

TITLE III: ADMINISTRATION

Chapter

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CHAPTER 30: TOWN GOVERNMENT

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- 30.03 Mayor Pro Tempore
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§ 30.01 CONTROL OF MUNICIPAL AFFAIRS; FORM OF GOVERNMENT.

(A) The municipal affairs of the town shall be controlled by the Mayor and the Board of Commissioners.

(B) Pursuant to G.S. §§ 160A-101 and 160A-102, the town charter as set forth in Chapter 480 of the Private Laws of North Carolina, as amended, is hereby amended to provide that the town shall operate under the council-manager form of government in accordance with G.S. Ch. 160A, Art. 7, Part 2 and any charter provisions not in conflict therewith.

(Prior Code, § 30.01) (Ord. passed 6-13-2006)

§ 30.02 POWERS AND DUTIES OF MAYOR GENERALLY.

(A) The Mayor shall be the chief executive officer of the town. He or she shall be elected for a term of four years.

(B) He or she shall:

(1) Cause all provisions of this code of ordinances and any other ordinances of the town to be enforced;

(2) Attend and preside over all meetings of the Board; and

(3) Within 30 days after the close of each year, require a report to the Board of Commissioners from the various departments of the town government for the previous year and recommend adjustments as he or she may see fit.

(Prior Code, § 30.02)

Cross-reference:

Administration, see Charter, §§ 5-1 and 5-2

Governing body, see Charter, §§ 3-1 through 3.3

§ 30.03 MAYOR PRO TEMPORE.

The Board of Commissioners shall choose one of its members as Mayor Pro Tempore and he or she shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Commissioner for all purposes, including the determination of whether a quorum is present.

(Prior Code, § 30.03)

§ 30.04 MEETINGS.

The regular meetings of the Mayor and the Board of Commissioners of the town shall be held on the second Tuesday of each month, at 7:30 p.m., at the Town Hall unless otherwise designated by the Board.

(Prior Code, § 30.04)

§ 30.05 SPECIAL MEETINGS.

(A) The Mayor, the Mayor Pro Tempore or any two members of the Board of Commissioners may at any time call a special Board of Commissioners 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 Board of Commissioners member or left at his or her 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 division or the Charter, a person or persons calling a special meeting of the Board of Commissioners shall comply with the notice requirements of G.S. Chapter 143, Article 33C.

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

(C) During any regular meeting, or any duly called special meeting, the Board of Commissioners 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 the meeting and shall be adopted during an open session.

(D) Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the Board of Commissioners. (G.S. § 160A-71) (Prior Code, § 30.05)

CHAPTER 31: OFFICIALS AND EMPLOYEES

Section

- 31.01 Administrator
- 31.02 Clerk and Treasurer
- 31.03 Superintendent of Utilities
- 31.04 Dog Warden; powers and duties
- 31.05 Building inspector; duties
- 31.06 Other officers and employees

Cross-reference:

Fire Chief and firefighters, see Ch. 33

Police Chief and police officers, see Ch. 33

§ 31.01 ADMINISTRATOR.

There is hereby created the office of Personnel Administrator. The Administrator shall have the powers and duties as the Board of Commissioners deems appropriate.
(Prior Code, § 31.01)

§ 31.02 CLERK AND TREASURER.

(A) The Town Clerk shall perform the duties of the Town Treasurer and shall be known as the Clerk and Treasurer of the town. The Clerk and Treasurer shall serve for a period from July 1 to June 30 of the next year or until his or her successor is appointed and qualified. Before he or she enters upon the duties of his or her office, he or she shall execute and deliver to the Board of Commissioners a satisfactory bond, in a sum fixed by the Board, which shall not be more than double the amount of taxes due the town for the preceding year.

(B) The Clerk and Treasurer shall:

(1) Receive all the money belonging to the town, or which ought to be paid or delivered to him or her, and deposit the same safely for the use of the town;

(2) Keep regular and fair minutes of the proceedings of the Board, preserve all books and papers committed to his or her care and deliver them to his or her successors. These minutes will be made available to the public as soon as they are typed;

(3) Keep true, accurate and just books of accounts of the dealings and transactions of the town, which books shall show at all times the true condition of the town, its resources and liabilities and the disposition and use of the money coming under the control of the town;

(4) Write all checks disbursing town funds, which checks shall be co-signed by the Mayor or a member of the Board of Commissioners designated for that purpose; and

(5) Perform other duties as the Board may from time to time require.
(Prior Code, § 31.02)

§ 31.03 SUPERINTENDENT OF UTILITIES.

