

**TITLE III: ADMINISTRATION**

Chapter

- 30. TOWN COUNCIL**
- 31. TOWN OFFICIALS AND EMPLOYEES**
- 32. TOWN ORGANIZATIONS**
- 33. STATE OF EMERGENCY**
- 34. GENERAL POLICIES**



## CHAPTER 30: TOWN COUNCIL

### Section

#### *General Provisions*

- 30.01 Regular meetings
- 30.02 Special meetings
- 30.03 Emergency meetings
- 30.04 Continued or recessed meetings
- 30.05 Appointments
- 30.06 Qualifications for office
- 30.07 *Robert's Rules of Order*

#### *General Meeting Procedures*

- 30.20 Agenda
- 30.21 Order of business
- 30.22 Presiding officer
- 30.23 Quorum
- 30.24 Taking official action
- 30.25 Debate
- 30.26 Voting
- 30.27 Adoption of ordinances
- 30.28 Executive sessions
- 30.29 Public hearings
- 30.30 Minutes

#### *Motions*

- 30.40 Substantive and procedural motions
- 30.41 Motions to amend
- 30.42 Motions to dispose of issue without deciding merits
- 30.43 Motions to revive or reconsider an issue
- 30.44 Reconsideration of matters disposed of on the merits
- 30.45 Motion to terminate debate
- 30.46 Miscellaneous motions

**GENERAL PROVISIONS****§ 30.01 REGULAR MEETINGS.**

The Council shall hold a regular meeting on the first and third Monday of each month, unless that day is a legal holiday, in which case the meeting may be held on the next day or canceled by the majority vote of the Council. The meeting shall be held at the Town Hall and shall begin at 6:00 p.m. unless otherwise designated by the agenda.

(Prior Code, § 2-1) (Am. Ord. 46H, passed 11-2-1987)

**§ 30.02 SPECIAL MEETINGS.**

(A) A special meeting is any non-emergency meeting of the Council held at any time other than that specified in § 30.01.

(B) The Mayor, the Mayor pro tempore, or any 2 members of the Council may at any time call a special meeting by signing a written statement stating the time and place of the meeting, and the subjects to be considered.

(C) Notice of the meeting shall be given to Council members as provided in this division preferably 48 hours but not less than 6 hours before the meeting.

(1) Written notice shall be delivered personally to each Council member.

(2) If notice cannot be personally delivered, notice may be left at the Council member's usual place of dwelling.

(3) In this event, the Town Clerk shall make every reasonable effort to contact the Council member by telephone.

(D) Special meetings may also be held when all Council members are present and consent thereto or when those not present have signed a written waiver of notice, provided that the notice to the media required by division (E) below is given.

(E) The Town Clerk shall give notice of a special meeting to the public and the media at least 48 hours before the meeting by:

(1) Posting a notice of the time and place of the meeting on the town's principal bulletin board, and mailing or delivering notice of the meeting to each member of the media who has requested it in accordance with the Open Meetings Law, being Article 33c of Chapter 143; and/or

(2) Mailing or delivering notice of the meeting to any person who has filed with the Clerk a written request for it in accordance with the Open Meetings Law.



(F) 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.  
(Prior Code, § 2-2)

**§ 30.03 EMERGENCY MEETINGS.**

(A) An emergency meeting is a meeting of the Council called due to generally unexpected circumstances that require immediate consideration.

(B) The Mayor, the Mayor pro tempore, or any 2 members of the Council may at any time call an emergency meeting by signing a written statement stating the time and place of the meeting and the subjects to be considered.

(C) Notice of the meeting shall be given to Council members in the same manner as notice of special meetings.

(D) Emergency meetings may also be held when all Council members are present and consent thereto, or when those not present have signed a written waiver of notice, provided that the notice to the media required by division (E) below is given.

(E) The Town Clerk shall give notice of an emergency meeting to each of the media who has requested it in accordance with the Open Meetings Law, being Article 33c of Chapter 143. This notice shall be given either by telephone or by the same method used to notify Council members, and shall be given immediately after the notice has been given to those members.

