aspects of this Ordinance, including boundaries on the Official Zoning Map, undefined terms, unlisted use types, prior conditions of approval, the vesting status of development.

ii. DETERMINATIONS DISTINGUISHED

01. FORMAL DETERMINATIONS

100. Formal determinations shall be in writing, be prepared in accordance with this section and be provided to the property owner and party seeking the determination, if different from the property owner.

200. Only formal determinations are subject to appeal as an administrative decision.

02. ADVISORY OPINIONS

100. Any written or oral opinions that do not meet the strict requirements of this section are advisory opinions.

200. Advisory opinions have no binding effect and are not considered formal determinations subject to appeal.

iii. DECISION

01. The Town Manager shall provide determinations of this Ordinance or the Official Zoning Map in accordance with Section 9.2.7. C.3.iv, Review Criteria.

- 02.** Prior to rendering a determination, the Town Manager may consult with the Town Attorney or other Town officials.

iv. REVIEW CRITERIA

01. OFFICIAL ZONING MAP BOUNDARIES

Interpretation of district boundaries on the Official Zoning Map shall be in accordance with the standards in Section 9.2.4.E.3, Determination of Boundaries, and consistent with the Town’s adopted policy guidance.

02. TEXT PROVISIONS AND PRIOR APPROVALS

Interpretation of this text and approved applications shall be based on the standards in Section 9.2.3.A, Rules of Interpretation, and the following considerations:

- 100.** The legislative intent of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history related to its adoption;
- 200.** When the legislative intent of a provision is unclear, the Town Manager shall consider the clear and plain meaning of the provision’s wording, as defined by the meaning and significance given specific terms used in the provision, as established in Section 9.2.3.B, Definitions, and by the common and accepted usage of the term;
- 300.** The general purposes served by this Ordinance, as set forth in Section 9.2.1.H, Purpose and Intent; and
- 400.** Consistency with the Town’s adopted policy guidance.

03. UNLISTED USE TYPES

Determination of whether an unlisted use is similar to a use identified in the Table of Permitted Uses, shall be based on consistency with Section 9.2.5.C: Procedure for Classification of Unlisted Use Types, the Town’s adopted policy guidance, and the following standards:

- 100.** The function, product, or physical characteristics of the use;
- 200.** The impact on adjacent lands created by the use;
- 300.** The type, size, and nature of buildings and structures associated with the use;
- 400.** The type of sales (retail, wholesale), and the size and type of items sold and displayed on the premises;
- 500.** The types of items stored (such as vehicles, inventory, merchandise, chemicals, construction materials, scrap and junk, and raw materials including liquids and powders);
- 600.** The volume and type of vehicle traffic generated by the use, and the parking demands of the use;
- 700.** Any processing associated with the use, including assembly, manufacturing, warehousing, shipping, distribution, and whether it occurs inside or outside a building;
- 800.** Any dangerous, hazardous, toxic, or explosive materials associated with the use;
- 900.** The amount and nature of any nuisances generated on the premises, including noise, smoke, odor, glare, vibration, radiation, and fumes; and
- 1000.** Any prior applicable determinations made by the Town Manager or decisions made by the Board of Adjustment.

04. UNDEFINED TERMS

If a term in this Ordinance is undefined or the meaning is unclear, the Town Manager may determine the term's meaning based upon appropriate definitions in any of the following sources:

- 100.** The North Carolina General Statutes;
- 200.** The North Carolina Administrative Code;
- 300.** The State Building Code(s);
- 400.** Planning-related definitions in publications prepared or offered by the American Planning Association or the Urban Land Institute;
- 500.** The Oxford Dictionary of Construction, Surveying, and Civil Engineering;
- 600.** Black's Law Dictionary; or
- 700.** Other professionally accepted source.

05. VESTING STATUS

The determination of whether or not certain development activity or a development application approval is vested from changes in this Ordinance and the duration of the vesting shall be based on the following:

- 100.** The standards in Section 9.2.2, Vested Rights;
- 200.** The standards in NCGS§160D-108; and
- 300.** Prior judicial determination from comparable cases, as determined in the sole discretion of the Town Manager.

v. EFFECT

A written determination shall be binding on subsequent decisions by the Town Manger or other administrative officials in applying the same provision of this Ordinance or the Official Zoning Map in the same circumstance, unless the determination is modified in accordance with this section, the determination is later determined to have been made in error, or the text of this Ordinance is amended.

vi. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

4. EXEMPT SUBDIVISION

i. EXEMPT SUBDIVISIONS, GENERALLY

- 01.** Subdivisions exempted from this Ordinance are identified in Section 9.2.9.A.4, Exemptions.
- 02.** The Town may not require a plat for an exempt subdivision, but the Register of Deeds may require a plat to record the division of land.
- 03.** Land divided as an exempt subdivision is subject to other requirements in this Ordinance, including but not limited to erosion control, stormwater, and flood damage protection.

ii. APPLICATION

Applications for review of an exempt subdivision are strictly voluntary and at the discretion of the landowner or subdivider.

iii. REVIEW CRITERIA

An application for an exempt subdivision shall be decided by the Town Manager in accordance with the following:

- 01.** The plat includes a title block identifying the subdivision as an exempt subdivision, and describes what makes the subdivision exempt;
- 02.** The plat complies with the standards in NCGS§47-30;
- 03.** The plat is prepared, signed, and sealed by a registered surveyor; and

- 04.** The plat includes all applicable statements and declarations identified in Section 9.2.9.I, Plat Requirements and Certifications.

iv. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

5. LIMITED SUBDIVISION

i. APPLICABILITY

- 01.** The standards in this section shall apply to divisions of land meeting all the following criteria:

100. The proposed division of land is not exempted from the subdivision standards of this Ordinance in accordance with NCGS§160D-802;

200. The proposed division will not result in more than three lots (including any residual or "parent" parcel), with each lot meeting the applicable dimensional requirements of the zoning district where located;

300. The area of land subject to the division shall be comprised of at least five acres under common ownership;

400. No land included in a limited subdivision application shall have been the subject of a limited subdivision application approval within the preceding ten years;

500. No extension of public infrastructure (streets, water, or sewer) is proposed; and

600. A proposed permanent means of ingress and egress to each lot is recorded.

- 02.** Divisions of land not meeting all these standards shall be reviewed as a major or minor subdivision, as appropriate.

ii. APPLICATION

- 01.** Applications for a limited subdivision shall include a plat prepared by a registered land surveyor or professional engineer licensed to practice in North Carolina.

- 02.** Applications for a limited subdivision served by on-site wastewater systems shall include an evaluation from the Wilson County Health Department indicating that an on-site wastewater system may be used on each lot included in the subdivision.

iii. REVIEW CRITERIA

An application for a limited subdivision shall be decided by the Town Manager in accordance with the following:

- 01.** The limited subdivision plat is on a sheet or sheets suitable for recording with the Wilson County Register of Deeds;

- 02.** The limited subdivision plat complies with all applicable standards in this Ordinance and NCGS§47-30;

- 03.** The limited subdivision plat includes all required certifications and declarations;

- 04.** The applicant has secured all required State and federal permit approvals;

- 05.** All lots have been certified by the appropriate county Health Department as capable of accommodating the wastewater generated from the proposed use, if served by an on-site wastewater system;

- 06.** All lots in the limited subdivision comply with the applicable dimensional requirements for the zoning district where located;

- 07.** No drainage or utility easements will be required to serve any interior lots;

- 08.** The lot is served by a permanent means of ingress and egress that is depicted on the plat;

- 09. No land included in a limited subdivision application shall have been the subject of a limited subdivision application approval within the preceding ten years; and
- 10. The development complies with all applicable overlay zoning district standards.

iv. RECORDATION

- 01. Once a limited subdivision plat is approved, a signed statement by the Town Manager shall be entered on the face of the plat. The plat may not be recorded without this and all other required certifications.
- 02. Following certification, the subdivider shall record the plat and any associated protective covenants and deed restrictions in the Wilson County Office of the Register of Deeds. Failure to record the plat within 60 days shall render the plat null and void.
- 03. Land may not be conveyed, or construction started until the limited subdivision is recorded.

v. SEQUENCE

An application for site plan or special use permit may be filed with a limited subdivision application, but the limited subdivision application shall be approved first.

vi. EFFECT

- 01. Approval of the limited subdivision plat allows the sale or conveyance of lots within the subdivision.
- 02. Building permits may be issued following recordation of the limited subdivision plat.
- 03. Land subject to a limited subdivision approval shall not be further subdivided as a limited subdivision within ten years of the date of the prior subdivision recordation.

vii. AMENDMENT

Amendment of a limited subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

viii. EXPIRATION

A limited subdivision plat shall be null and void unless it is recorded in the Wilson County Office of the Register of Deeds within 10 days of approval.

ix. VESTING

See Section 9.2.2, Vested Rights.

x. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

6. MAJOR SUBDIVISION

i. PURPOSE AND INTENT

The purpose for this major subdivision procedure is to establish a fair, consistent, and predictable process for the division of land into a series of lots for development or sale in ways that promote the public’s health, safety, and welfare. The intent of these standards is to ensure:

- 01. Orderly growth and development;
- 02. Coordination of transportation and utility networks;
- 03. Preservation of open space for purposes of recreation or natural resource protection;
- 04. Protection from flooding, damaging sedimentation, and decreased surface water quality; and

- 05.** Distribution of population in ways that supports infrastructure investment and diminishes the impact of traffic and overcrowding.

ii. APPLICABILITY

Unless exempted by NCGS§160D-802(a), all divisions of land involving the following shall be considered major subdivisions subject to the standards of this section:

- 01.** Two or more lots along with the provision of or changes to streets or other public infrastructure (e.g., water lines, sewer lines, storm sewer, etc.); or
- 02.** Five or more lots with no changes to or extension of public infrastructure.

iii. STAGES OF REVIEW

The review of a major subdivision application is organized into the following four stages:

- 01.** Stage One, review of a sketch plan
- 02.** Stage Two, review of a preliminary plat;
- 03.** Stage Three, review of construction drawings, in cases where changes to or extension of public infrastructure is included as part of the development; and
- 04.** Stage Four, review of a final plat.

iv. STAGE 1, SKETCH PLAN

A sketch plan is the first approval stage of a proposed major subdivision, and shall be reviewed and configured in accordance with the following:

01. APPLICATION

- 100.** A sketch plan shall be prepared by a licensed professional surveyor, registered professional landscape architect, or licensed professional engineer.
- 200.** When a major subdivision is to be developed in phases, the sketch plan shall show the entire development though there is no limitation on the number of phases that may be included in a preliminary plat.

02. DECISION

- 100.** The Planning Board shall review the plan and make a recommendation for approval, disapproval or approval with conditions.
- 200.** The Town Council shall review the plan application during a public meeting and make a decision to approve, disapprove or approve with conditions.

03. REVIEW CRITERIA

An application for a sketch plan shall be decided in accordance the following:

- 100.** The lots are in conformance with all applicable requirements in the zoning district where located;
- 200.** The sketch plan complies with all standards and conditions of any applicable permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
- 300.** The name of the subdivision does not duplicate or is not phonetically similar to the name of an existing subdivision in the Town’s Planning jurisdiction or Wilson County;
- 400.** Street names comply with all applicable Town and County requirements; and
- 500.** The sketch plan complies with all other applicable requirements in this Ordinance and Town policy.

04. EFFECT

100. Approval of a sketch plan does not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots.

200. Approval of a sketch plan authorizes the subdivider to submit a preliminary plat.

05. AMENDMENT

100. Amendment of a sketch plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

06. EXPIRATION

100. An approved sketch plan shall be valid for 12 months from the date of its approval.

200. Failure to submit an application for a preliminary plat for any phase of the land subject to the sketch plan shall render the sketch plan void.

07. VESTING

100. Per Section 9.2.2.D.4, Site Specific Vesting Plan, preliminary plats are eligible for vesting not sketch plans.

08. APPEAL

An appeal may be filed in accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

v. STAGE 2, PRELIMINARY PLAT

A preliminary plat is the second approval stage of a proposed major subdivision, and shall be reviewed and configured in accordance with the following:

01. APPLICATION

100. A preliminary plat shall be prepared by a licensed professional surveyor, registered professional landscape architect, or licensed professional engineer.

200. When a major subdivision is to be developed in phases, a sketch plan shall be submitted for the entire development and a preliminary plat shall be submitted for each phase, though there is no limitation on the number of phases that may be included in a preliminary plat.

300. In cases where lots in the subdivision will utilize on-site wastewater, the subdivider shall provide a report from a licensed soil scientist in the form of a letter, signed and dated, that describes the possibilities of lot sizes the site can support and their general locations within the subdivision.

400. All major subdivisions shall submit a stormwater management plan prepared in accordance with the most current stormwater rules of the North Carolina Department of Environmental Quality, Division of Water Quality.

02. DECISION

100. The Planning Board shall review the plat and make a recommendation for approval, disapproval or approval with conditions.

200. The Town Council shall review the plat application during a public meeting and make a decision to approve, disapprove or approve with conditions.

03. REVIEW CRITERIA

An application for a preliminary plat shall be decided in accordance the following:

100. The preliminary plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer;

200. All lots are served by a Town-maintained or NCDOT-maintained street configured in accordance with NCDOT or Town standards, as appropriate;

- 300.** The lots shown on the preliminary plat are in conformance with all applicable requirements in the zoning district where located;
- 400.** The preliminary plat complies with all standards and conditions of any applicable master plans, permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
- 500.** The name of the subdivision does not duplicate or is not phonetically similar to the name of an existing subdivision in the Town’s Planning jurisdiction or Wilson County;
- 600.** Street names comply with all applicable Town and County requirements; and
- 700.** The preliminary plat complies with all other applicable requirements in this Ordinance and Town policy.

04. EFFECT

- 100.** Approval of a preliminary plat does not constitute the approval for recording a subdivision with the Register of Deeds, or approval for the conveyance of lots, but nothing shall prohibit the landowner or the subdivider, as appropriate, from entering into contracts to sell or lease land by reference to an approved preliminary plat in accordance with NCGS§160D-807(c). However, conveyance of ownership may not take place until after recordation of a final plat.
- 200.** Approval of a preliminary plat authorizes the subdivider to submit construction drawings for the installation of public infrastructure.

05. DEVELOPMENT PHASING

- 100.** The preliminary plat may depict one or more phases of the development.
- 200.** Construction drawings and final plats may be prepared by phase and there is no limitation on including two or more phases on the same set of construction drawings or final plat.

06. AMENDMENT

Amendment of a preliminary plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

07. EXPIRATION

- 100.** An approved preliminary plat shall be valid for 18 months from the date of its approval.
- 200.** Failure to submit an application for construction drawings or a final plat for the phase of the land subject to the preliminary plat shall render the preliminary plat void.