There is hereby created the Office of Superintendent of Utilities.
(Prior Code, § 31.03)

Cross-reference:

Abatement of nuisances, see Ch. 90

Superintendent of Town Cemetery, see § 97.05

Superintendent of Utilities to be Water and Sewer Superintendent, see § 51.02

Water and sewers, see Ch. 51

§ 31.04 DOG WARDEN; POWERS AND DUTIES.

There is hereby created the Office of Dog Warden. The Dog Warden shall be appointed by the Board of Commissioners and shall have the powers and duties as the Board of Commissioners may, from time to time, place on that office.

(Prior Code, § 31.04)

Cross-reference:

Animals, see Ch. 91

§ 31.05 BUILDING INSPECTOR; DUTIES.

(A) There is hereby created the Office of Building Inspector.

(B) (1) The Building Inspector shall carry out those duties and responsibilities enumerated by G.S. § 160A-412.

(2) The Building Inspector shall enforce the state regulatory codes as promulgated by the State Building Code Council.

(Prior Code, § 31.05)

Cross-reference:

Building regulations, see Ch. 150

§ 31.06 OTHER OFFICERS AND EMPLOYEES.

Other officers and employees that are deemed necessary shall be appointed by the Board of Commissioners. All officers and employees shall serve at the pleasure of the Board of Commissioners and receive compensation as from time to time may be prescribed by the Board of Commissioners. (Prior Code, § 31.06)

CHAPTER 32: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

- 32.01 Parks and Recreation Commission
- 32.02 Library Commission

§ 32.01 PARKS AND RECREATION COMMISSION.

(A) *Created; composition; appointment of members; terms of office.* There is hereby created the Parks and Recreation Commission of the town, which shall be composed of five members, appointed by the Mayor, with the approval of the Board of Commissioners, to serve a two-year term on the Commission, the term running from July 1 of odd numbered years through June 30 of the next odd numbered year, with no restriction as to the number of consecutive terms the same aldermen may be appointed to the Commission.

(B) *Powers and duties.* The powers and duties of the Parks and Recreation Commission shall be as follows:

(1) Select from its membership its Chairperson and other officers as considered necessary and to adopt bylaws under which it will operate; and

(2) Advise the Board of Commissioners on affairs relating to parks and recreation, including adoption of the recreation budget.
(Prior Code, § 32.01)

§ 32.02 LIBRARY COMMISSION.

(A) *Created; composition; appointment of members; terms of office.* There is hereby created the Library Commission of the town, which shall be composed of five members, appointed by the Mayor, with the approval of the Board of Commissioners, to serve a two-year term on the Commission, the term running from July 1 of odd numbered years through June 30 of the next odd numbered year, with no restriction as to the number of consecutive terms the same aldermen may be appointed to the Commission.

(B) *Powers and duties.* The powers and duties of the Library Commission shall be as follows:

(1) Select from its membership its Chairperson and such other officers as considered necessary and to adopt bylaws under which it will operate; and

(2) Advise the Board of Commissioners on affairs relating to libraries, including adoption of the library budget.

(Prior Code, § 32.02)

CHAPTER 33: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 33.01 Duties of Chief of Police
- 33.02 Organization of Police Department
- 33.03 Board of Commissioners to supervise Police Department
- 33.04 Duties of police officers; jurisdiction

Fire Department

- 33.15 Composition of Department
- 33.16 Filling of offices and vacancies; dismissal of firefighters
- 33.17 Adoption of rules and regulations; scheduling and attendance at training sessions
- 33.18 Jurisdiction
- 33.19 Rural Fire Association
- 33.20 Powers and duties of Fire Chief
- 33.21 Fire Inspector

Cross-reference:

Fire prevention, see Ch. 92

Resisting or hindering police officer, see § 130.04

POLICE DEPARTMENT

§ 33.01 DUTIES OF CHIEF OF POLICE.