(F) Only business connected with the emergency may be transacted at an emergency meeting.  
(Prior Code, § 2-3)

**§ 30.04 CONTINUED OR RECESSED MEETINGS.**

By majority vote of those present and not excused from voting, the Council may continue or recess any regular, special or emergency meeting to any place and time specified in the motion to continue or recess the meeting. No further notice need be given of any continued or recessed session of a meeting provided the action to continue for recess is taken in open session.  
(Prior Code, § 2-4)

**§ 30.05 APPOINTMENTS.**

The Council shall use the following procedure to appoint individuals to various subordinate boards, commissions and offices:

(A) The Mayor shall open the floor to nominations, whereupon the names of possible appointees shall be put forward by the members and debated. Upon the conclusion of the debate, the Mayor shall propose each name in alphabetical order, and the members shall cast their votes.

(B) If only 1 appointee is to be selected, the voting shall continue until 1 nominee receives a majority of the votes cast, whereupon he or she shall be appointed.

(C) If more than 1 appointee is to be selected, then each member shall have as many votes as there are slots to be filled.

(1) A member must cast all of his or her votes, and cast them for different nominees.

(2) The nominees receiving the highest number of votes shall be appointed.

(Prior Code, § 2-32)

#### **§ 30.06 QUALIFICATIONS FOR OFFICE.**

Upon the motion of any member, the Council shall determine the qualifications of any member. An office may be declared vacant by majority vote of the Council membership if the member fails to meet any of the statutory or constitutional requirements of office.

(Prior Code, § 2-31)

#### **§ 30.07 ROBERT'S RULES OF ORDER.**

*Robert's Rules of Order* shall govern all procedural matters not addressed by the provisions of this chapter. However, no action taken by the Council shall be invalidated by a failure to abide by *Robert's Rules of Order*.

(Prior Code, § 2-33)

### ***GENERAL MEETING PROCEDURES***

#### **§ 30.20 AGENDA.**

(A) The Manager shall prepare the agenda for the meeting.

(B) A request to have any item of business placed on the agenda must be received by the Manager in sufficient time so that the agenda may be printed and distributed in accordance with division (E) of this section, and to this end the Manager may establish an appropriate deadline to receive requests.

(C) Any individual or group that wishes to address the Council shall make a request to be on the agenda to the Manager. However, the Council shall determine at the meeting whether the individual or group will be heard by the Council.

(D) The agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Whenever possible a copy of all proposed ordinances shall be attached to the agenda and distributed simultaneously.

(E) Copies of the agenda and attachments shall be available for public inspection as soon as they are completed.

(1) The Manager shall mail or deliver copies of the agenda and attachments to the Council members in sufficient time to ensure that they are received prior to the meeting.

(2) Additional copies of the agenda may be available for the press and interested members of the public.

(F) The Council may, by consensus or majority vote of the Council membership, add an item of business that is not on the agenda. Unless otherwise specified by the Council, additions to the agenda shall be taken up at the conclusion of all other regular business.

(Prior Code, § 2-6)

### **§ 30.21 ORDER OF BUSINESS.**

(A) Items of business shall be taken up at a meeting in the order that they appear on the agenda, except as provided in division (D) below.

(B) Items shall be placed on the agenda according to the order of business established by the Council upon recommendation of the Manager.

(C) In establishing the order of business, the Council may authorize broad categories of business to be included as agenda items, such as “members of the public wishing to be heard,” or “matters by the Manager,” or “matters by the Attorney.”

(D) Items may be considered out of order by consent of all members present or by majority vote upon a motion.

(Prior Code, § 2-7)

### **§ 30.22 PRESIDING OFFICER.**

(A) The Mayor shall preside at meetings of the Council except as provided in division (C) below. A member must be recognized by the Mayor in order to address the Council.