08. VESTING

See Section 9.2.2.D.4, Site-Specific Vesting Plan.

09. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

vi. STAGE 3, CONSTRUCTION DRAWINGS

Construction drawings review is the third stage of a proposed major subdivision and includes plans for the installation of public infrastructure as indicated in the associated preliminary plat. Preliminary plats that do not include any public infrastructure are exempted from the construction drawing stage. Construction drawings shall be reviewed and configured in accordance with the following:

01. APPLICATION

Following approval of a preliminary plat for a division of land that include changes to or extension of public infrastructure, an application for approval of construction drawings shall be submitted in accordance with the following:

- 100.** Construction drawings shall be prepared for changes to streets, bicycle infrastructure, potable water lines, sanitary sewer lines, electrical service (where applicable), street drainage, sidewalks;
- 200.** Construction drawings shall be prepared by, signed, and stamped by a licensed professional engineer;
- 300.** Construction drawings shall show both the horizontal or “plan” view of infrastructure as well as the vertical or “profile” view of infrastructure; and
- 400.** When a subdivision is to be developed in phases, construction drawings shall be submitted for each individual phase and public infrastructure shall be provided so that each lot is adequately served by public infrastructure at the time of conveyance regardless of the phase of development.

02. REVIEW CRITERIA

Applications for approval of construction drawings shall be decided by the Town Manager in accordance with the following:

- 100.** The location and configuration of public infrastructure shall be substantially consistent with the preliminary plat;
- 200.** Public infrastructure elements depicted in the construction drawings are configured in accordance with all applicable Town and State requirements;
- 300.** The Construction drawings include all design sheets necessary to determine compliance; and
- 400.** Copies of all required third-party agreements, permits, and approvals necessary to begin construction are included.

03. EFFECT

- 100.** Approval of construction drawings permits a subdivider to commence with construction of public infrastructure.
- 200.** A subdivider may file an application for a final plat before work associated with construction drawings is completed, but in no instance shall a final plat be approved or certificate of occupancy be issued until all public infrastructure associated with approved construction drawings is complete, inspected, and accepted, or a performance guarantee has been posted in lieu of completed infrastructure.

04. AMENDMENT

Amendment of approved construction drawings approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

05. INSPECTION

A passing inspection by Town staff or certification from a third-party utility service provider shall be obtained prior to issuance of a Final Plat or Certificate of Occupancy.

06. AS-BUILT PLANS

As-built plans shall be required prior to issuance of a Final Plat or Certificate of Occupancy.

07. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

vii. STAGE 4, FINAL PLAT

Submittal of a final plat application is the last stage of a proposed major subdivision. The final plat ensures that the subdivision and associated public infrastructure is configured in substantial conformity with the preliminary plat and all applicable regulations. It also helps ensure the Town or another landowner may readily determine and accurately reproduce the location, bearing, radius (as applicable) and length of the elements of a major subdivision.

01. APPLICATION

- 100.** A final plat shall be submitted for every preliminary plat.
- 200.** In cases where a major subdivision has multiple phases, each phase must be depicted on its own final plat though there is no limitation on including two or more different phases on the same final plat.
- 300.** A final plat shall be prepared by a licensed professional surveyor.

02. DECISION

- 100.** Prior to making a decision on a final plat, the Town Manager shall submit copies of the final plat and any accompanying material to other officials and agencies concerned with new development including, as applicable, but not limited to: the appropriate County Health Department, the North Carolina Department of Transportation, the Public Works Director, and the Town's Consulting Engineer.
- 200.** The Town Manager shall review the plat application and make a decision to approve or disapprove the final plat application.

03. REVIEW CRITERIA

Applications for a final plat shall be decided in accordance with the following:

- 100.** The final plat is on a sheet or sheets suitable for recording with the Wilson County Register of Deeds;
- 200.** The final plat is prepared and sealed by a licensed professional land surveyor;
- 300.** The final plat complies with the standards in NCGS§47-30;
- 400.** The final plat includes all required certifications and declarations;
- 500.** All required infrastructure improvements (e.g., streets, sewer lines, water lines, drainage, etc.) depicted on the construction drawings are installed, inspected, and accepted by the Town, or are subject to a performance guarantee;
- 600.** All required easements and rights-of-way are properly depicted on the final plat;
- 700.** If no public wastewater service is associated with the major subdivision, all lots have been certified by the Wilson County Health Department (as appropriate) as capable of accommodating the wastewater generated from the proposed use;
- 800.** The final plat is in substantial conformance with the associated preliminary plat(s);
- 900.** The applicant has secured all required State, federal, and other applicable County permit approvals;
- 1000.** The final plat complies with all standards and conditions of any applicable permits and development approvals; and
- 1100.** The final plat complies with all other applicable requirements in this Ordinance and Town policy.

04. RECORDATION

- 100.** Once a final plat is approved, a signed statement by the Town Manager shall be entered on the face of the plat. The final plat may not be recorded without this and all other required certifications.
- 200.** Following certification, the applicant shall record the final plat and all associated protective covenants and deed restrictions in the Wilson County Office of the Register of Deeds. Failure to record the final plat within 60 days shall render the plat null and void.

05. ACCEPTANCE OF PUBLIC INFRASTRUCTURE

- 100.** Approval and recordation of a final plat constitutes an offer of dedication by the owner of the right-of-way of each public street and any other public infrastructure shown on the plat.
- 200.** Approval of the final plat does not constitute acceptance for maintenance responsibility of any improvements within a right-of-way or easement and the Town assumes no responsibility to open, operate, repair, or maintain any improvements until it is in the public interest to do so.
- 300.** Improvements within rights-of-way or easements, such as streets, drainage facilities, or sidewalks may be accepted for maintenance by the Town, when deemed appropriate, in the Town's sole discretion.
- 400.** The Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes when the lands or facilities are located within the extraterritorial jurisdiction.
- 500.** Acceptance of dedication of lands or facilities located within the extraterritorial jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair or maintain any street, utility line, or other land or facility, and the Town shall not be held responsible in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

06. EFFECT

- 100.** Approval of a final plat allows the sale or conveyance of lots within the subdivision following recordation in the office of the Register of Deeds.
- 200.** Building permits may be issued following recordation of the final plat.

07. AMENDMENT

Amendment of a final plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

08. EXPIRATION

- 100.** A final plat shall be null and void unless it is recorded in the Wilson County Office of the Register of Deeds within 60 days of approval.
- 200.** If a final plat is not recorded within eighteen (18) months of the associated preliminary plat approval, or if there is a lapse of more than four years between the recording of different sections or phases, then the preliminary plat shall expire. In such cases, the Town may record a notice of expiration in the Wilson County Office of the Register of Deeds.

09. VESTING

See Section 9.2.2.D.4, Site Specific Vesting Plan.

10. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

7. MAP OR TEXT AMENDMENT

i. PURPOSE AND INTENT

- 01.** This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map to establish or revise a conventional zoning district or overlay zoning district boundary whenever the public necessity, general welfare, the Town’s adopted policy guidance, or appropriate land use practices justify or require doing so.
- 02.** The section also provides a means to review and decide proposed amendments to the text of the Ordinance whenever the public necessity, general welfare and the Town’s adopted plan and policy guidance justify or require doing so.

ii. APPLICABILITY

This procedure is solely for the establishment of or change to a conventional zoning district or overlay zoning district designation on land within the Town’s planning jurisdiction and for any change to the text of the Unified Development Ordinance.

iii. APPLICATION

- 01.** Applications for a map or text amendment may be initiated by the Town Council, the Planning Board, the Town Manager, a landowner(s), or a contract purchaser(s) of the land in the proposed application. An application for a text amendment may be initiated by a resident of the Town or ETJ.
- 02.** In no instance shall the Town accept third-party rezoning applications submitted by persons who are not owners or agents authorized to act on behalf of landowners.
- 03.** Applications for a Conventional Rezoning shall not include any applicant-sponsored conditions.
- 04.** In cases where a Conventional Rezoning application seeks to rezone only a portion of a lot or tract, the remainder of the lot or tract shall be of a size and location that make it possible to subdivide or develop that portion of the property in accordance with the requirements in this Ordinance. A map prepared by a Professional Land Surveyor with the proposed zone line shall be submitted with the application.

iv. RECOMMENDATION

- 01.** After conclusion of a public meeting, the Planning Board shall make a recommendation on the application based on its consistency with Section 9.2.7C.7.Viii, Review Criteria.
- 02.** In making its recommendation, the Planning Board shall prepare a written statement regarding the application’s consistency with the Town’s adopted policy guidance.

v. DECISION

- 01.** After the conclusion of a legislative public hearing, the Town Council shall decide the application in accordance with the standards in Section 9.2.7.C.7.Viii, Review Criteria.
- 02.** The decision shall be one of the following:
 - 100.** Approval of the application;
 - 200.** Denial of the application;
 - 300.** Approval of a revised application; or
 - 400.** Remand of the application to Town staff for further consideration.
- 03.** The decision shall be based on the legislative discretion of the Town Council, taking into consideration the recommendation of the Planning Board, citizen

comments, if provided, and the standards in Section 9.2.7.C.7.Viii, Review Criteria.

- 04.** In making its decision, the Town Council shall adopt a written statement of reasonableness and consistency with the Town’s adopted policy guidance in accordance with NCGS§160D-605.

vi. CITIZEN COMMENT

In cases where a resident or landowner submits written comments to the Town at least two days prior to the date a decision is being made on the application, the Town staff member processing the application shall deliver the statement(s) to the Town Council.

vii. APPLICATION REVISION

Nothing shall limit the Town Council from approving a more restrictive or less intense zoning district than requested by the applicant. In cases where the Town Council decides to approve a more restricted or less intense zoning district than requested, the application shall not require remand back to the Planning Board or any additional public notification.

viii. REVIEW CRITERIA

01. The advisability of approval of a map amendment application is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny a map amendment application, the Town Council may weigh the relevance of and consider the following:

- 100.** Whether the proposed map amendment advances the public health, safety, or welfare;
- 200.** Whether and the extent to which the proposed map amendment is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the Town’s adopted policy guidance;
- 300.** Whether an approval of the map amendment is reasonable and in the public interest; and
- 400.** Other factors as the Town Council may determine to be relevant.

02. The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Town Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Town Council may, but is not required to, consider whether and the extent to which the proposed text amendment:

- 100.** Enhances the public’s health, safety, and welfare;
- 200.** Is consistent with the Town’s Adopted Policy Guidance;
- 300.** Is required by changed conditions;
- 400.** Addresses a demonstrated community need;
- 500.** Addresses an unforeseen matter not present when the Ordinance was adopted;
- 600.** Addresses other factors determined to be relevant by the Town Council; and
- 700.** Would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

ix. DESIGNATIONS OF MAPS AND TEXT

01. The Town Manager shall cause to make changes to the Official Zoning Map promptly after approval of a map amendment application by the Town Council.

- 02.** The Town Manager shall make changes to the text of this Ordinance promptly after approval of a text amendment application by the Town Council.
- 03.** In cases when a map amendment application is deemed inconsistent with adopted policy guidance, but is approved by the Town Council, the future land map shall be amended with a note referencing the map amendment application approval.

x. SEQUENCE

A map amendment application may be filed with an annexation petition in accordance with NCGS §§160A-31 or 160A-58.1, but no other application types shall be submitted with a rezoning application.

xi. EFFECT

- 01.** Lands subject to an approved map amendment application shall be subject to all the applicable standards in this Ordinance, which shall be binding and shall run with the land.
- 02.** Development located outside the Town’s corporate limits shall comply with all Town policies related to annexation and the extension of utilities.
- 03.** In cases where the Town Council approves a map amendment application they deem to be inconsistent with the Town’s adopted policy guidance, the rezoning approval shall also have the effect of amending any applicable future land use map included in the Town’s adopted policy guidance, and no additional request or application for a comprehensive plan amendment shall be required.

xii. APPEAL

In accordance with Section 9.2.7.B.5. ii.06, Appeals.

8. MINOR SUBDIVISION

i. APPLICABILITY

- 01.** Divisions of land that include up to four lots (including the parent parcel) with no extension of or changes to public infrastructure (streets, sewer, water, etc.) shall be reviewed in accordance with the standards in this section.
- 02.** No lot within a minor subdivision (including the parent parcel) shall be the subject of another minor subdivision application for a period of three years from the date the initial minor subdivision is recorded.

ii. APPLICATION

- 01.** Applications for a minor subdivision shall include a plat prepared by a registered land surveyor licensed to practice in North Carolina.
- 02.** Applications for a minor subdivision served by on-site wastewater systems shall include an evaluation from the appropriate county health department indicating that an on-site wastewater system may be used on each lot included in the subdivision.

iii. DECISION

- 01.** Prior to making a decision on a minor subdivision, the Town Manager shall submit copies of the application and any accompanying material to other officials and agencies concerned with new development including, as applicable, but not limited to: the Wilson County Health Department, the North Carolina Department of Transportation, the Public Works Director, and the Town's Consulting Engineer.
- 02.** The Town Manager shall review the minor subdivision application and make a decision to approve or disapprove the application.

iv. REVIEW CRITERIA

An application for a minor subdivision shall be decided in accordance with the following:

- 01.** The minor subdivision plat is on a sheet or sheets suitable for recording with the Wilson County Register of Deeds;
- 02.** The minor subdivision plat complies with all applicable standards in this Ordinance and NCGS§47-30;
- 03.** The minor subdivision plat includes all required certifications and declarations;
- 04.** The applicant has secured all required State and federal permit approvals;
- 05.** All lots have been certified by the Wilson County Health Department as capable of accommodating the wastewater generated from the proposed use, if served by an on-site wastewater system;
- 06.** No drainage or utility easements will be required to serve any interior lots;
- 07.** All lots will have frontage on existing approved streets or qualify for ingress and egress via a shared driveway;
- 08.** Except in cases of a combination or recombination involving existing lots of record, all lots in the minor subdivision comply with the applicable dimensional requirements for the zoning district where located; and
- 09.** The development complies with all applicable overlay zoning district standards.

v. RECORDATION

- 01.** Once a minor subdivision plat is approved, a signed statement by the Town Manager shall be entered on the face of the plat. The plat may not be recorded without this and all other required certifications.
- 02.** Following certification, the subdivider shall record the plat and any associated protective covenants and deed restrictions in the office of the Register of Deeds in the county where the development is located.
- 03.** Failure to record the plat in accordance within 60 days shall render the plat null and void.
- 04.** Land may not be conveyed or construction started until the minor subdivision is recorded.

vi. SEQUENCE

An application for site plan or special use permit may be filed with a minor subdivision application, but the minor subdivision application shall be approved first.

vii. EFFECT

- 01.** Approval of the minor subdivision plat allows the sale or conveyance of lots within the subdivision.
- 02.** Building permits may be issued following recordation of the minor subdivision plat.

viii. AMENDMENT

Amendment of a minor subdivision approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

ix. EXPIRATION

A minor subdivision plat shall be null and void unless it is recorded in the Wilson County Office of the Register of Deeds within 60 days of approval.

x. VESTING

See Section 9.2.2, Vested Rights.

xi. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

9. PERFORMANCE GUARANTEES

i. PURPOSE AND INTENT

- 01.** These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a Building Permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Town, and provided funds have been reserved for completion of these features.
- 02.** These provisions ensure that funds are available for the Town's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

ii. FORM OF GUARANTEE

- 01.** The form of a Performance Guarantee shall take one of the following forms, at the sole discretion of the applicant:
 - 100.** A surety bond issued by a firm licensed to operate in the State of North Carolina;
 - 200.** A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
 - 300.** Cash or certified check; or
 - 400.** Other form of guarantee that provides equivalent security to the forms listed above, as determined by the Town.
- 02.** In cases where more than one facility or site feature is requested to be subject to a Performance Guarantee, the applicant may provide a single, consolidated Performance Guarantee for all facilities or site features. In no instance shall Performance Guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other Performance Guarantee.
- 03.** If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the Town guaranteeing the following:
 - 100.** That the escrow account shall be held in trust until released by the Town and may not be used or pledged by the developer for any other matter during the term of the escrow; and
 - 200.** That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the Town, immediately pay the funds deemed necessary by the Town to complete or repair the improvements up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed or otherwise made payable in full to the Town; and
 - 300.** The financial institution holding the cash or other instrument shall indicate to the Town its notification requirements for release or payment of funds.

iii. AMOUNT OF GUARANTEE

01. GENERALLY

- 100.** The amount of the performance guarantee shall not 125% of the reasonably estimated cost of completion at the time the Performance Guarantee is issued.
- 200.** The Town may determine the amount of the Performance Guarantee or use a cost estimate determined by the applicant.
- 300.** The reasonably estimated cost of completion shall include 100% of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing.
- 400.** The additional 25% includes inflation and all costs of administration regardless of how such fees or charges are denominated.