The Chief of Police shall have control over the Police Department under the supervision of the Board of Commissioners. The Chief shall keep the Board of Commissioners informed of the Department's activities and make reports as the Board of Commissioners may from time to time require and he or she shall perform other duties as may be required of him or her by the Board of Commissioners.

(Prior Code, § 33.01) (Ord. passed 9-20-1962)

§ 33.02 ORGANIZATION OF POLICE DEPARTMENT.

The Police Department of the town shall consist of a Chief and as many police officers as the Board of Commissioners shall from time to time determine and elect and as many special police officers as the Mayor and Board of Commissioners may deem necessary to appoint for special purposes.

(Prior Code, § 33.02) (Ord. passed 9-20-1962)

§ 33.03 BOARD OF COMMISSIONERS TO SUPERVISE POLICE DEPARTMENT.

The Board of Commissioners shall have general supervision over the Police Department. The Board of Commissioners or its designee may suspend, for cause, any member of the Police Department until the next regular meeting at which time final disposition of the case shall be made.

(Prior Code, § 33.03) (Ord. passed 9-20-1962)

§ 33.04 DUTIES OF POLICE OFFICERS; JURISDICTION.

(A) Police officers shall enforce all laws, this code, ordinances and orders of the Board of Commissioners reporting all breaches to the Mayor and shall preserve the peace and good order of the town by suppressing disturbance and apprehending offenders. For these purposes and all others, they shall have the power and authority vested in sheriffs and constables and shall execute all precepts lawfully directed to them.

(B) The jurisdiction of the police shall include the town, all territory outside and within one and one-half miles of the town limits and all town property wherever located.

(Prior Code, § 33.04) (Ord. passed 9-20-1962)

FIRE DEPARTMENT

§ 33.15 COMPOSITION OF DEPARTMENT.

The Fire Department shall consist of the Chief of the Fire Department and a sufficient number of firefighters to maintain and operate the Department.

(Prior Code, § 33.15)

§ 33.16 FILLING OF OFFICES AND VACANCIES; DISMISSAL OF FIREFIGHTERS.

Vacancies and offices in the Fire Department shall be filled by the members of the Fire Department subject to the approval of the Board of Commissioners. The Board of Commissioners shall reserve the right to dismiss any firefighter, paid or volunteer.
(Prior Code, § 33.16)

§ 33.17 ADOPTION OF RULES AND REGULATIONS; SCHEDULING AND ATTENDANCE AT TRAINING SESSIONS.

The Fire Department may from time to time adopt its own rules and regulations for governing the department subject to the approval of the Board of Commissioners. However, any rules and regulations shall provide for at least one training period each month and for any member who is absent for three consecutive meetings without a bona fide reason to be dropped from the Department.
(Prior Code, § 33.17)

§ 33.18 JURISDICTION.

The jurisdiction of the Town Fire Department shall be limited to within the limits of the town.
(Prior Code, § 33.18)

§ 33.19 RURAL FIRE ASSOCIATION.

(A) The fire truck of the Rural Fire Association shall be for the primary use of its members and shall be available to them without charge. If the truck is called to a nonmember fire, there shall be a charge of \$50, with the full amount payable to and collectible by the Rural Fire Association. The town shall not be obligated in any way to collect the fee for the Association.

(B) The choice of trucks for fires shall be determined by the Fire Chief or, in his or her absence, by the senior officer present.
(Prior Code, § 33.19)

§ 33.20 POWERS AND DUTIES OF FIRE CHIEF.

The Chief, subject to supervision by the Board of Commissioners, shall:

(A) Have general control of the Department, the personnel, apparatus and fire alarm systems;

(B) Command the Department and supervise the firefighting and extinguishing of all fires and have the authority to keep away from the vicinity of all fires, any idle, disorderly or suspicious persons;

(C) Inspect or cause to be inspected all trucks and other equipment of the Fire Department each week to ascertain that the equipment is being kept in proper condition. He or she shall report annually to the Board of Commissioners the condition of all equipment; and

(D) Inspect or cause to be inspected all fire hydrants and fire alarm systems at least once every three months and shall make a report of the inspection to the Board of Commissioners.
(Prior Code, § 33.20)

§ 33.21 FIRE INSPECTOR.