(B) As presiding officer the Mayor shall have the following powers in addition to those conferred elsewhere in this chapter:

(1) To rule motions in or out of order, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;

(2) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule upon objections from other members on this ground;

(3) To entertain and answer questions of parliamentary law or procedure, subject to being overruled by a 2/3 vote of the membership of the Council;

(4) To call a brief recess at any time; and

(5) To adjourn in the event of an emergency.

(C) If the Mayor becomes actively engaged in debate on a particular proposal, he or she may delegate the duty to preside over the debate to the Mayor pro tempore or to any other member of the Council who is not so engaged and who acquiesces in the delegation.

(1) The temporary chairperson may only preside over the debate and may not participate in it; however, the temporary chairperson does not forfeit his or her right to vote on an issue by presiding over its debate.

(2) The Mayor shall resume the duty to preside as soon as action upon the matter is concluded. (Prior Code, § 2-8)

### **§ 30.23 QUORUM.**

(A) A majority of the actual membership of the Council, excluding vacant seats, shall constitute a quorum.

(B) A quorum is necessary for the Council to take any official action.

(C) 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 a quorum is present.

(Prior Code, § 2-9)

### **§ 30.24 TAKING OFFICIAL ACTION.**

(A) The Council shall proceed by motion.

(B) A motion, when duly seconded, brings the matter before the Council for its consideration.

(C) A motion may be withdrawn by the introducer at any time prior to a vote if the member who seconded the motion concurs.

(D) A second may be withdrawn by the member making it, prior to a vote.

(E) Subject to § 30.27 and other provisions of law, official actions of the Council shall be by majority vote.

(Prior Code, § 2-10)

### **§ 30.25 DEBATE.**

(A) Once a motion has been stated and seconded, the Mayor shall open the floor to debate upon it.

(B) The Mayor shall preside over the debate according to the following general principles:

(1) The member who makes the motion is entitled to speak first;

(2) A member who has not spoken on the issue shall be recognized before someone who has already spoken; and

(3) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

(Prior Code, § 2-11)

### **§ 30.26 VOTING.**

(A) Once a member is physically present at a Council meeting any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused from voting in accordance with division (B) below or has been allowed to withdraw from the meeting in accordance with division (C) below.

(B) A member may be excused from voting on a particular issue by majority vote of the remaining members present if the matter at issue involves that member's own financial interest or official conduct.

(C) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(D) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is only in order if made by or at the initiative of the member directly affected.

(E) A roll call vote shall be taken upon the request of any member and the roll call vote shall be entered into the minutes by the Town Clerk.

(F) When this section specifies that action shall be taken by majority vote or fails to specify the vote required, that shall be interpreted to mean a vote of the majority of those present and not excused from voting.

(1) When a 2/3 vote is required, that shall be interpreted to mean a vote of 2/3 of those present and not excused from voting.

(2) When a vote of a certain percentage of the Council membership is required, that shall be interpreted to mean the specified percentage of all seats on the Council excluding vacant seats.  
(Prior Code, § 2-12)

### **§ 30.27 ADOPTION OF ORDINANCES.**

(A) 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 or take any action having the effect of an ordinance.

(B) Subject to the provisions of G.S. Ch. 159 (Local Government Finance), 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 2/3 of the Council membership.

(C) When an ordinance requires a public hearing, the ordinance shall be considered introduced at the meeting when the Council sets a date for the public hearing.

(D) Franchise ordinances and amendments shall not be finally adopted until passed at 2 regular meetings of the Council.  
(Prior Code, § 2-13)

### **§ 30.28 EXECUTIVE SESSIONS.**

(A) The Council may hold executive sessions in accordance with the Open Meetings Law (Article 33c of Chapter 143) and other provisions of law.

(B) The Council shall commence an executive session by a majority vote to do so and shall terminate an executive session in the same manner.