02. ESTIMATED COSTS

Estimated costs of completing installation of required public infrastructure shall be itemized by improvement type and certified by the developer's licensed professional.

03. EXTENSION

The amount of any extension of any Performance Guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed 125% of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

04. RENEWAL

If a Performance Guarantee is renewed, the Town Manager may require the amount of the Performance Guarantee be updated to reflect changes in cost over time.

iv. MAXIMUM TERM

Performance Guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public infrastructure or private site features. Acceptance of a proposed guarantee remains at the discretion of the Town.

v. RELEASE OR REDUCTION OF GUARANTEE

01. RELEASE REQUESTED

The Town shall release or reduce a Performance Guarantee only after:

- 100.** The owner or developer has submitted a written request to the Town for a release or reduction of the Performance Guarantee that includes certification by a professional engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- 200.** Town staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- 300.** No release or reduction in Performance Guarantee amounts will be considered until more than 25% of the work is in place and approved.

02. ACCEPTANCE SHALL BE DOCUMENTED

The Town Manager shall provide written notice of the Town's final acceptance of the improvements subject to a Performance Guarantee.

03. IMPROPER RELEASE OF PERFORMANCE GUARANTEE

If the Town releases a Performance Guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

vi. FORFEITURE OF GUARANTEE

01. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the Performance Guarantee (as may be extended), the Town shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

02. TOWN COMPLETION OF IMPROVEMENTS

- 100.** After the 30-day notice period expires, the Town may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements.

200. After completing such work, the Town shall provide a complete accounting of the expenditures to the owner or developer.

300. In the event of a default triggering the use of the performance guarantee, the Town shall return any of the unused deposited cash funds or other security.

vii. APPEAL

In accordance with NCGS§160D-405, appeals shall be decided by the Board of Adjustment.

10. SITE PLAN

i. APPLICABILITY

All of the following forms of development shall be subject to site plan review in accordance with this section other than those exempted below:

01. Any development involving construction, moving, or significant alteration of a non-residential principal building or habitable structure;

02. Any multi-family or mixed-use development;

03. Any development that results in the increase in the amount of impervious surface on a lot;

04. Any development that changes the vehicular access to or internal circulation on a lot;

05. Any accessory structure with an enclosed area over 1,000 square feet; or

06. Any development requiring approval of a special use permit or variance.

ii. EXEMPTIONS

The following forms of development are exempted from site plan review, but remain subject to the applicable standards in this Ordinance:

01. Construction of one single-family detached dwelling on an individual lot;

02. Placement of one manufactured or mobile home on its own lot in a zoning district permitting such uses;

03. Establishment of an accessory use in an existing structure, or a new accessory structure(s) of 1,000 square feet in floor area or less;

04. Interior fit-ups or changes to a lawfully-established non-residential structure or use type that do not result in the need for additional off-street parking spaces, additional screening or landscaping, or any changes to existing impervious surface coverage;

05. The construction or alteration of a sign, subject to the requirements and procedures in Section 9.2.7.C.13, Zoning Compliance Permit;

06. The establishment of a temporary use or structure, subject to the requirements and procedures in Section 9.2.7.C.13, Zoning Compliance Permit;

07. The construction or alteration of a fence or wall, subject to the requirements of Section 9.2.7.C.13, Zoning Compliance Permit;

iii. SUBMISSION REQUIREMENTS

01. Site plans shall be prepared by a North Carolina licensed professional qualified to prepare such documents. Site plans shall be prepared to scale and shall include the following information:

100. The name of the project, the names and contact information for the owner, developer, plan preparer, and other professionals responsible for the development.

200. Date, scale, and approximate north arrow, boundaries of the tract shown with bearings and distances.

- 300.** Adjacent property boundaries indicating ownership, use, and zoning district.
 - 400.** Vicinity map showing location of property in relation to the surrounding area.
 - 500.** The location of proposed and existing structures and/or uses, the size of non-residential uses and the number of dwelling units, if applicable, and the height and number of stories of the structure(s). A site plan for a manufactured home park would include the lot layout for each unit and the specific until within the lot.
 - 600.** The location of existing conditions such as ponds, lakes, streams, marshes, culverts, storm drains, bridges, electrical transmission lines, rock outcrops, wooded areas and any similar features on or immediately adjacent to the site.
 - 700.** The location and design of any off-street parking or loading areas to include the location and dimensions of driveways, fire lanes, walkways, drive-thru window location and queuing lanes and any other traffic-related information.
 - 800.** All existing and proposed easements and rights-of-way for access, utilities, stormwater devices, etc.
 - 900.** Existing and proposed utility systems such as water and sewer, electrical services and street and parking lot lighting, and gas.
 - 1000.** The location of proposed landscaping, buffering, signage, mail cluster boxes, recreation sites, open space and any other design feature which will aid the review authority with ensuring compliance with this ordinance.
 - 1100.** Information regarding the plan for solid waste storage and disposal.
 - 1200.** For projects over an acre in size, or if otherwise required by the Town Manager, a topographic map showing vertical contours every two feet.
 - 1300.** When a development includes phases, the site plan shall depict the entire development and shall indicate all phasing boundaries.
- 02.** Applications that involve changes to or extension of public infrastructure, including streets, sanitary sewer, public potable water, Town-provided electricity, or storm drainage facilities involving more than one lot shall include plans prepared in accordance with the utility provider or permitting agency.

iv. DECISION

Site plans are to be approved by the Town Manager except for those site plans that are required as part of a special use permit, variance, or other formal process as outlined in this Ordinance. In those instances, the site plan shall be approved by the approval authority issuing the permit or plan approval.

v. REVIEW CRITERIA

Applications for a site plan shall be decided in accordance with the following:

- 01.** All standards or conditions of any prior applicable permits and development approvals;
- 02.** Any applicable plats;
- 03.** All applicable requirements of this Ordinance and Town policy; and
- 04.** All applicable County, State, and federal requirements.

vi. SEQUENCE

- 01.** Site plan applications may be submitted concurrently with any other development application, but shall not be decided prior to a special use permit, variance, or subdivision plat.

- 02.** Developments subject to a site plan shall also be required to obtain a zoning compliance permit, a building permit, and may be required to obtain other approvals. Permits associated with site features depicted on a site plan may be filed with a site plan application but shall not be issued until after the site plan is approved.

vii. EFFECT

01. ZONING COMPLIANCE PERMIT

A site plan approval authorizes the submittal of or review of an application for a zoning compliance permit. In cases where the Town Manager determines that a zoning compliance permit is not required, then an applicant may file an application for a building permit.

02. CONSTRUCTION DRAWINGS

100. Construction drawings for all public infrastructure included with or filed subsequent to the site plan application shall be approved prior to street and utility construction in accordance with the applicable Town standards.

200. In the case of a multi-phase Site Plan, any street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

11. SPECIAL USE PERMIT

i. PURPOSE AND INTENT

This special use permit procedure defines the process for consideration of a proposed use type that may be allowable in a zoning district, but because of its nature or potential deleterious effects, it requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

ii. APPLICABILITY

01. Uses identified as requiring a special use permit in the Table of Principal Uses shall be approved in accordance with the procedures and standards of this section.

02. In cases where a single use type located within a larger multi-building or multi-use development requires a special use permit, only that particular use type and the lot it is located upon shall be subject to the special use permit, not the entire development.

iii. APPLICATION

01. A complete application for a special use permit shall include a site plan depicting the proposed use and site configuration.

iv. DECISION

01. A decision by the Board of Adjustment shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing, and the standards in this ordinance.

02. The decision shall be one of the following:

100. Approval of the special use permit, as submitted;

200. Approval of a special use permit with conditions; or

300. Denial of the special use permit.

03. In making its decision on a special use permit, the Board of Adjustment shall not waive or reduce any applicable standard of this Ordinance. It is permissible for the Board of Adjustment to apply conditions of approval that exceed the

standards in this Ordinance, as necessary, to mitigate any potentially negative impacts of the use on its surroundings.

v. REVIEW CRITERIA

A special use permit shall be approved upon a finding that the applicant demonstrates the proposed special use:

- 01.** Is subject to a site plan that accurately depicts the proposed use’s configuration;
- 02.** Complies with all required standards, conditions, and specifications of this Ordinance, including all use-specific standards;
- 03.** Will not materially endanger the public health or safety if located where proposed;
- 04.** Will not substantially injure the value of the abutting land, or the special use is a public necessity;
- 05.** Will be in harmony with the area in which it is to be located; and
- 06.** Is in general conformity with the Town’s Adopted Plans and Policy Guidance.

vi. CONDITIONS

The Board of Adjustment may apply conditions of approval that are reasonable and appropriate in accordance with NCGS§160D-705(c).

- 01.** Conditions may be proposed to:
 - 100.** Assure that the use will be harmonious with the area where proposed;
 - 200.** Ensure the use is consistent with the purpose and intent of this Ordinance;
 - 300.** Limit the permit to a specified duration;
 - 400.** Place limits on the availability for occupancy of proposed residential dwelling units to coincide with the provision or maintenance of adequate public facilities;
 - 500.** Verify that access roads or entrance and exit drives 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;
 - 600.** Confirm that 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;
 - 700.** Consider the adequate availability of utilities, schools, fire, police, and other necessary public and private facilities and services to adequately handle the proposed use;
 - 800.** Attest that 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; and
 - 900.** Confirm that 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.
- 02.** All conditions shall be identified in the approval, the notice of decision, and on any associated site plans.
- 03.** The notice of decision shall not be prepared until the applicant has consented to all applicable conditions of approval in writing.

vii. SEQUENCE

- 01.** Special use permit applications may include an application for a Zoning Compliance Permit and Building Permit, but the Special Use Permit shall be decided first.
- 02.** Special use permit applications may be filed with a map amendment application, but the map amendment application shall be decided first.
- 03.** Special use permit applications may be filed with an application for a variance, but the variance application shall be approved first.

viii. EFFECT

- 01.** Approval of a special use permit allows an applicant to file an application for subsequent building or occupancy permits.
- 02.** A special use permit approval is perpetually binding and shall run with the land, unless amended or limited in duration by the Board of Adjustment.
- 03.** An action invalidating a special use condition of approval (such as an intensity or hours of operation limitation) shall render the special use permit and associated site plan null and void.
- 04.** Special uses shall meet all applicable State and federal requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use permit and associated site plan.

ix. AMENDMENT

Amendment of a special use permit approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

x. EXPIRATION

01. REPLACEMENT

If a special use is replaced by a use type permitted by right in the zoning district, the special use permit approval is deemed abandoned and the special use permit approval is null and void.

02. FAILURE TO START OR COMPLETE CONSTRUCTION

Unless otherwise stated in the special use permit approval, a special use permit shall expire and become null and void one year after the date of issuance if:

- 100.** The authorized use has not commenced;
- 200.** Substantial commencement of construction has not taken place; or
- 300.** Construction activities have started, but the owner has voluntarily stopped construction and substantial progress has not been maintained.

xi. REVOCATION

- 01.** In the event of failure to comply with the plans or any other conditions imposed upon the special use permit approval, the Town Manager shall give the permit holder 10 days written notice of intent to revoke the permit and request the permit holder to contact staff to set a reasonable time for the violation to be corrected.
- 02.** A Special Use Permit may only be revoked in accordance with the procedure used to grant its approval.
- 03.** If the permit is revoked and the special use has not ceased, the use is considered a violation of this Ordinance and subject to enforcement and penalties in Section 9.2.10: Enforcement and Violations.

xii. VESTING

See Section 9.2.2.D.4, Site-Specific Vesting Plan.

xiii. APPEAL

In accordance with Section 9.2.7.B.5.iii.09, Appeals.

12. VARIANCE

i. PURPOSE AND INTENT

The purpose of this variance procedure is to allow deviations from certain standards of this Ordinance when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner’s control (such as topographical conditions, narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

ii. APPLICABILITY

01. VARIANCE

- 100.** Development that would otherwise be subject to undue and unique hardship from the applications of the standards in this Ordinance may seek relief from the standards in accordance with this section.
- 200.** No variance may be sought to permit uses not allowed in a zoning district.
- 300.** No variance may be sought that increases development density (e.g., units per acre) beyond the maximum permitted in the zoning district where located.