The Chief of the Fire Department shall perform the functions of Fire Inspector. He or she or his or her designated agent shall:

(A) Have authority to enter any premises, at a reasonable time, for purposes of inspection;

(B) Make annual inspections of all structures located within the fire district;

(C) Upon receipt of a complaint, investigate at once;

(D) Investigate the causes of fire and keep records of his or her findings as to origin, location, owner, extent of damage, injury and amount of insurance carried. The findings shall be reported to the State Insurance Commissioner at regular intervals; and

(E) Cause the removal of fire hazards by serving proper order to the owner or agent of premises in question, the order to state a reasonable time limit. Failure to comply with the order shall be considered a violation of this code of ordinances.

(Prior Code, § 33.21)

CHAPTER 34: PERSONNEL REGULATIONS

Section

General Provisions

- 34.01 Classifications
- 34.02 Employment policies
- 34.03 Vacations, holidays and sick leave

Purchases

- 34.15 Purchases by town employees
- 34.16 Approval of purchases

GENERAL PROVISIONS

§ 34.01 CLASSIFICATIONS.

The following classifications are hereby established:

- (A) Level 1, Utility Labor;
- (B) Level 2, Assistant Department Heads;
- (C) Level 3, Police Officers;
- (D) Level 4, Department Heads; and
- (E) Level 5, Administrative Manager.

(Prior Code, § 34.01) (Ord. passed 11-14-1972)

§ 34.02 EMPLOYMENT POLICIES.

(A) Employees of the town are “at will” and are employed at the discretion of the Board of Commissioners.

(B) The Board of Commissioners may, at its discretion, adopt policies and procedures for the administration of the town’s personnel.

(C) These policies and procedures may be adopted, modified or revoked from time to time at the discretion of the Board of Commissioners with no notice. These personnel policies will not, however, have the effect of an ordinance.

(Prior Code, § 34.02)

§ 34.03 VACATIONS, HOLIDAYS AND SICK LEAVE.

(A) *Vacations.*

(1) Employees of the town shall be entitled to vacation days based on the following schedule:

<i>Years of Service</i>	<i>Total Days</i>
After 1 year	10
After 5 years	15
After 10 years	18

(2) An employee may carry five vacation days to the next year, but can accumulate no more than 23 days in any one year.

(B) *Holidays.*

(1) The following holidays shall be observed by the town: New Year’s Day; Good Friday; Memorial Day; July Fourth; Labor Day; Thanksgiving Day (two days); and Christmas (two days).

(2) Police personnel shall be entitled days off in lieu of holidays as scheduled by the Police Chief.

(C) *Sick leave.*

(1) *Policy.*

(a) Sick leave is not a right which an employee may demand, but a privilege granted by the Board of Commissioners for the benefit of an employee when sick. Temporary employees do not receive sick leave with pay. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examination or treatment, or exposure to a contagious disease when continuing to work might jeopardize the health of others, or illness in the employee's family which requires the care of the employee. Sick leave may be used for death in the employee's immediate family, but may not exceed three days for any one occurrence, except by special permission from the department head.

(b) Immediate family shall be deemed to include spouse, mother, father, guardian, children, sister and brother, plus the various combinations of half, step and adopted relationships that can be derived from those names.

(c) Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of a scheduled workday.

(d) Department heads are required to notify the Town Manager when taking sick leave for one day or more.

(2) *Manner of accumulation.*

(a) Each full-time permanent and probationary employee working the basic workweek shall earn sick leave computed at the following rates: Days earned each year: 40 hour workweek = 96 hours sick leave a year.

(b) The department head may advance sick leave to an employee who has exhausted sick leave because of a major operation or illness. This advanced sick leave may not exceed the amount an employee can earn during the current calendar year, except with the approval of the Board of Commissioners.

(c) At the time of the employee's separation, any sick leave owed the town shall be deducted from the employee's final compensation.

(3) *Maximum accumulation.* Sick leave will be cumulative for an indefinite period.

(4) *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 capacity to resume duties for each occasion on which an employee uses sick leave to protect the health of co-workers and to ensure that there is no abuse of sick leave privileges.