(C) Minutes shall be kept of executive, closed, and private sessions but may be withheld from public inspection so long as public inspection would frustrate the purpose of the executive session.  
(Prior Code, § 2-14)

**§ 30.29 PUBLIC HEARINGS.**

(A) Public hearings required by law or deemed advisable by the Council shall be scheduled pursuant to a motion adopted by a majority vote setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time of each speaker and other matters regarding the conduct of the hearing.

(B) At the appointed time, the Mayor shall call the hearing to order and then preside over it.

(C) Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the Mayor shall declare the hearing ended.

(D) A quorum of the Council shall be required at all public hearings required by state law.  
(Prior Code, § 2-15)

**§ 30.30 MINUTES.**

Minutes shall be kept of all meetings of the Council.  
(Prior Code, § 2-16)

***MOTIONS***

**§ 30.40 SUBSTANTIVE AND PROCEDURAL MOTIONS.**

(A) A substantive motion is a motion that seeks to have the Council exercise any of its powers, duties, or responsibilities.

(1) A motion to amend a substantive motion is also a substantive motion.

(2) A substantive motion, other than to amend, is out of order while another substantive motion is pending.

(B) A procedural motion is a motion that relates either to the manner in which the Council conducts its business in general or the manner in which the Council deals with a particular substantive issue or substantive motion that is before it.

(C) Unless otherwise specifically provided, all motions authorized by this subchapter may be amended and debated.  
(Prior Code, § 2-21)

**§ 30.41 MOTIONS TO AMEND.**

(A) An amendment to a motion must be germane to the subject matter of the motion, but it may achieve the opposite effect of the motion.

(B) There may be an amendment to the motion, and an amendment to an amendment, but no further amendments.

(C) Any amendment to a proposed ordinance shall be reduced to writing upon the call of any member. (Prior Code, § 2-22)

**§ 30.42 MOTIONS TO DISPOSE OF ISSUE WITHOUT DECIDING MERITS.**

(A) *Motion to defer consideration until a certain date.* This motion requires that a date be set when, without further action by the Council, a matter will again be placed on the agenda.

(B) *Motion to defer consideration indefinitely.* Adoption of this motion removes the issue from the Council's consideration until the time as a motion to revive consideration is adopted (see § 30.43(A)) or a new motion dealing with the same issue is introduced and seconded (see § 30.44(A)).

(C) *Motion to refer to a committee.* Unless this motion includes an instruction to report the matter back by a date certain, or unless a motion is adopted under § 30.43(B), a matter referred to a committee remains there until returned to the Council by the committee. (Prior Code, § 2-23)

**§ 30.43 MOTIONS TO REVIVE OR RECONSIDER AN ISSUE.**

(A) *Motion to revive consideration of an issue.* Adoption of this motion brings an issue back before the Council for its consideration, regardless of whether the issue had been deferred indefinitely or to a date certain.

(B) *Motion to recall an issue from committee.* Adoption of this motion may bring a matter immediately before the Council or the motion may direct a committee to report an issue back to the Council by a date certain.

(C) *Motion to reconsider a vote.* This motion may be made only at the meeting at which the vote in question was taken and only by a member who voted with the prevailing side. If adopted, the effect is to negate the earlier vote and then bring the matter back before the Council as if the earlier vote had never taken place.

(Prior Code, § 2-24)

**§ 30.44 RECONSIDERATION OF MATTERS DISPOSED OF ON THE MERITS.**

(A) *Renewal of motions.* A motion that is defeated may be renewed at any subsequent meeting unless a motion has been adopted in accordance with division (B) below.

(B) *Motion to prevent reconsideration for 6 months.* This motion is in order immediately following the defeat of a substantive motion and at no other time. It requires a 2/3 vote for adoption. A matter concerning which this motion has been adopted may be brought before the Council prior to the expiration of 6 months pursuant to a vote to suspend the rules. This motion does not bind a new Council.

(Prior Code, § 2-25)

**§ 30.45 MOTION TO TERMINATE DEBATE.**

A motion to call the previous question is a motion to cut off debate on a matter under consideration and put the matter to a vote. This motion shall be in order at any time, but unless each Council member present has had an opportunity to speak at least once on the issue, the motion requires a 2/3 vote for adoption. This motion is not debatable and may not be amended.