02. REASONABLE ACCOMMODATION

- 100.** In cases where the strict application of the standards of this Ordinance would deprive an eligible person of their right to equal opportunity to use a dwelling under the federal Fair Housing Act, the person may apply for a Reasonable Accommodation in accordance with this section.
- 200.** For the purposes of this section, an “eligible person” is a person who meets the definition of a disabled or handicapped person under federal law.
- 300.** A person recovering from substance abuse is considered a person with a disability or handicap provided they are not currently engaging in the illegal use of controlled substances.

iii. APPLICATION

- 01.** Applications for variances and reasonable accommodations shall be processed by the Town Manager.
- 02.** An application for reasonable accommodation may be made by a person with a disability or handicap, or their legal representative, or by a provider of housing for persons with disabilities or handicaps. An application for reasonable accommodation shall also include the following:
 - 100.** The basis for the claim that the applicant or persons receiving services from the applicant is considered disabled or handicapped under federal law;
 - 200.** The Ordinance provision from which the reasonable accommodation is being requested; and
 - 300.** An explanation of why the reasonable accommodation is necessary to make specific land or development available for the applicant.

iv. DECISION

- 01.** The decision shall be based on the competent, material, and substantial evidence in the record, as supplemented by arguments presented at the evidentiary hearing, and the standards of this ordinance.
- 02.** The decision shall be one of the following:
 - 100.** Approval of the variance or reasonable accommodation as proposed;
 - 200.** Approval of the variance or reasonable accommodation with revisions; or
 - 300.** Denial of the variance or reasonable accommodation as proposed.

- 03.** Voting shall be in accordance with Section 9.2.1.J.3.iv, Voting.
- 04.** Each decision shall be made in writing and reflect the Board of Adjustment's determination of facts and their application to the standards in this Ordinance.
- 05.** The written decision shall be signed by the Chair or other duly authorized member of the Board of Adjustment.
- 06.** The decision of the Board of Adjustment shall be effective upon the filing of the written decision in the Town Offices.

v. REVIEW CRITERIA

01. REQUIRED FINDINGS

A variance application shall be approved provided on a finding the applicant demonstrates all of the following:

- 100.** Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- 200.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- 300.** The hardship did not result from actions taken by the applicant or the landowner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of the variance shall not be regarded as a self-created hardship.
- 400.** The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.
- 500.** The variance approval is the minimum necessary to make possible the reasonable use of the land, building, or structure.

02. NOT AVAILABLE AS BASIS FOR DECISION

None of the following may be used as the basis for approving a variance:

- 100.** Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- 200.** Personal circumstances;
- 300.** A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- 400.** Hardships resulting from factors other than application of the relevant standards of this Ordinance;
- 500.** The fact that land or a structure may be utilized more profitably or be more marketable with a variance; or
- 600.** Financial hardship.

vi. REASONABLE ACCOMMODATION

01. A reasonable accommodation application shall be approved on a finding the proposed accommodation:

- 100.** Will be used by an individual or individuals with a disability or handicap protected under federal law;
- 200.** Is the minimum needed to provide accommodation; and
- 300.** Is reasonable and necessary.

- 02.** For the purposes of this section, an accommodation is reasonable if it would not undermine the legitimate purposes of this Ordinance, it does not constitute a substantial alteration of this Ordinance or other Town standard, and it will not impose significant financial and administrative burden upon the Town.
- 03.** For the purposes of this section, an accommodation is necessary if it would provide direct or meaningful improvement of the effects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to use housing in the Town’s planning jurisdiction.

vii. CONDITIONS

In granting a variance, the Board of Adjustment may prescribe conditions of approval to assure that the use of the land to which the variance applies will be compatible with surrounding lands and will not alter the essential character of the neighborhood. Conditions of approval shall be in accordance with the following:

- 01.** Conditions of approval must be reasonably related to the application.
- 02.** An application approval granted subject to a condition of approval shall be permitted as long as there is compliance with the condition.
- 03.** Violation of a condition of approval shall be deemed a violation of this Ordinance.
- 04.** If a violation or invalidation of a condition of approval occurs, the Town Manager may revoke the authorization for the development subject to the approval.
- 05.** All conditions shall be identified, in writing, in the approval, the notice of decision, and on any associated site plans.
- 06.** The notice of decision shall not be prepared until the applicant has consented to all applicable conditions of approval in writing.

viii. SEQUENCE

A variance application may be filed with any other application except an appeal or rezoning, but the variance approval shall always be required prior to any other associated application.

ix. EFFECT

- 01.** Approval of a variance authorizes only the particular regulatory relief approved by the Board of Adjustment. It does not exempt the applicant from the responsibility to obtain all other permits or development approvals required by this Ordinance or any other applicable laws, and does not indicate that the development for which the variance is granted should receive other permits or development approvals unless and until the relevant and applicable portions of this Ordinance are met.
- 02.** A reasonable accommodation shall not affect an applicant’s obligation to comply with other applicable standards in this Ordinance that are not the subject of the reasonable accommodation application.

x. APPEAL

In accordance with Section 9.2.7. B. 5.iii.09, Appeals.

13. ZONING COMPLIANCE PERMIT

i. PURPOSE AND INTENT

The purpose of a zoning compliance permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance and all other applicable requirements.

ii. APPLICABILITY

- 01.** A zoning compliance permit shall be required for prior to any of the following:
 - 100.** Issuance of a building permit;

- 200.** Any change in principal use within an existing non-residential, multi-family, or mixed-use structure;
 - 300.** Commencement of activity or development identified on a site plan or a subdivision plat;
 - 400.** Commencement of activity that does not require issuance of a building permit.
- 02.** Nothing shall prevent a zoning compliance permit from being issued concurrently with a building permit.

iii. APPLICATION

- 01.** Applications for a zoning compliance permit shall include a generalized sketch of the development that identifies the lot lines and the outer extents of all of the following features (if present):
- 100.** The shape and dimensions of the lot to be built upon or used, and total acreage of the lot;
 - 200.** The location of existing and proposed structure(s) or use(s);
 - 300.** The location of existing and proposed accessory structures (including those there on a temporary basis);
 - 400.** The existing and intended use of each structure or part thereof;
 - 500.** The height and number of stories of all proposed structures;
 - 600.** The location and design of any off-street parking or loading areas;
 - 700.** The location and dimensions of driveways;
 - 800.** The location and descriptions of landscaping, buffering and signs;
 - 900.** The required setbacks and allowable encroachments, if applicable;
 - 1000.** Existing potable water wells, septic tanks, drain fields, and reserve or back-up drain field locations; and
 - 1100.** Any other features identified by the Town Manger as necessary for determining compliance with the requirements of this Ordinance.
- 02.** Sketches are not required to be professionally prepared, or be to scale, but should include verified dimensional distances if not drawn to scale.
- 03.** Development activity associated with signage shall comply with the standards in Section 9.2.8.D: Signage.
- 04.** Establishment of a temporary use, structure, or activity shall comply with the standards in Section 9.2.5.H: Temporary Uses.

iv. REVIEW CRITERIA

A Zoning compliance permit shall be decided by the Town Manager in accordance with the following:

- 01.** All standards or conditions of any prior applicable permits and developments approvals;
- 02.** Any applicable County, State, and federal requirements;
- 03.** All applicable requirements of this Ordinance, the Town Code of Ordinances, and any applicable Town manuals or associated regulatory documents; and
- 04.** Approval of the zoning compliance permit does not require any reduction, deviation, or waiver not already approved by the Town.

v. SEQUENCE

A zoning compliance permit application may be filed with or after any other application type except for a building permit or certificate of occupancy. Any application type other than a building permit or certificate of occupancy shall be approved prior to a zoning compliance permit.

vi. AMENDMENT

Amendment of a zoning compliance permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.

vii. EXPIRATION

01. A zoning compliance permit shall expire and become null and void if the development it authorizes is not substantially commenced within six months of the permit issuance.

02. A zoning compliance permit shall expire if work is discontinued for a period of 12 months after work has commenced.

viii. VESTING

See Section 9.2.2: Vested Rights.

ix. APPEAL

01. In accordance with NCGS§160D-405, appeals shall be made to the Board of Adjustment.

ART. 9.2.8. GENERAL STANDARDS

A. OFF-STREET PARKING

1. APPLICABILITY

- i. The parking standards of this section are required to be met at the time of the erection of any building; the establishment of any use; the proposed change to any principal building or use where there is an increase in capacity by adding dwelling units, guest rooms, seats, floor, storage, or sales area; or before a conversion from one type of use or occupancy to another. Parking spaces may be provided in a parking garage or properly graded open space.
- ii. The required parking spaces 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.
- iii. If the off-street parking space required by this section cannot be provided on the same lot on which the principal use is located, the spaces may be provided on any land within 400 feet of the main entrance to the principal use.

2. EXCEPTIONS

- i. The Town Manager 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 Town Manager's decision to the Board of Adjustment under the normal procedure for an appeal.
- ii. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a variance.
- iii. In the commercial district, the Town Manager may allow a new use to be established in an existing building even if all parking requirements of this section 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.

3. SITE PLAN AND CERTIFICATE OF OCCUPANCY

- i. Each site plan or zoning compliance permit application filed with the Town Manager 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 Town Manager to determine whether or not the requirements of this section are met.
- ii. No certificate of occupancy shall be issued until the parking requirements and regulations are fully met.

4. DIMENSIONAL REQUIREMENTS

The following minimum dimensions shall apply.

i. SPACE SIZE

| MINIMUM SIZE OF PARKING SPACES | |
|---------------------------------------|---------------------------|
| STALL ANGLE | PARKING SPACE SIZE |
| Parallel | 20 feet x 9 feet |
| Less than 90 degree angle | 18 feet x 9 feet |

| MINIMUM SIZE OF PARKING SPACES | |
|---------------------------------------|---------------------------|
| STALL ANGLE | PARKING SPACE SIZE |
| 90 degree angle | 18 feet x 9 feet |

ii. AISLE WIDTHS

01. ONE-WAY TRAFFIC

| MINIMUM AISLE WIDTHS FOR ONE-WAY TRAFFIC | |
|---|----------------------|
| PARKING STALL ANGLES | MINIMUM WIDTH |
| 0-15° parking angle | 12 feet |
| 16-37° parking angle | 11 feet |
| 38-57° parking angle | 13 feet |
| 58-74° parking angle | 18 feet |
| 75-90° parking angle | 24 feet |

02. TWO-WAY TRAFFIC

All aisle widths shall be 22 feet.

iii. INGRESS AND EGRESS

A safe means of ingress and egress with a minimum width of 24 feet shall be provided for all uses other than single and two-family residential uses.

5. STANDARDS FOR PARKING LOTS OF MORE THAN 20 SPACES

In addition to the standards above, when off-street parking for more than 20 vehicles is provided, the following regulations shall apply.

i. 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.

ii. MARKINGS

Each parking stall shall be designated and maintained so as to be distinguishable.

iii. LIGHTING.

Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

iv. YARDS

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.

v. BUFFER

Even when buffers are not required as defined in Section 9.2.8.C: Landscaping, a natural planting, hedge, or decorative fence to a height of at least six feet shall

screen the parking lot from adjacent property zoned residential-agriculture or residential or land used as residential regardless of zoning district.

vi. CURBS OR BUMPERS

The required yards shall be set off from parking areas by either a continuous curb or one noncontinuous stationary bumper for each parking space abutting a yard, with the curb or bumper not being less than five inches or more than two feet high.

vii. 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 previously developed areas where this condition would be impossible to meet, the Town Manager may exempt the developer from this requirement, provided that adequate provision is made for drainage.

viii. SEPARATION OF BUMPER AND WALKWAYS

In the event any parking stall abuts upon a pedestrian walkway, there shall be a space of three and one-half feet between the wheel bumper or curb and the edge of the walkway.

ix. 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.

6. INTERNAL CIRCULATION

- i.** 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.
- ii.** Financial institutions shall provide safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines.
- iii.** Elementary schools, middle schools, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off-street for the loading and unloading of children from automobiles and buses.

7. MINIMUM NUMBER OF PARKING SPACES REQUIRED

- i.** The required number of off-street parking spaces shall be calculated as provided in the table below.
- ii.** In the event that the proposed use is not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category as determined by the Town Manager.
- iii.** Where more than one use in a single structure or on a single tract, 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 have been expressly listed.

| MINIMUM NUMBER OF PARKING SPACES REQUIRED | |
|--|--|
| USE | NUMBER OF OFF-STREET PARKING SPACES |
| Dwellings, single- and two-family | 2 per dwelling unit |
| Dwellings, multi-family | 2 per dwelling unit plus 1 visitor space for each 2 dwelling units |

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.8. GENERAL STANDARDS

| MINIMUM NUMBER OF PARKING SPACES REQUIRED | |
|--|---|
| USE | NUMBER OF OFF-STREET PARKING SPACES |
| Townhouses | 2 per dwelling unit plus 1 visitor space for each 2 dwelling units |
| Group housing such as boarding houses and dormitories | 1.2 per each bedroom |
| Manufactured and mobile homes on individual lot | 2 per dwelling unit |
| Manufactured and mobile home parks | 2 per dwelling unit plus 1 visitor space for each 2 dwelling units |
| Financial Institutions | 1 for each 250 square feet of gross floor area |
| Hospitals | 1 space 5 square feet of gross floor area |
| Libraries | 1 space for each 200 square feet of public floor area |
| Museum and art galleries | 1 space for each 800 square feet of gross floor area |
| Nursing homes, family care homes, and similar institutions | 1 space for each permitted resident |
| Doctor and dentist office | 6 spaces for each doctor or dentist plus 1 space for each other employee |
| Other offices | 1 space for each 300 square feet of gross floor area |
| Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks | 1 space for each 5 seats |
| Day nurseries, kindergartens, elementary and junior high schools | 2 spaces for each 750 square feet of classroom floor area plus 1 space for each administrative office plus 1 space for each 5 seats in auditorium/gymnasium |
| Senior high schools, college, trade, vocational schools with dormitories | 5 spaces for each 750 square feet of classroom floor area public 1 space for each administrative office plus 1 space for each 5 seats in auditorium/gymnasium/dormitory |
| College, trade, vocational schools without dormitories | 5 spaces for each 750 square feet of classroom floor area public 1 space for each administrative office plus 1 space for each 5 seats in auditorium/gymnasium |
| Bowling alley | 5 spaces per lane |
| Tent and RV campground | 1 space for each campsite plus office parking requirement |
| Car wash | 2 spaces per lane |
| Commercial amusement buildings, disco and dance establishments, electronic | 1 space for every 200 square feet of gross floor area |

| MINIMUM NUMBER OF PARKING SPACES REQUIRED | |
|--|--|
| USE | NUMBER OF OFF-STREET PARKING SPACES |
| and pinball machines, nightclubs, skating rinks, billiard parlors, adult uses | |
| Golf course (not including putting greens accessory to multi-family dwelling or hotels or motels) | 4 spaces per hole |
| Hotel or motel | 1.2 spaces per guest room plus restaurant or other facility parking requirement |
| Drive-in or take-out only restaurant | 15 spaces plus 1 space for each 100 square feet of gross floor area |
| Other restaurants | 1.2 spaces for each 150 square feet of gross floor area |
| Service stations | 2 spaces for each gas pump plus 3 spaces for each grease rack or similar facility |
| Shopping centers (in lieu of individual store parking requirements) | 5.5 spaces per 1,000 square feet of gross leasable area |
| 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 vehicle sales; plant nurseries | 1 space for each 500 square feet of gross floor area 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 spaces for each 500 square feet of gross floor area including any outdoor sales area |
| Industrial, electrical generation, and research uses, warehousing, and very low customer volume wholesaling operations | 1 space for each employee on premises at any one time |

B. OFF-STREET LOADING

Every building or structure used for business, trade, industry, or office and institutional purposes shall provide loading spaces as indicated in this section. 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.