(5) *Retirement credit for accumulated sick leave.* One month of retirement credit is allowed for each 20 days accrued in an employee's sick leave account at time of retirement up to a maximum of one month for each two years of creditable service to employees who are members of the State Governmental Employee's Retirement System and are otherwise eligible for serviced retirement. (Prior Code, § 34.03) (Ord. passed 11-14-1972)

Editor's note:

The provisions for vacation days in division (A) were adopted at an executive session of the Board of Commissioners, an action that, by intent, repealed the previous provisions of this section.

PURCHASES

§ 34.15 PURCHASES BY TOWN EMPLOYEES.

(A) Before any order is given for items to be paid for by the town or before any purchase is made by any town employee, a purchase order shall first be obtained.

(B) Any purchase order shall be itemized for items to be purchased with cost or approximate cost and signed before the Finance Officer signs the purchase order.

(C) Any town employee purchasing goods without a purchase order from the Town Clerk will be held responsible for the cost of the same.
(Prior Code, § 34.15) (Ord. passed - -)

§ 34.16 APPROVAL OF PURCHASES.

(A) Purchases in amounts up to \$100 may be approved by department heads.

(B) Purchases in amounts up to \$1,000 shall be approved by the Mayor or Commissioner in charge of their respective departments and amounts over \$1,000 shall be approved by the Board of Commissioners.
(Prior Code, § 34.16) (Ord. passed - -)

CHAPTER 35: CAPITAL RESERVE FUND

Section

- 35.01 Creation
- 35.02 Expending funds
- 35.03 Expenditure formula
- 35.04 Official depositories

§ 35.01 CREATION.

Pursuant to the authority granted by G.S. § 159-18, there is hereby created and established a Capital Reserve Fund to be maintained in addition to all other funds now authorized by law. This Capital Reserve Fund shall be an on-going fund from year to year.
(Ord. OR-97-04, passed 10-14-1997)

§ 35.02 EXPENDING FUNDS.

Moneys appropriated and paid into the Capital Reserve Fund shall be expended only for the following purposes:

(A) Construction, reconstruction, extensions or enlargement of pipe, facilities or infrastructure used or useful in connection with the collection or disposal of ashes, garbage or refuse other than sewage;

(B) Construction, reconstruction, extensions or enlargement of pipe, facilities or infrastructure used or useful in connection with the collection or disposal of sewage or other wastewater;

(C) Construction, reconstruction, extensions or enlargement of pipe, facilities or infrastructure used or useful in connection with the provision of water to the town;

(D) Construction, reconstruction, extensions or enlargement of pipe, facilities or infrastructure used or useful in connection with the collection or disposal of storm water;

(E) Construction, reconstruction, extensions or enlargement of pipe, facilities or other

infrastructure used or useful in connection with the provision of necessary services as may be needed by the town;

(F) Construction, or reconstruction of roads, streets, highways, bridges or culverts which may include contemporaneous construction or reconstruction of sidewalks, curb and gutters and necessary grading and drainage;

(G) The elimination of any grade crossing or crossings and improvements incident thereto;

(H) Any equipment or apparatus that would be used by departments in the normal course of business for the town;

(I) Cemeteries; and

(J) Buildings used in housing departments of the town.
(Ord. OR-97-04, passed 10-14-1997)

§ 35.03 EXPENDITURE FORMULA.

Appropriations made to the Capital Reserve Fund will be made each fiscal year based on the following formula: at such time each year that the annual audit is presented and accepted by the Board of Commissioners, 50% of the reported increase in Fund balance for the year for which the audit is being accepted shall automatically be designated and transferred into the Capital Reserve Fund. The remaining 50% shall remain in Fund balance.

(Ord. OR-97-04, passed 10-14-1997)

§ 35.04 OFFICIAL DEPOSITORIES.

(A) The following named banks are hereby designated as the official depositories in which moneys of the Capital Reserve Fund shall be deposited: First Citizens Bank & Trust.

(B) All moneys deposited and used pursuant to the provisions of this chapter shall be in accordance with G.S. § 159-28 of the Local Government Act.

(Ord. OR-97-04, passed 10-14-1997)