(Prior Code, § 2-26)

**§ 30.46 MISCELLANEOUS MOTIONS.**

In addition to others authorized by this subchapter, the following motions shall be in order:

(A) Divide a complex question and consider it by paragraph;

(B) Suspend the rules. This motion shall require a 2/3 vote for adoption;

(C) Take a recess; and

(D) Adjourn. This motion may not be amended.

(Prior Code, § 2-27)



## CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

### Section

- 31.01 Manager
- 31.02 Clerk
- 31.03 Attorney
- 31.04 Finance Officer
- 31.05 Budget Director
- 31.06 Tax Collector
- 31.07 Oaths and bonds of office

### § 31.01 MANAGER.

(A) (1) The Council shall appoint a Manager to serve at its pleasure; however, in the event of the termination of the Manager's services severance pay shall be granted up to a 90-day period. Severance pay shall be terminated during this 90-day period when the Manager obtains employment equal to or better than his or her present salary with the town. If he or she accepts a position with less pay, the town will pay the difference for no more than the 90-day period. If the Manager resigns, the town requires a 90-day notice.

(2) The Manager shall be the chief administrator of the town. He or she shall be responsible to the Council for administering all municipal affairs placed in his or her charge by them, and in addition to those powers and duties assigned to him or her by the town charter and by other provisions of law, he or she shall:

(a) Appoint, suspend or remove all town officers and employees not elected by the people, except those whose appointment or removal is otherwise provided for by law in accordance with general personnel rules, regulations, policies, or ordinances as the Council may adopt;

(b) Direct and supervise the administration of all departments, offices, and agencies of the town, subject to the general direction and control of the Council, except as otherwise provided by law;

(c) Attend all meetings of the Council and recommend any measure that he or she deems expedient;

(d) See that all laws of the state, the town charter, and the ordinances, resolutions, and regulations of the Council are faithfully executed within the town;

(e) Prepare and submit the annual budget and capital program to the Council;

(f) Annually submit to the Council and make available to the public a complete report of the finances and administrative activities of the town as of the end of the fiscal year;

(g) Make any other reports that the Council may require concerning operations of town departments, offices, and agencies; and

(h) Perform any other duties that may be required or authorized by the Council.

(Prior Code, § 13-1)

(B) (1) The Manager shall be responsible to the Council for the administration and technical direction of the personnel program.

(2) The Manager shall appoint, suspend, and remove all officers and employees except those elected by the people or those whose appointment is otherwise provided for by law.

(3) The Manager shall make appointments, dismissals, and suspensions in accordance with the charter and other policies and procedures specified in the personnel policies of the town. More specifically, the Manager shall:

(a) Recommend rules and revisions to the personnel system to the Council for consideration;

(b) Determine the administrative, professional and managerial positions to be excluded from entitlement to overtime compensation as provided in the personnel policies of the town;

(c) Establish and maintain a roster of all persons employed by the town, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and data as may be deemed desirable or useful;

(d) Develop and administer recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the town;

(e) Develop and coordinate training and education programs for town employees;

(f) Investigate periodically the operation and effect of the town's personnel policies and report his or her findings and recommendations to the Council; and

(g) Perform other personnel duties as may be assigned to him or her by this code or by the Council.

(Prior Code, § 3-10)

2010 S-1

(C) (1) The 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.

(2) Department heads shall be responsible for bringing to the attention of the Manager the need for new positions and material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of existing positions.

(3) New positions shall be established only with the approval of the Council, after which the Town Manager shall either allocate the new position to the appropriate class within the existing classification plan or recommend to the Council that it amend the position classification plan to establish a new class to which the new position may be allocated.

(4) When the Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he or she shall:

(a) Direct that the existing class specification be revised;

(b) Reallocate the position to the appropriate class within the existing classification plan; or

(c) Recommend that the Council amend the position classification plan to establish a new plan to which the position may be allocated.