1. DIMENSIONAL REQUIREMENTS

- i. Each loading space shall be no less than 15 feet in width and 30 feet in depth.
- ii. Each loading space shall also be no less than 15 feet in height if the space is covered.
- iii. Each loading space 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.

2. MINIMUM NUMBER OF LOADING SPACES REQUIRED

- i. The required number of off-street parking spaces shall be calculated as provided in the table below.
- ii. In the event that the proposed use is not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category as determined by the Town Manager.

| MINIMUM NUMBER OF LOADING SPACES REQUIRED | |
|---|---|
| USE | NUMBER OF OFF-STREET LOADING SPACES |
| Retail business | 1 space for each 20,000 square feet of gross floor area |
| Wholesale trade and industry | 1 space for each 10,000 square feet of gross floor area |
| Office and institutional uses including hotels and motels | 1 space for each 50,000 square feet of gross floor area |

3. EXCEPTIONS

- i. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a variance of the loading requirements in regard to that particular establishment.
- ii. In the commercial district, the Town Manager 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.

C. LANDSCAPING

1. PERIMETER BUFFERS

i. APPLICABILITY

Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this section.

- 01.** 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.
- 02.** Whenever a residential subdivision is located adjacent to an office, institutional, commercial or industrial use which does not have a buffer, or property zoned for these uses, and a buffer is not required between these and the subdivision, the subdivider shall provide a buffer configured in accordance with these standards.

ii. BUFFER DESIGN AND OPTIONS

- 01.** 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.
- 02.** If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Town Manager may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Town Manager shall be obtained before removing an existing natural buffer in the location of the required buffer strip.

- 03.** Where, because of intense shade, or soil conditions, a planting screen cannot be expected to thrive, the Town Manager may, in writing, allow substitution of a well-maintained wooden fence or masonry wall at least six feet in height.
- 04.** For uses requiring a special use permit, the Board of Adjustment may reduce the buffer to eight feet and one row of trees where it is clear that a smaller buffer will protect neighboring property from harmful effects of the proposed use.
- 05.** The width of the buffer shall be in addition to the lot area required by this Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly owned property, shall be deeded to the property owners' association.
- 06.** The buffer strip shall be maintained for the life of the development.
- 07.** Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lessee.

2. PARKING LOT LANDSCAPING

i. INTENT

Parking lot perimeter landscaping shall be designed to soften the view of the parking lot from an abutting street or development and to filter spillover light from vehicle headlights.

ii. APPLICABILITY

All parking lots or four or more spaces shall provide perimeter landscaping when the parking lot does not directly abut another parking lot.

iii. DESIGN AND OPTIONS

- 01.** The perimeter landscaping shall consist of a single continuous row of evergreen shrubs planted no greater than three feet on-center and within five feet of the parking lot edge.
- 02.** Applicants may propose an alternative plant species (such as native grasses) provided the proposed plant material provides a fully opaque screen to a maximum height of 36 inches above grade throughout the year.
- 03.** Perimeter parking lot plantings may be supplemented or replaced through use of a vegetated berm or an opaque fence or wall that meets the screening intent of this section.

3. SCREENING

i. APPLICABILITY

All refuse collection dumpsters and outdoor storage areas shall be screened from view from streets, public parks, designated open space areas and single-family and duplex dwellings.

ii. SCREENING METHOD OPTIONS

- 01.** Evergreen vegetation configured to provide a fully-opaque screen to a minimum height of six feet within four years of planting;
- 02.** Vegetated berms supplemented with plantings as necessary to provide a fully opaque screen to a minimum height of six feet within three years of planting;
- 03.** An opaque fence constructed of treated wood, rot-resistant wood, plastic, or vinyl, no chain link fence with slats or fabric is permitted;
- 04.** A masonry wall constructed of brick, textured concrete masonry units, or stuccoed block; or
- 05.** Walls of a principal or secondary structure.

D. SIGNAGE

1. GENERAL SIGN REGULATIONS

- i.** 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 section.
- ii.** No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in Section 9.2.8.E: Visibility at Intersections.
- iii.** No sign structure may be placed in the right-of-way.
- iv.** 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 section.
- v.** Signs and sign structures shall meet all requirements of the State Building Code.
- vi.** 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 free from visible peeling or chipping.
- vii.** Obsolete on-premise signs and their supporting structures shall be removed within 180 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. An extension of the 90-day time limit for removal may be granted by the Town Manager for reasonable cause.
- viii.** 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 adjacent building or on traffic.
- ix.** 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.

2. PROHIBITED SIGNS

The following types of signs are expressly prohibited.

- i.** 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.
- ii.** 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.
- iii.** 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.
- iv.** Signs which obstruct openings required by building codes, the housing code, or other laws relating to buildings to be left uncovered or unobstructed.

3. OFF-SITE ADVERTISING SIGNS

- i.** Off-site advertising signs (billboards) shall be permitted only as a special use in the C and LI districts.
- ii.** A special use permit shall be granted provided the following conditions are met:
 - 01.** 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 or 222.
 - 02.** The sign must be located within 660 feet of the edge of the right-of-way of such highway.

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- 03.** The sign shall comply with all regulations of the North Carolina Department of Transportation, and with the State Statutes.
- 04.** No two such structures shall be placed less than 500 feet apart. Distance shall be measured radially from the nearest point of the proposed sign location to the nearest point of the existing sign location.
- 05.** The sign will be compatible with the neighborhood in which it is located, and will not have a detrimental effect on adjoining properties.

4. PERMANENT ON-PREMISE SIGNS

| PERMANENT ON-PREMISE SIGNS | | | | |
|--|--|--|------------------------|---|
| TYPE OF SIGN | MAXIMUM SIZE IN SQUARE FEET | MAXIMUM HEIGHT IN FEET | ZONING DISTRICT | OTHER REQUIREMENTS |
| Awning, silkscreened or sewn on | n/a | n/a | C; LI | |
| Canopy | 4 | | C; LI | Identification, one per entrance to site, bottom must be at least 7 feet above sidewalk |
| Entrance or Monument signs to subdivisions, commercial, institutional or industrial establishments | 32 | 8 | All | No more than 2 per entrance |
| Ground | 150 | 35 | LI | No more than 1 per street entrance |
| Ground | 40 | 20 | C | Must be at least 10 feet from any other ground sign |
| Projecting | 20 | | C; LI | May not be more than 9 feet from wall at farthest point, one per street or 2 per establishment whichever is less |
| Roof or wall | 1.25 square feet per each running foot of building front | May not project over the roof line of the building to which attached | C; LI | Wall signs must be not be mounted over windows or doors and may not interrupt or cover major architectural features of the building |
| Window | | | C; LT | |

5. TEMPORARY SIGNS

| PERMITTED TEMPORARY SIGNS | | | | |
|---|------------------------------------|-------------------------------|------------------------|---|
| TYPE OF SIGN | MAXIMUM SIZE IN SQUARE FEET | MAXIMUM HEIGHT IN FEET | ZONING DISTRICT | OTHER REQUIREMENTS |
| Construction Site Placards | 64 | 12 | All | Must be removed once construction is complete |
| Temporary events (e.g., garage sales) | 6 | | All | Posted no more than 24 hours before event and removed within 24 hours after sale |
| Flags, pennants or insignia, non-commercial | 10 [1] 15 [2] | | All | |
| Portable, including signs mounted on a vehicle or trailer or trailer-type sign | 32 | 10 | C; LI | Non-renewable permit, 20-day time limit, one per street front, no colored or flashing lights or lights which cause glare on traffic or adjacent properties. |
| Banners, pennants, streamers | | | C; LI | Only for the opening of a new business for no more than 4 weeks |
| Notes: [1] In the RA, RS, RH and RMH zoning districts, wall and projecting insignia may not exceed 10 square feet nor may they project more than 9 feet from wall. [2] In any district, flags or pennants shall not exceed 15 square feet, or if on a pole, ¼ the height of pole, whichever is greater. | | | | |

E. VISIBILITY AT INTERSECTIONS

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in a manner 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.

F. STREET ACCESS REQUIRED FOR DEVELOPMENT

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 North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

G. BUILDING IDENTIFICATION

1. All residential and commercial buildings are required to post the address in numbers no less than four inches in height but no more than 4 square feet in a manner to be visible from the street right-of-way.
2. The names of buildings and date of construction are permitted if cut into a masonry surface, cast of metal and affixed flat against the surface of the building.

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ART. 9.2.8. GENERAL STANDARDS

3. The name of the occupant of residential property of no more than 2 square feet is permitted to be affixed to a building.

ART. 9.2.9. SUBDIVISIONS

A. INTENT AND APPLICABILITY

1. PURPOSE

These subdivision design standards are proposed to:

- i.** Promote orderly growth and development;
- ii.** Maintain conditions essential to the public’s health, safety, and welfare;
- iii.** Facilitate the further re-subdivision of larger tracts into smaller parcels of lands and individual lots, where appropriate;
- iv.** Ensure lots and public infrastructure are configured in ways that ensure public safety, easy maintenance, and good planning practice;
- v.** Encourage design that is protective of environmental quality;
- vi.** Provide for the dedication or reservation of recreation, park, and greenway areas; and
- vii.** Provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

2. APPROVAL OF PLATS REQUIRED

Any subdivision in the Town of Stantonsburg’s Planning Jurisdiction shall not be completed and occupied or lots conveyed unless and until all required plats have been approved in accordance with this ordinance.

3. SUBDIVISION DEFINED

- i.** For the purposes of this ordinance, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- ii.** A minor subdivision is defined as one involving no new public or private streets or roads, or right-of-way dedication, no easements, no utility extension, where the entire tract to be subdivided is four or fewer lots after the subdivision is completed.

4. EXEMPTIONS

The following divisions of land shall be exempt from these subdivision design standards:

- i.** The combination or -recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in this ordinance;
- ii.** The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- iii.** The public acquisition by purchase of strips of land for the widening or opening of streets;
- iv.** The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the town as shown in this ordinance; and
- v.** Court-ordered subdivisions that comply with Chapter 29 of the North Carolina General Statutes.

5. EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to NCGS 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the municipality or public of the dedication of any street

or other ground, public utility line, or other public facility shown on the plat. However, the Town Council may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction. Acceptance of dedication of lands or facilities located within the planning and development regulation jurisdiction but outside the corporate limits of the municipality shall not place on the town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

B. SUBDIVISION DESIGN STANDARDS

1. SUITABILITY OF LAND

- i. Land which has been determined by the Town Council on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- ii. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the appropriate County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

2. SUBDIVISION NAME

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within the County in which the subdivision is located, nor within the Town.

3. CLUSTER BOXES

New residential subdivisions shall include cluster mailbox units in accordance with U.S. Postal Service guidelines and the following:

- i. Wherever possible, cluster mailboxes shall be located in a centralized location, within an open space set-aside, served by pedestrian access, and served by two or more off-street parking spaces.
- ii. In cases where the cluster mailboxes must be placed within a public right-of-way, the mailbox unit(s) shall be located and configured in accordance with the latest revision of the NCDOT policy guidance on the placement cluster box units (CBUs), including provision of a vehicular turnout.
- iii. Cluster mailbox units placed on a private street shall comply with NCDOT policy guidance on the placement of cluster box units (CBUs) on State-maintained streets.

4. LOTS

- i. All lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements.
- ii. All subdivision lots shall abut at least 20 feet on a public street.
- iii. Lots shall meet any applicable County Health Department Requirements.
- iv. Double frontage lots shall be avoided, wherever possible.
- v. Side lot lines shall be substantially at right angles to or radial to street lines.

5. EASEMENTS

Easements shall be provided as follows:

i. UTILITY EASEMENTS

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least twenty feet wide. Easements for water and sanitary sewer lines, telephone, gas and power lines shall be provided as required by the utility providing the service.

ii. DRAINAGE EASEMENTS

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

C. STREET STANDARDS

No street shall be maintained by the Town nor street dedication accepted for ownership and maintenance in any subdivision for which a plat is required to be approved unless and until such final plat has been approved by the Town of Stantonsburg.

1. TYPE OF STREET REQUIRED

All public streets shall be dedicated to the Town of Stantonsburg, the State of North Carolina or the public as determined appropriate by the Town Council. All public streets shall be built to the standards of this Ordinance and all other applicable standards of the Town of Stantonsburg and the North Carolina Department of Transportation. Public streets not dedicated to the Town which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is stricter, in regard to each particular item and shall be put on such system. Streets not dedicated to the Town which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is added to the State System shall be included with the final plat.

2. THOROUGHFARE PLANS

- i.** Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of the Town, such part of such thoroughfare shall be platted by the subdivider in the location and width shown on the plan.
- ii.** The provision of street rights-of-way shall conform to and meet the requirements of the thoroughfare plan of the Town of Stantonsburg as approved by the Planning Board and adopted by the Town Council of the Town of Stantonsburg and the North Carolina Department of Transportation.
- iii.** The urban planning area shall consist of that area within the urban planning boundary as depicted on the mutually adopted Stantonsburg Thoroughfare Plan.
- iv.** The rural planning area shall be that area outside the urban planning boundary.

3. HALF-STREETS

The dedication of half streets of less than 60 feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than 60 feet of right- of-way is required, a partial width right-of-way, not less than 60 feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve

abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

4. MARGINAL ACCESS STREETS

Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

5. ACCESS TO ADJACENT PROPERTIES

Where, in the opinion of the Town Council, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

6. NONRESIDENTIAL STREETS

The subdivider of a nonresidential subdivision shall provide streets in accordance with the North Carolina Subdivision Roads Minimum Construction Standards; and the standards in this Ordinance, whichever are stricter in regard to each particular item.

D. STREET DESIGN STANDARDS

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

1. RIGHT-OF-WAY WIDTHS

Right-of-Way widths shall not be less than the following and shall apply except in those cases where right-of-way requirements have been specifically set out in the thoroughfare plan.

| RIGHT-OF-WAY WIDTHS FOR RURAL STREETS | |
|--|-----------------------------------|
| TYPE OF STREET | MINIMUM RIGHT-OF-WAY WIDTH |
| Principal Arterial – Freeway | 350 [1] |
| Principal Arterial – Other | 200 [1] |
| Minor Arterial | 100 |
| Major Collector | 100 |
| Minor Collector | 100 |
| Local Road | 60 [2] |
| Notes: [1] The subdivider will only be required to dedicate a maximum of 100 feet of right-of-way. In cases where over 100 feet of right-of-way is desired, the subdivider will be required only to reserve the amount in excess of 100 feet. In all cases in which right-of-way is sought for an access-controlled facility, the subdivider will only be required to make a reservation. [2] The desirable minimum right-of-way is established as 60 feet. If curb and gutter are provided, 50 feet of right-of-way is adequate on local residential streets. | |

| RIGHT-OF-WAY WIDTHS FOR URBAN STREETS | |
|--|-----------------------------------|
| TYPE OF STREET | MINIMUM RIGHT-OF-WAY WIDTH |
| Major Thoroughfare, other than Freeway and Expressway | 90 |
| Minor Thoroughfare | 70 |
| Local Street | 60 [1] |
| Cul-de-Sac | Variable [2] |
| Notes: [1] The desirable minimum right-of-way is established as 60 feet. If curb and gutter are provided, 50 feet of right-of-way is adequate on local residential streets. [2] The right-of-way dimension will depend on radius for vehicular turnaround. Distance from edge of pavement of turnaround to right-of-way should not be less than distance from edge of pavement to right-of-way on street approaching turnaround. | |

2. STREET WIDTHS

Widths for street and road classifications other than local shall be as required by the thoroughfare plan. Width of local roads and streets shall be as follows:

i. LOCAL RESIDENTIAL

- 01.** Curb and gutter section: 26 feet to face of curb.
- 02.** Shoulder section: 20 feet to edge of pavement with 4-foot shoulders.

ii. RESIDENTIAL COLLECTOR

- 01.** Curb and gutter section: 34 feet to face of curb.
- 02.** Shoulder section: 20 feet to edge of pavement with 6-foot shoulders.

3. GEOMETRIC CHARACTERISTICS

The standards outlined below shall apply to all subdivision streets proposed for addition to the State Highway System (or Municipal Street System). In cases where a subdivision is sought adjacent to a proposed thoroughfare corridor, the requirements of dedication and reservation in Section 9.2.9. D. 1: Right-of-Way Widths shall apply.

i. DESIGN SPEEDS

| DESIGN SPEEDS FOR RURAL STREETS | | | |
|--|------------------|----------------------|------------------------|
| TYPE OF STREET | DESIRABLE | MINIMUM LEVEL | MINIMUM ROLLING |
| Minor Collector Roads | 60 | 50 | 40 |
| Local Roads including Residential Collectors and Local Residential | 50 | 50 [1] | 50 [1] |
| Notes: [1] Based on projected annual average daily traffic of 400-750. In cases where road will serve a very limited area and small number of dwelling units, minimum design speeds can be reduced further, but in no case, below 25. | | | |

| DESIGN SPEEDS FOR URBAN STREETS | | | |
|--|-----------------|---------------------|-----------------------|
| TYPE OF STREET | DESIRABLE (MPH) | MINIMUM LEVEL (MPH) | MINIMUM ROLLING (MPH) |
| Major Thoroughfares other than Freeways and Expressways | 60 | 50 | 50 |
| Minor Thoroughfares | 60 | 50 | 40 |
| Local Streets | 40 | 40 [1] | 30 [1] |
| Notes: [1] Based on projected annual average daily traffic of 50-250. | | | |

ii. MAXIMUM AND MINIMUM GRADES

01. The maximum grades in percent shall be:

| MAXIMUM GRADES IN PERCENT | | |
|----------------------------------|-----------|-------------|
| DESIGN SPEED (MPH) | LEVEL (%) | ROLLING (%) |
| 60 | 3 | 4 |
| 50 | 4 | 5 |
| 40 | 5 | 6 |
| 30 | | 9 |

02. A minimum grade for curbed streets normally should not be less than 0.5%, a grade of 0.35% may be allowed where there is a high type pavement accurately crowned and in areas where special drainage conditions may control.

03. Grades for 100 feet each way from intersections should not exceed 5%.

04. For streets and roads with projected annual average daily traffic less than 250, short grades less than 500 feet long, may be 150% greater than what is identified in the table above.

iii. MINIMUM SIGHT DISTANCE

In the interest of public safety, no less than the minimum sight distance applicable shall be provided in every instance. Vertical curves that connect each change in grade shall be provided and calculated using the following parameters. (General practice calls for vertical curves to be multiples of 50 feet. Calculated lengths shall be rounded up in each case):

| TABLE OF MINIMUM SITE DISTANCES | | | | | |
|--|-----|-----|-----|-----|-----|
| DESIGN SPEED, MPH | 20 | 30 | 40 | 50 | 60 |
| Stopping Sight Distance [1] | | | | | |
| Min. Stopping Distance, feet | 150 | 200 | 275 | 300 | 475 |
| Desired Stopping Distance, feet | 150 | 200 | 300 | 450 | 650 |
| Minimum K [1] Value for: | | | | | |

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| TABLE OF MINIMUM SITE DISTANCES | | | | | |
|---|----|----|-------|-------|-------|
| DESIGN SPEED, MPH | 20 | 30 | 40 | 50 | 60 |
| Min. Crest Vertical Curve | 16 | 28 | 55 | 85 | 160 |
| Desired Crest Vertical Curve | 16 | 28 | 65 | 145 | 300 |
| Min. SAG Vertical Curve | 24 | 35 | 55 | 85 | 160 |
| Desired SAG Vertical Curve | 24 | 35 | 60 | 100 | 155 |
| Passing Sight Distance | | | | | |
| Min. Passing Distance, feet (2-lane) | | | 1,100 | 1,500 | 1,800 |
| Min. K [2] Value for Crest Vertical Curve | | | 365 | 686 | 985 |
| Notes: [1] K* is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve which will provide minimum sight distance. [2] Sight distance provided for stopped vehicles at intersections should be in accordance with, "A Policy on Geometric Design of Rural Highways", and the Zoning Ordinance for the Town of Stantonsburg. | | | | | |

- iv. The following table shows the maximum degree of curve and related maximum superelevation for design speeds. The maximum rate of roadway superelevated on (e) for rural roads with no curb and gutter is .08. The maximum rate of superelevation for urban streets with curb and gutter is .06 with .04 being desirable.

| TABLE OF MAXIMUM DEGREE OF CURVE AND RELATED MAXIMUM SUPERELEVATION | | | |
|--|---------------|-------------------------------|---|
| DESIGN SPEED MPH | MAXIMUM E [1] | MINIMUM RADIUS (ROUNDED) FEET | MAXIMUM DEGREE OF CURVE (ROUNDED) DEGREES |
| 20 | .04 | 125 | 45.0 |
| 30 | .04 | 300 | 19.0 |
| 40 | .04 | 560 | 10.0 |
| 50 | .04 | 925 | 6.0 |
| 60 | .04 | 1410 | 4.0 |
| | | | |
| 20 | .06 | 115 | 50.0 |
| 30 | .06 | 275 | 21.0 |
| 40 | .06 | 510 | 11.5 |

| TABLE OF MAXIMUM DEGREE OF CURVE AND RELATED MAXIMUM SUPERELEVATION | | | |
|--|--------------------------|--|--|
| DESIGN SPEED MPH | MAXIMUM E [1] | MINIMUM RADIUS (ROUNDED) FEET | MAXIMUM DEGREE OF CURVE (ROUNDED) DEGREES |
| 50 | .06 | 830 | 7.0 |
| 60 | .06 | 1260 | 4.5 |
| | | | |
| 20 | .08 | 110 | 53.5 |
| 30 | .08 | 250 | 23.0 |
| 40 | .08 | 460 | 12.5 |
| 50 | .08 | 760 | 7.5 |
| 60 | .08 | 1140 | 5.0 |
| Note: [1] Rate of roadway superelevation, foot per foot. | | | |

4. INTERSECTIONS

- i.** Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle less than sixty degrees.
- ii.** Property lines at intersections should be set so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle. Greater offsets from the edge of pavement to the property lines will be required, if necessary, to provide sight distance for the vehicle on the side street.
- iii.** Offset intersections are to be avoided unless exception is granted by the Division of Highways. Intersections which cannot be aligned should be separated by a minimum length of 200 feet between survey centerlines.
- iv.** Intersections with arterials, collectors and thoroughfares shall be at least 1,000 feet from centerline to centerline, or more if required by the North Carolina Department of Transportation.

5. CUL-DE-SACS

Permanent dead end streets should not exceed 500 feet in length unless necessitated by topography or property accessibility and in no case shall be permitted to be over 900 feet in length. Measurement shall be from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turnaround of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than 500 to 900 feet from a through street, measured as stated above. The distance from the edge of pavement on the vehicular turnaround to the right-of-way line shall not be less than the distance from the edge of pavement to right-of-way line on the street approaching the turnaround. Cul-de-sacs should not be used to avoid connection with an existing street or to avoid the extension of an important street, unless a variance is granted by the Board of Adjustment.

6. ALLEYS

- i. Alleys shall be required to serve lots used for commercial and industrial purposes except that this requirement may be waived where other definite and assured provision is made for service access. Alleys shall not be provided in residential subdivisions unless necessitated by unusual circumstances.
- ii. The width of an alley shall be at least 20 feet.
- iii. Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end as may be approved by the Town Council.
- iv. Sharp changes in alignment and grade shall be avoided.
- v. All alleys shall be designed in accordance with N.C. Department of Transportation Standards.

7. BLOCKS

- i. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate, building sites suitable to the special needs of the type of use contemplated; zoning requirements; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- ii. Blocks shall not be less than 400 feet or more than 1,800 feet.
- iii. Blocks shall have sufficient width to allow two tiers of lots of minimum depth except where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.
- iv. Where deemed necessary by the Town Council, a pedestrian crosswalk at least 15 feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- v. Block numbers shall conform to the 911 street numbering system, if applicable.

8. THROUGH TRAFFIC

Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

9. SIDEWALKS

Sidewalks may be required by the Town Council on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of four feet and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six inches of concrete at driveway crossings.

10. STREET NAMES

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town Council.

11. STREET NAME SIGNS

The subdivider shall be required to provide and erect street name signs to Town standards at all intersections within the subdivision.

12. PERMITS FOR CONNECTION TO STATE ROADS

An approved driveway permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

13. OFFSETS TO UTILITY POLES

Poles for overhead utilities should be located clear of roadway shoulders, preferably a minimum of at least 30 feet from the edge of pavement on major thoroughfares. On streets with curb and gutter, utility poles should be set back a minimum distance of six feet from the face of curb.

14. HORIZONTAL WIDTH ON BRIDGE DECK

i. The clear roadway widths for new and reconstructed bridges serving two lane, two-way traffic shall be as follows:

01. SHOULDER SECTION APPROACH

100. Under 800 ADT Design Year: Minimum 28 feet width face-to-face of parapets or rails or pavement width plus 10 feet, whichever is greater.

200. 800-2000 ADT Design Year: Minimum 34 feet width face-to-face of parapets or rails or pavement width plus 12 feet, whichever is greater.

300. Over 2000 ADT Design Year: Minimum 40 feet. Desirable 44 feet width face-to-face of parapets or rails.

02. CURB AND GUTTER APPROACH

100. Under 800 ADT Design Year: Minimum 24 feet face-to-face of curbs.

200. Over 800 ADT Design Year: Width of approach pavement measured face-to-face of curbs. Where curb and gutter sections are used on roadway approaches, curbs on bridges shall match the curbs on approaches in height, in width of face-to-face of curbs, and in crown drop. The distance from face of curb to face of parapet or rail shall be 1'6" minimum, or greater if sidewalks are required.

ii. The clear roadway widths for new and reconstructed bridges having four or more lanes serving undivided two-way traffic shall be as follows:

01. SHOULDER SECTION APPROACH

Width of approach pavement plus width of usable shoulders on the approach left and right shall be a minimum of 8 feet but 10 feet is desirable.

02. CURB AND GUTTER APPROACH

Width of approach pavement measured face-to-face of curbs.

15. CURB AND GUTTER

Curb and gutter shall be provided in all subdivisions. Curb and gutter shall meet the specifications in the most recent publication of the N.C. Department of Transportation Subdivision Roads Minimum Construction Standards. Unless otherwise specified by the Town Council, curb and gutter shall be provided along the entire length of each street in the subdivision. The Town Council may make an exception to this policy in areas having very low traffic volume.

E. UTILITY INFRASTRUCTURE STANDARDS

1. WATER AND SANITARY SEWER SYSTEM

i. Each lot in all subdivisions within the corporate limits of the Town shall be provided, at the subdivider's expense with an extension of the municipal water system and

sanitary sewer system. Water and sanitary sewer lines, connections, and equipment shall be in accordance with Town standards.

- ii. Each lot in all subdivisions in the extraterritorial area which are not connected to the town's water and sewer systems must have a suitable source of water supply and sewage disposal, which complies with the regulations of the appropriate County and State agencies.

2. STREET DRAINAGE SYSTEM

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation subject to review by the Town Consulting Engineer.

- i. No surface water shall be channeled or directed into a sanitary sewer.
- ii. Where feasible, the subdivider shall connect to an existing storm drainage system.
- iii. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
- iv. Surface drainage courses shall have side slopes of at least three feet of horizontal distance for each one foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control in accordance with Section 113A-57(4) of the North Carolina General Statutes, unless exempted by this section, and any locally adopted erosion and sedimentation control ordinances.
- v. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one foot in each 200 feet of horizontal distance.
- vi. Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with Section 113A-57(4) of the North Carolina General Statutes.
- vii. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law of 1967 and the North Carolina Administrative Code Title 15, Subchapter 2K.
- viii. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

3. STREET LIGHTS

All subdivisions in which the size of the smallest lot is less than 40,000 square feet shall have streetlights installed throughout the subdivision in accordance with the standards of the Town of Stantonsburg.

F. RECREATION AND OPEN SPACE

1. RECREATION AND OPEN SPACE

i. REQUIREMENT

- 01. Every subdivision of ten or more lots for residential purposes shall be required to dedicate a portion of such land, as set forth in this Ordinance for the purposes of park, recreation, and open space sites to serve the residents of the neighborhood in which the subdivision is located.
- 02. The minimum amount of land that shall be dedicated for recreation, parks, or open space in all subdivisions shall be one half(1/2) acre for each subdivision, or five percent of the gross acreage, whichever is greater.

ii. SUITABILITY OF LAND

Criteria for evaluating suitability of proposed recreation, parks and open space areas shall include but not be limited to the following as determined by the Town Council in consultation with the Planning Board, and, if needed, the Town Consulting Engineer.

01. UNITY

The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Town Council may require that parcels be connected and may require the dedication of a connecting path of up to 60 feet, and in no case less than 30 feet.