(d) The Council may, upon the recommendation of the Manager, add classes of positions to or delete them from the position classification plan.

(Prior Code, § 3-11)

(D) The Manager shall be responsible for the administration and maintenance of the pay plan.

(1) The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in the private sector and in other public jurisdictions in the area, to changes in the cost of living, to financial conditions of the town and other factors.

(2) To this end, the Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Council changes in salary ranges as appear to be warranted.

(Prior Code, § 3-12)

**§ 31.02 CLERK.**

(A) There shall be a town clerk who shall be appointed by the Manager.

(B) The Town Clerk shall give notice of meetings of the Council, keep a journal of the proceedings of the Council, record in a book kept for the purpose all ordinances and resolutions, be the custodian of all town records, and perform other duties as are prescribed by law or by the Town Charter or required by the Council or by the Manager.

(Prior Code, § 3-2)

### **§ 31.03 ATTORNEY.**

The Council shall appoint a town attorney to serve at its pleasure and shall prescribe his or her duties and fix his or her rate of compensation.

(Prior Code, § 3-3)

### **§ 31.04 FINANCE OFFICER.**

(A) The Town Manager shall appoint a finance officer.

(B) The duties of the Finance Officer shall be to:

(1) Keep the town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission;

(2) Disburse all funds of the town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance, and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act, being G.S. Chapter 159, Article III;

(3) Prepare and file with the Council a statement of the financial condition of the town whenever requested to do so by the Council or the Manager;

(4) Receive and deposit all monies accruing to the town and supervise the receipt and deposit of money by other duly authorized officers or employees;

(5) Maintain all records concerning the town's bonded debt, and determine the amount of money that will be required for debt service during each fiscal year, and maintain all sinking funds; and

(6) Supervise the investment of the town's idle funds, and perform other duties as may be assigned to him or her by law, by the Manager, the Budget Officer, the Council, or by rules and regulations of the Local Government Commission.

(Prior Code, § 3-4)

**§ 31.05 BUDGET DIRECTOR.**

The Town Manager shall be the Budget Director. The Budget Director shall perform those duties and responsibilities assigned to him or her by the Local Government Budget and Fiscal Control Act (G.S. Ch. 159, Art. III).

(Prior Code, § 3-5)

**§ 31.06 TAX COLLECTOR.**

(A) The Town Manager shall appoint a Tax Collector.

(B) The Town Manager may remove the Tax Collector under the circumstances and in accordance with the procedure specified in G.S. § 105-349(a).

(C) The Tax Collector shall not begin his or her duties until he or she has furnished a bond in accordance with G.S. § 105-349(c), nor shall he or she continue collecting taxes after the bond has expired without renewal.

(D) In addition to other duties and responsibilities provided by law, the Tax Collector shall:

(1) Employ all lawful means to collect all property taxes, privilege licenses, and/or other taxes or licenses with which he or she is charged by the Council;

(2) Perform duties in connection with the preparation of the tax records and tax receipts as the Council may direct under the provisions of G.S. §§ 105-319 and 105-320;

(3) Keep adequate records of all collections he or she makes;

(4) Account for all monies coming into his or her hands, in the form and detail as may be required by the Finance Officer;

(5) Make settlement at the times required by G.S. § 105-373 and at any other time the Council may require him or her to do so;

(6) Report to the Council once per month the amount he or she has collected on each year's taxes with which he or she is charged, the amount remaining uncollected and the steps he or she is taking to encourage or enforce payment of uncollected taxes;

(7) Send bills or notices of taxes due to taxpayers if instructed to do so by the Council; and

(8) Visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the Council.

(E) The Town Manager may appoint 1 or more deputy tax collectors. The term of office, removal procedures, and bonding requirements of the deputy tax collector shall be identical to those of the Tax Collector.

(F) The Tax Collector and any deputy tax collector appointed shall take and subscribe the following oath and file it with the Town Clerk:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (deputy) tax collector of the town of Granite Falls, and that I will not allow my actions as tax collector to be influenced by personal or political friendships or obligations, so help me God.”