02. LOCATION

The dedicated land shall be located so as to serve the recreation needs of the immediate neighborhood within the subdivision.

03. ACCESSIBILITY

Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to 60 feet in width and shall in no case be less than 30 feet in width.

04. USABILITY

The dedicated land shall be usable for active recreation, (play areas, ballfields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Town Council. If the Town Council determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

G. OTHER REQUIREMENTS

1. PLACEMENT OF MONUMENTS

Unless otherwise specified by this Ordinance, the Standards of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), and G.S. 47-30 shall apply when conducting surveys for subdivisions; to determine the accuracy for surveys and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

2. CONSTRUCTION PROCEDURES

- i.** No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities.
- ii.** No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all the requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this Ordinance to provide for adequate inspection. The approving authorities having jurisdiction, or their representatives shall inspect and approve all completed work prior to release of the sureties.

3. OVERSIZED IMPROVEMENTS

The Town may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the Town requires the installation of improvements in excess of the standards required in this ordinance, the Town shall pay the cost differential between the improvement

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required and the standards in this ordinance. The Town may recoup this cost through fees.

H. PLAT REQUIREMENTS AND CERTIFICATIONS

1. SKETCH PLAN

The sketch plan of the proposed subdivision shall contain the following information:

- i.** A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
- ii.** The boundaries of the tract and the portion of the tract to be subdivided;
- iii.** The total acreage to be subdivided;
- iv.** The existing and proposed uses of the land within the subdivision and the existing uses of adjoining land;
- v.** The proposed street layout with approximate pavement and right-of-way width;
- vi.** The proposed lot layout and size of lots;
- vii.** The name, address, and telephone number of the owner and developer;
- viii.** The name, if any, of the proposed subdivision;
- ix.** Streets and lots of adjacent developed or platted properties;
- x.** The zoning classification of the tract and of adjacent properties;
- xi.** A statement from the appropriate County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other on-site water or wastewater systems are to be used in the subdivision. If sanitary sewer is to be provided, the plan shall include a note as to the wastewater provider.

2. PRELIMINARY PLATS, CONSTRUCTION DRAWINGS AND FINAL PLATS

The preliminary plats, construction drawings and final plats shall contain the following information:

| TABLE OF REQUIRED INFORMATION | | | |
|---|-------------------------|------------------------------|-------------------|
| INFORMATION | PRELIMINARY PLAT | CONSTRUCTION DRAWINGS | FINAL PLAT |
| Title Block Containing: <ul style="list-style-type: none"> • Property designation, • Name of owner, • Location (including township, county and state), • Date(s) survey was conducted and plat prepared, • A scale of drawing in feet per inch listed in words or figures, • A bar graph, and • Name, address, registration number and seal of the Registered Land Surveyor. | X | X | X |
| Name of the subdivider. | X | X | X |
| A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area. | X | X | X |

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| TABLE OF REQUIRED INFORMATION | | | | |
|---|---|------------------|-----------------------|------------|
| INFORMATION | | PRELIMINARY PLAT | CONSTRUCTION DRAWINGS | FINAL PLAT |
| Corporate limits, township boundaries, county lines, if on the subdivision tract. | | X | X | X |
| Names, addresses and telephone numbers of all owners, mortgagees, registered land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision. | | X | X | X |
| The registration numbers and seals of the professional engineers. | | X | X | X |
| North arrow and orientation | | X | X | X |
| The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands. | | X | | X |
| The names of any adjoining subdivisions of record or proposed and under review. | | X | | X |
| Minimum building setback lines. | | X | | X |
| The zoning classifications of the tract to be subdivided and adjoining properties. | | X | | X |
| Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, cemeteries, both on the land to be subdivided and land immediately adjoining. | | X | X | |
| Proposed lot lines with dimensions and lot and block numbers. | | X | X | X |
| The lots numbered consecutively throughout the subdivision. | | X | X | X |
| Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site. | | X | X | |
| The exact location of the flood hazard, floodway, or floodway fringe areas if available from the FIRM, Flood Insurance Rate Map. | | X | X | X |
| The following data concerning streets: | | | | |
| | Proposed Streets | X | X | X |
| | Existing and platted streets on adjoining properties and subdivisions | X | X | X |
| | Rights-of-way, location and dimensions | X | X | X |
| | Pavement widths | X | X | |
| | Approximate grades | | X | |

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.9. SUBDIVISIONS

| TABLE OF REQUIRED INFORMATION | | | | |
|--|---|---------------------|--------------------------|---------------|
| INFORMATION | | PRELIMINARY PLAT | CONSTRUCTION DRAWINGS | FINAL PLAT |
| | Design engineering data for all corners and curves | | X | |
| | Typical street cross sections | | X | |
| | Street names | X | X | X |
| | Type of street dedication; all streets must be designated either "public" or "private" | X | X | X |
| The location and dimensions of the following: | | | | |
| | Utility and other easements | X | X | X |
| | Riding trails | X | X | |
| | Pedestrian or bicycle paths | X | | |
| | Parks and recreation areas with specific type indicated | X | X | |
| | School sites | X | X | X |
| | Areas to be dedicated to or reserved for public use with specific use specified | X | X | X |
| | Proposed and existing parks, open space, recreation areas noting the future ownership (public, HOA, etc.) | X | X | X |
| | Areas to be used for purposes other than residential with the purpose of each stated | X | X | X |
| The plans for utility layouts including: <ul style="list-style-type: none"> • Sanitary sewers, when proposed, • Multi-user septic systems, when proposed, or a note regarding the use of individual systems (plans for off-site systems and supply lines), • Storm sewers, • Other drainage facilities, • Water distribution lines, • Natural gas lines, • Telephone lines, and • Electric lines. These plans shall be prepared by a register engineer and illustrate connections to existing systems, line sizes, location of fire hydrants, blowoffs, manholes, force mains, gate valves and related items. Profiles for sanitary and storm sewers shall be based upon Mean Sea Level datum. | | | X | |
| Site calculations including: | | | | |
| | Acreage in total tract to be subdivided | X | | X |

| TABLE OF REQUIRED INFORMATION | | | | |
|--------------------------------------|--|------------------|-----------------------|------------|
| INFORMATION | | PRELIMINARY PLAT | CONSTRUCTION DRAWINGS | FINAL PLAT |
| | Acreage in parks and recreation areas and other nonresidential uses | X | | |
| | Total number of parcels created | X | | X |
| | Area of the smallest lot in the subdivision | X | | |
| | Linear feet in streets | X | X | X |
| | The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places. | X | | X |
| | Topographic map with contour intervals of no greater than two (2) feet at a scale of no less than 1" = 200'. | X | X | |
| | Sufficient data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minutes. | | | X |
| | The accurate locations and descriptions of all monuments, markers, and control points. | | | X |
| | All applicable certifications and notes as required in Section 9.2.9. I: Plat Requirements and Certifications. | | | X |
| | Any other information considered by either the subdivider, Town Manager, Planning Board, or the Town Council to be pertinent to the review of the plat. | X | X | X |

3. FINAL PLAT CERTIFICATES AND NOTES

The following applicable statements and/or certificates shall be affixed on the Final, Minor and Limited Final Plats. The exact wording of these statements may change from time to time as conditions and/or agency policies change.

i. CERTIFICATE OF OWNERSHIP AND DEDICATION

I, [name of owner], hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Stantonsburg and that I hereby adopt this plan of subdivision with my free consent and dedicate all streets, alleys, walks, parks, other sites, improvements, perpetually reserve, and easements to public or private use as designated and noted.

Owner(s) and title if owner is a corporation

Date

ii. CERTIFICATE OF SURVEY AND ACCURACY

I, [name of registered surveyor], certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1:_____; that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this ____ day of [month], [year].

_____ Seal or Stamp of Surveyor

Surveyor Registration Number

iii. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to Town specifications and standards in the Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Stantonsburg has been received and that the filing fee for this plat has been paid.

Town Manager, Stantonsburg, North Carolina

Date

iv. CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Stantonsburg, North Carolina and that this plat has been approved by the Town Council of the Town of Stantonsburg for recording in the Office of the Register of Deeds of Wilson County.

Town Manager
Town of Stantonsburg, North Carolina

Date

v. REVIEW OFFICER'S CERTIFICATION

State of North Carolina

County of Wilson

I, _____, Review Officer of Wilson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date

v. DISTRICT ENGINEER'S CERTIFICATION

When any of the streets on the plat are proposed to be taken over by North Carolina Department of Transportation, the local district engineer must sign the plat using the certification required in the most current NCDOT policy regarding subdivision streets.

vi. SUBDIVISION STREET DISCLOSURE STATEMENT

DIVISION 2 PART 9 CHAPTER 9.2 UNIFIED DEVELOPMENT ORDINANCE

ART. 9.2.9. SUBDIVISIONS

All streets shown on the final plat shall be designated as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

ART. 9.2.10. ENFORCEMENT AND VIOLATIONS

A. PURPOSE

This section establishes procedures through which the Town ensures compliance with the provisions of this Ordinance and obtains corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

B. COMPLIANCE REQUIRED

Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

C. STATUTE OF LIMITATIONS

Enforcement of violations of this Ordinance shall be in accordance with Section 1-49(3) and Section 1-51(5) of the North Carolina General Statutes.

D. TYPES OF VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

1. DEVELOPMENT WITHOUT AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

2. DEVELOPMENT INCONSISTENT WITH AUTHORIZATION

Engaging in any development, use, construction, land disturbance, or related activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

3. VIOLATION BY ACT OR OMISSION

Violating, by act or omission, any term, variance, modification, adjustment, condition, requirement, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

4. USE IN VIOLATION

Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

5. SUBDIVIDE IN VIOLATION

Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Wilson County Register of Deeds; and

E. RESPONSIBLE PERSONS

The landowner, tenant, or other occupant of any land or structure and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and is subject to the remedies and penalties set forth in this Ordinance.

F. ENFORCEMENT PROCEDURES

1. INVESTIGATIONS AND INSPECTIONS

The Town Manager, or a designee shall have the power to conduct any lawful investigation as may be deemed necessary to carry out their duties as prescribed in this Ordinance.

i. SITE INSPECTIONS

01. The Town Manager, or a designee shall have the right, upon receipt of permission from a responsible person, to enter on any premises within the Town's planning jurisdiction at any reasonable hour for the purpose of inspecting locations subject to any complaints or alleged violations, or determination of compliance or other enforcement action of this Ordinance.

02. If any person charged with enforcing this Ordinance cannot obtain permission to enter from a responsible person, the Town shall obtain an administrative search warrant prior to entering the property.

ii. DOCUMENTATION

The Town Manager, or a designee shall have the power to compel a person responsible for an alleged violation to provide written statements, certificates, certifications, evidence, or reports relating to complaints or alleged violations of this Ordinance.

2. WRITTEN NOTICE

A written notice of violation shall be prepared and shall include all of following:

i. VIOLATION EXISTS

That the land, building, structure, sign, use, or activity is in violation of this Ordinance;

ii. NATURE OF THE VIOLATION

The nature of the violation, and citation of the section(s) of this Ordinance violated;

iii. REMEDY

The measures necessary to remedy the violation;

iv. ALLOWABLE TIME PERIOD

The time period in which the violation must be corrected;

v. PENALTIES THAT MAY BE ASSESSED

That penalties or remedies may be assessed; and

vi. APPEAL

That the party cited has the right to appeal the notice in accordance with Section 9.2.7.C.1: Appeal.

3. DELIVERY OF NOTICE

i. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity.

ii. The notice of violation may be posted on the property.

iii. The Town official providing the notice of violation shall certify that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

4. REMEDY REQUIRED UPON NOTICE

Upon delivery of a written notice of a violation, the landowner or any other responsible person shall remedy the violation within the allowable time period.

5. FAILURE TO COMPLY

If the landowner, occupant, or any other responsible person fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or Section 9.2.10.G: Remedies and Penalties.

6. EACH DAY A SEPARATE VIOLATION

Each day a violation continues following notice or failure to comply is considered a separate and distinct offense.

G. REMEDIES AND PENALTIES

1. CIVIL PENALTIES

Any responsible person who violates any provision of this Ordinance shall be subject to the assessment of a civil penalty of \$100.00 per day under the procedures provided in Section 9.2.10.H: Assessment of Civil Penalties.

2. DENIAL OF PERMIT OR CERTIFICATE

The Town Manager may withhold or deny a permit, certificate, or other authorization for the same land, subdivision, building, structure, sign, use, or development activity in which there is an uncorrected violation of a provision of this Ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

3. CONDITIONED PERMIT OR CERTIFICATE

- i. A review authority may condition the authorization of any permit, certificate, or other approval for land, subdivision, building, structure, sign, use, or development activity with a violation or outstanding, but still authorized enforcement action, upon the correction of the violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee approved by the appropriate governmental authority.
- ii. In no instance shall the authorization of any permit, certificate, or approval for one property with a violation or outstanding enforcement action be conditioned with the correction of a violation, payment of civil penalties within a specified time, or the posting of a compliance guarantee for a different property.

4. STOP WORK ORDERS

i. GENERAL

Whenever the Town Manager or a designee determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this Ordinance and that irreparable injury will occur if the violation is not terminated immediately, that official may order the specific part of the work that constitutes, creates, or results in a violation of this Ordinance to be immediately stopped.

ii. ORDER IN WRITING

- 01.** The stop work order shall be in writing and directed to the landowner, and the occupant or person doing the work.
- 02.** The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- 03.** A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.

04. The Town official delivering the notice shall certify that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.

iii. APPEAL

Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Board of Adjustment in accordance with Section 9.2.7.C.1, Appeal. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal.

iv. COMPLIANCE REQUIRED

Neither the responsible person nor a landowner upon whom a stop work order is served shall continue with work in violation of the stop work order while it remains in effect, unless the order is stayed.

5. REVOCATION OF PERMITS

- i.** The Town Manager may revoke and require the return of a permit by notifying the permit holder in writing, stating the reason for the revocation.
- ii.** Building permits may be revoked, in accordance with Section 160D-1115 of the North Carolina General Statutes, for any of the following:
 - 01.** Any substantial departure from the approved application, plans, or specifications;
 - 02.** Refusal or failure to comply with the requirements of State or local laws; or
 - 03.** For making false statements or misrepresentations in securing the permit, certificate, or approval.
- iii.** Any permit or certificate mistakenly issued in violation of an applicable State or Town law may also be revoked.
- iv.** Revocation of a permit or approval shall be processed in the same manner as the permit or approval was granted.

6. INJUNCTIVE RELIEF

i. ACTION BY TOWN COUNCIL

Whenever the Town Council has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved development plan, or soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town, for injunctive relief to restrain, correct, abate, mandate, or enjoin the violation or threatened violation.

ii. SUPERIOR COURT

The action shall be brought in the Superior Court of Wilson County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation.