(Prior Code, § 3-6)

### **§ 31.07 OATHS AND BONDS OF OFFICE.**

(A) All officers and employees appointed by the Council shall serve at the pleasure of the Council except as otherwise provided by law, and shall receive for their services compensation as may be established annually in the budget ordinance.

(B) The Council shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and no officer or employee may begin the duties of his or her office until the required bond has been obtained.

(1) All town officers shall take the following oath before beginning their duties:

“I, \_\_\_\_\_, do solemnly swear (affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as, \_\_\_\_\_, so help me God.”

(2) This oath may be administered by the Mayor or by any other official authorized to administer oaths by G.S. § 11-7.1, and shall be subscribed and filed with the Town Clerk.

(Prior Code, § 3-36)

## CHAPTER 32: TOWN ORGANIZATIONS

### Section

- 32.01 Police Department
- 32.02 Auxiliary law enforcement personnel
- 32.03 Fire Department
- 32.04 Building Inspection Department
- 32.05 Public Works Department
- 32.06 Water and Sewer Department
- 32.07 Recreation Department

### **§ 32.01 POLICE DEPARTMENT.**

(A) The Police Department shall consist of a chief of police and as many other police officers as may be provided for from time to time by the Council.

(B) As provided in G.S. Ch. 160A, Art. 13 police officers shall:

(1) Take, subscribe and file with the Clerk the oath of office prescribed by Article VI, § 7 of the North Carolina Constitution; and

(2) Have all the powers invested in law enforcement officers by statute or common law within the corporate limits of the town and within 1 mile thereof and on all property owned or leased by the town. (Prior Code, § 3-15)

### **§ 32.02 AUXILIARY LAW ENFORCEMENT PERSONNEL.**

(A) There is hereby established within the town Police Department, as a division thereof, an Auxiliary Police Division.

(B) The Auxiliary Police Division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the Chief of Police and approved by the Town Council.

(C) The Chief of Police will control appointments and removals.

(D) The Auxiliary Police Division shall be under the direct control of the Chief of Police; acting under the general supervision of the Town Council.

(E) All appointments and removals of members of the Auxiliary Police Division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular officers.

(F) The Chief of Police shall provide for adequate training and establish policies and procedures regulating the conduct and performance of members of the Auxiliary Police Division, and of candidates for membership.

(Prior Code, § 3-16) (Am. Ord. 218, passed 4-19-2004)

### **§ 32.03 FIRE DEPARTMENT.**

(A) The Fire Department shall consist of a fire chief, as many other full time paid personnel as the Council may authorize, and volunteer personnel.

(B) The Fire Department shall be under the direction and control of the Fire Chief.

(C) In addition to other duties specified by the Manager, the Fire Chief shall:

(1) Preserve and care for the fire apparatus;

(2) Have charge of fighting and extinguishing fires and training of the Fire Department;

(3) Seek out and have corrected all places and conditions dangerous to the safety of the town and its citizens from fire; and

(4) Make annual reports to the Council concerning these duties.

(Prior Code, § 3-17)

### **§ 32.04 BUILDING INSPECTION DEPARTMENT.**

The town contracts with Caldwell County to enforce the North Carolina State Building Code.  
(Prior Code, § 3-20)



**§ 32.05 PUBLIC WORKS DEPARTMENT.**

(A) The Public Works Department shall consist of a director of public works and as many other personnel as the Council may authorize.

(B) The Public Works Department shall be under the direction and control of the Director of Public Works.

(C) In addition to other duties specified by the Town Manager, the Public Works Director shall:

(1) Operate a solid waste collection and disposal system;

(2) Maintain town streets and sidewalks;

(4) Install and maintain a water distribution system and sewage collection system; and

(5) Have control over and maintain all town equipment, apparatus, and facilities associated with the foregoing operations and activities.