7. ORDER OF ABATEMENT

In addition to an injunction, the Town may apply for and the court may enter an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:

- i.** That buildings or other structures on the property be closed, demolished, or removed;
- ii.** That fixtures, furniture, or other moveable property be moved or removed entirely;
- iii.** That improvements, alterations, modifications, or repairs be made; or

iv. That any other action be taken as necessary to bring the property into compliance with this Ordinance.

8. EQUITABLE REMEDY

The Town may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.

9. STATE AND COMMON LAW REMEDIES

In addition to other enforcement provisions contained in this section, the Town Council may exercise any and all enforcement powers granted to it by state law or common law.

10. PREVIOUS ENFORCEMENT

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

11. REMEDIES; CUMULATIVE AND CONTINUOUS

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

H. ASSESSMENT OF CIVIL PENALTIES

1. RESPONSIBLE PARTIES

Any person who violates any provision of this Ordinance, including the owner or occupant of any land, building, structure, sign, use of land, or part thereof, may be held responsible for the violation and subject to the penalties and remedies provided in this Ordinance.

2. NOTICE

i. NOTIFICATION REQUIRED

Civil penalties may not be assessed until the responsible person in violation has been notified in accordance with Section 9.2.10.F.2, Written Notice.

ii. CIVIL PENALTY IMPOSED

If after receiving a written notice of violation and the responsible party fails to take corrective action or file an appeal, a civil penalty may be imposed in accordance with this section.

iii. NOTICE OF PENALTY ASSESSMENT

Notice of the civil penalty assessment shall be served in the same manner as a Notice of Violation.

iv. ASSESSMENT CONTENTS

The assessment notice shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 30 days of the date of the notice.

v. SEPARATE NOTICES

Separate notices must be provided for the first or second violations. The Town may, in its discretion, treat the first notice for a violation as the final notice for chronic violators.

vi. ASSESSMENT UNTIL COMPLIANCE

Civil penalties may be assessed until compliance is achieved.

3. CONTINUING VIOLATION

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

4. DEMAND FOR PAYMENT

If compliance is not achieved, then the Town shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person in violation and must include a description of the violation for which the civil penalties have been imposed.

5. NONPAYMENT

If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

6. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

CHAPTER 9.3 FLOOD DAMAGE PREVENTION

ART. 9.3.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. 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.

B. FINDINGS OF FACT

1. The flood hazard areas of the Town of Stantonsburg are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services I 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.
2. 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.

C. 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:

1. 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;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. OBJECTIVES.

The objectives of this article are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;

DIVISION 2 PART 9 CHAPTER 9.3 FLOOD DAMAGE PREVENTION

ART. 9.3.2. DEFINITIONS

5. 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;
6. 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,
7. To insure that potential home buyers are notified that property is in a flood area.

ART. 9.3.2. 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 of a building, or exterior area the storage of any chemical or shall mean a building, portion adjacent to a building used for 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 the overflow of inland or tidal waters and/or 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 and 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 be a facility 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:

DIVISION 2 PART 9 CHAPTER 9.3 FLOOD DAMAGE PREVENTION

ART. 9.3.2. DEFINITIONS

1. 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;
2. 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;
3. Individually listed on a state inventory of historic places;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 - a. By an approved state program as determined by the Secretary of Interior, or
 - b. 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 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.

Non-encroachment 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.

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ART. 9.3.2. DEFINITIONS

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:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, 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.

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ART. 9.3.2. DEFINITIONS

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:

1. 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,

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ART. 9.3.2. DEFINITIONS

2.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.

ART. 9.3.3. GENERAL PROVISIONS

A. LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Stantonsburg and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

1. 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:

- i. Generated as a requirement of Section 9.3.4. C. 11-14;
- ii. Preliminary FIRMs where more stringent than the effective FIRM; or,
- iii. Post-disaster Flood Recovery Maps.

2. In addition, upon annexation to the Town of Stantonsburg 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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

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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 Stantonsburg 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.

H. PENALTIES FOR VIOLATION AND REMEDIES

1. 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 \$50.00 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 Stantonsburg from taking such other lawful action as is necessary to prevent or remedy any violation.
2. 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 Stantonsburg by any appropriate equitable remedy, injunction, or order of abatement as provided in NCGS 143-215.58 and issuing from a court or competent jurisdiction.

ART. 9.3.4. ADMINISTRATION

A. 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.

B. 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.

1. 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.

- i. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 01. 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;
 02. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 9.3.3: Basis for establishing the areas of special flood hazard or a statement that the entire lot is within the special flood hazard area;
 03. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.3.3: Basis for establishing the areas of special flood hazard;
 04. The boundary of the floodway(s) or non-encroachment as determined in Section 9.3.3: Basis for establishing the areas of special flood hazard;

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- 05.** The base flood elevation (BFE) where provided as set forth in Section 9.3.4. C. 11-14 or Section 9.3.5. C and Section 9.3.5. A. 5;
 - 06.** The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and,
 - 07.** Certification of the plot plan by a registered land surveyor or professional engineer.
- ii.** Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - 01.** Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - 02.** Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed; and,
 - 03.** Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood-proofed;
 - iii.** 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 Section 9.3.5.B.2.
 - iv.** 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:
 - 01.** Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
 - 02.** Openings to facilitate the unimpeded movements of floodwaters in accordance with Section 9.3.5.B.4, when solid foundation perimeter walls are used in A, AO, AE, and AI-30 zones.
 - v.** Usage details of any enclosed space below the regulatory flood protection elevation.
 - vi.** 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;
 - vii.** 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.).
 - viii.** Documentation for placement of recreational vehicles, and/or temporary structures, to ensure Section 9.3.5.B.6: Recreational Vehicles of this code are met.
 - ix.** 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.

2. PERMIT REQUIREMENTS

The floodplain development permit shall include, but not be limited to:

- i.** A description of the development to be permitted under the floodplain development permit issuance.
- ii.** The special flood hazard area determination for the proposed development per available data specified in Section 9.3.3: Basis for establishing the areas of special flood hazard.

- iii. The regulatory flood protection elevation required for the reference level and all attendant utilities.
- iv. The regulatory flood protection elevation required for the protection of all public utilities.
- v. All certification submittal requirements with timelines.
- vi. A statement that no fill material shall encroach the floodway or non-encroachment area of any watercourse, if applicable.
- vii. A statement of the minimal foundation opening requirements if in an A, AO, AE or AI-30 zone.
- viii. A statement of the limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

3. Certification Requirements

- i. 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.
- ii. 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.
- iii. 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

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corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy.

- iv. If a manufactured home is placed within an A, AO, AE, or AI-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Section 9.3.5.B.3: Manufactured Homes.
- v. 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.

4. CERTIFICATION EXEMPTIONS

The following structures, if located within A, AO, AE or AI-30 zones, are exempt from the elevation/flood-proofing certification requirements specified in Section 9.3.4.B.3. ii and iii above:

- i. Recreational vehicles meeting requirements Section 9.3.5 B.6: Recreational Vehicles;
- ii. Temporary structures meeting requirements of Section 9.3.5B.7: Temporary Structures; and,
- iii. Accessory structures less than 150 square feet meeting requirements of Section 9.3.5.B.9.

C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The floodplain administrator shall perform the following duties but not be limited to:

1. 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.
2. Advise permittee permits (i.e., wetlands, riparian buffers, mining, that additional federal or state erosion and sedimentation control, 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.
3. 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.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 9.3.5.D are met.
6. 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 Section 9.3.4.B.3: Certification Requirements.
7. 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 Section 9.3.4.B.3: Certification Requirements.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Section 9.3.4.B.3: Certification Requirements.
9. When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 9.3.4.B.3: Certification Requirements.

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ART. 9.3.4. ADMINISTRATION

- 10.** 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.
- 11.** When base flood elevation (BFE) data has not been provided in accordance with Section 9.3.3.B: Basis for Establishing the Areas of Special Flood Hazard or 9.3.5.B. Specific Standards, obtain, review and reasonably utilize any base flood elevation (BFE) data, along with floodway data, and/or non-encroachment area data available from a federal, state or other source including data, in order to administer the provisions of this chapter.
- 12.** When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 9.3.4.B: Development Permit and Certification Requirements, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
- 13.** 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.
- 14.** Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.
- 15.** 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.
- 16.** 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.
- 17.** 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.
- 18.** 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.
- 19.** Follow through with Corrective Procedures of Section 9.3.4.D.

D. CORRECTIVE PROCEDURES

1. 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.

2. 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:

- i. That the building or property is in violation of the Flood Damage Prevention Ordinance;
- ii. 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,
- iii. 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.

3. 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.

4. 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.

5. 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.

E. VARIANCE PROCEDURES

1. The Stantonsburg Planning Board as established by the Town Council of the Town of Stantonsburg shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. 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.
3. Variances may be issued for:
 - i. 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.

- ii. Functionally dependent facilities if determined to meet the definition as stated in Section 9.3.2: Definitions.
 - iii. Any other type of development, provided it meets the requirements stated in this section.
- 4. 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:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. 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,
 - xi. 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.
- 5. A written report addressing each of the above factors shall be submitted with the application for a variance.
- 6. 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.
- 7. Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- 8. Conditions for variances:
 - i. Variances may not be issued the structure in violation of other laws, regulations, or ordinances.
 - ii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - iii. Variances shall only be issued upon
 - 01. a showing of good and sufficient cause;
 - 02. a determination that failure to grant the variance would result in exceptional hardship; and,
 - 03. 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.
 - iv. 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

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level elevation. Such notification shall be maintained with a record of all variance actions.

- v. 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.
9. 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.
- i. The use serves a critical need in the community.
 - ii. No feasible location exists for the use outside the flood hazard area.
 - iii. The reference level of any structure is elevated or flood-proofed to at least the regulatory flood protection level.
 - iv. The use complies with all other applicable federal, state and local laws.
 - v. 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.

ART. 9.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all special flood hazard areas the following provisions are required:

1. 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.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
4. 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).
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
6. 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;
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
8. 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.
9. 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, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

DIVISION 2 PART 9 CHAPTER 9.3 FLOOD DAMAGE PREVENTION

ART. 9.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

- 10.** 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 Section 9.3.4.E.9. 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 Section 9.3.4.B.3: Certification Requirements.
- 11.** All development proposals shall be consistent with the need to minimize flood damage.
- 12.** All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 13.** All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

B. SPECIFIC STANDARDS

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in Section 9.3.3: Basis for Establishing the Areas of Special Flood Hazard or Section 9.3.4.C.11-12, the following provisions are required:

1. 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 Section 9.3.2: Definitions.

2. 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 Section 9.3.2: Definitions. Structures located in A, AE and AI-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 watertight 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 Section 9.3.4.B.3: Certification Requirements.

3. MANUFACTURED HOMES

- i.** 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 Section 9.3.2: Definitions.
- ii.** 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.
- iii.** All foundation enclosures or skirting shall be in accordance with Section 9.3.5.B.4: Elevated Buildings.

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ART. 9.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

- iv. 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.

4. ELEVATED BUILDINGS

New construction or substantial improvements of elevated buildings that include fully enclosed areas below the regulatory flood protection elevation:

- i. 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.
- ii. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
- iii. Shall include, in A, AO, AE, and AI-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.
 - 01. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - 02. The total net area of all openings must be at least one square inch for each square foot of each area subject to flooding.
 - 03. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter.
 - 04. The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - 05. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - 06. 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.

5. ADDITIONS/IMPROVEMENTS

- i. Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - 01. 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.
 - 02. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- ii. 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.
- iii. Additions and/or improvements to post-FIRM structures where the addition and/or improvements in combination with any interior modifications to the existing structure:

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ART. 9.3.5. PROVISIONS FOR FLOOD HAZARD REDUCTION

- 01.** Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
- 02.** Are a substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.
- iv.** 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.

6. RECREATIONAL VEHICLES

Recreation vehicles placed on sites within a special flood hazard area shall either:

- i.** 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
- ii.** Meet all the requirements for new construction, including anchoring and elevation requirements of Section 9.3.4.B: Development Permit and Certification Requirements and Sections 9.3.5.A: General Standards and 9.3.5.B.3: Manufactured Homes.

7. 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:

- i.** 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;
- ii.** The name, address and phone number of the individual responsible for the removal of the temporary structure;
- iii.** The timeframe 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);
- iv.** A copy of the trucking company, when needed, contract or other suitable instrument to insure the availability of removal; and,
- v.** Designation, accompanied by documentation, or a location outside the special flood hazard area to which the temporary structure will be moved.

8. ACCESSORY STRUCTURES

- i.** When accessory structures (sheds, detached garages, etc.) are to be placed in special flood hazard area, the following criteria shall be met:
 - 01.** Accessory structures (including work, restroom areas) shall not be used for human habitation to include sleeping, living, cooking or restroom areas;
 - 02.** Accessory structures shall be designed to have low flood damage potential;
 - 03.** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - 04.** Accessory structures shall be firmly anchored in accordance with Section 9.3.5.A.1;
 - 05.** All service facilities such as electrical and hearing equipment shall be elevated in accordance with Section 9.3.5.A.2;
 - 06.** Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 9.3.5.A.4; and

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07. Elevation or flood-proofing certifications are required for all other accessory structures in accordance with Section 9.3.5.B.4.i.

- ii. An accessory structure with a footprint less than 150 square feet does not require an elevation or flood-proofing certificate.

C. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS

Within the special flood hazard areas established in Section 9.3.3: Basis for Establishing the Areas of Special Flood Hazard, where no base flood elevation (BFE) has been provided, the following provisions apply:

1. 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.
2. The regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:
 - i. 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 Section 9.3.4.C.11-13.
 - ii. 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 Section 9.3.3: Basis for Establishing the Areas of Special Flood Hazard to be utilized in implementing this section.
 - iii. 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).

D. STANDARDS FOR FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment 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.

E. FLOODWAYS AND NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in Section 9.3.3: Basis for Establishing the Areas of Special Flood Hazard. The floodways and non-encroachment 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:

1. 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

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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.

2. If Section 9.3.5.E.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - i. The anchoring and the elevation standards of Section 9.3.5.D: Standards for Floodplains with BFE but without Established Floodways or Non-encroachment Areas; and,
 - ii. The non-encroachment standards of Section 9.3.5.E.1 are met.

F. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the special flood hazard areas established in Section 9.3.3: Basis for Establishing the Areas of Special Flood Hazard, 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:

1. 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.
2. 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 Section 9.3.4.B.3: Certification Requirements and 9.3.5.B.2. Nonresidential Construction.

ART. 9.3.6. LEGAL STATUS PROVISIONS

A. 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 Stantonsburg enacted on June 6, 1982, as amended, which are not reenacted herein, are repealed.

B. 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

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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.

C. EFFECTIVE DATE

This chapter shall become effective November 3, 2004.