(Prior Code, § 3-26)

**§ 32.06 WATER AND SEWER DEPARTMENT.**

(A) The Water and Sewer Department shall consist of a Water Resources Director and as many other personnel as the Council may authorize.

(B) The Water and Sewer Department shall be under the direction of the Water Resources Director.

(C) In addition to other duties specified by the Manager, the Water Resources Director shall operate and maintain the town water plant and the waste water treatment works.

(Prior Code, § 3-27)

**§ 32.07 RECREATION DEPARTMENT.**

(A) (1) The Recreation Department shall consist of a recreation director and as many other employees as the Council may authorize.

(2) The Recreation Department shall be responsible for conducting the various recreational programs and activities run by the town and for maintaining the town's recreational facilities.

(Prior Code, § 3-26)

**Granite Falls - Administration**

(B) (1) There shall be a Recreation Advisory Committee composed of 11 persons appointed by the Mayor with the approval of the Council.

(2) Nine of the members shall be residents of the town and two members may be non-residents.

(3) In addition to the 11 members, the Town Manager shall sit with the Committee as an adjunct member, but shall have no vote and shall not be counted in determining the existence of a quorum.

(4) Members of the Committee shall serve 3 year staggered terms, but members may continue to serve until their successors are appointed and qualified. Initially, 3 members shall be appointed for 3 year terms, 3 members for 2 year terms, and 3 members for 1 year terms. Vacancies shall be filled, for the unexpired terms only, in the same manner as initial appointments. Non-resident members shall serve at the pleasure of the Town Council.

(5) A member of the Committee who accumulates more than 3 consecutive unexcused absences from regular meetings loses his or her status as a member of the Committee. Absence due to verified sickness, death or other emergencies of like nature shall be excused by the Committee and shall not affect the member's status on the Committee, except that in the event a member, for any reason has 6 consecutive absences, that member shall lose his or her status as a Committee member.

(6) Committee members shall serve without monetary compensation. However, members shall be reimbursed for travel and subsistence to professional recreation meetings, conferences and workshops, with reimbursement being made in compliance with the established policies of the town, providing prior approval of the Committee has been obtained.

(Prior Code, § 3-27)

(C) (1) The Committee shall hold regular meetings at least monthly at times and places as it shall designate. Special or emergency meetings may be called by the Town Manager, the Chairperson or Vice chairperson, provided that notice is given to all members, the press, and other persons in accordance with the Open Meetings Law, being Article 33c of Chapter 143.

(2) A quorum of the Committee shall be in attendance before action of an official nature can be taken. A quorum shall consist of 5 members if there are no vacant seats or 1 vacant seat, and 4 members if there are 2 or more vacant seats.

(3) All actions of the Committee shall be taken by majority vote.

(Prior Code, § 3-28)

(D) (1) The Committee shall have a Chairperson and Vice Chairperson. Officers shall be elected by the Committee at its first meeting and shall serve for 1 year from election with eligibility for re-election, provided that no person may hold the same office for more than 2 consecutive terms.

(2) New officers shall be elected and take office at the monthly meeting at which officers' terms expire.

(3) In the event an officer's appointment to the Committee is terminated, a replacement to this office shall be elected by the Committee from its membership at the next monthly meeting following termination, and that officer shall fill the remaining term of the officer he or she succeeds.

(E) The Recreation Director shall serve as secretary to the Committee. The Director may delegate all or part of these duties to another employee with the prior approval of the Committee, but the responsibility for the satisfactory performance of the secretarial duties shall remain with the Director.  
(Prior Code, § 3-29)

(F) (1) The Committee shall advise the Town Council and the administration (Manager and Recreation Director) concerning: The acquisition of real or personal property to be used for recreational purposes and the maintenance and use of all town-owned, leased, or operated recreational facilities; The operation of all recreational programs, including, without limitation, fees to be charged to and rules of conduct for participants in recreational programs; and future needs for the acquisition of additional recreational facilities or the expansion of recreational programs and alternative means of acquiring facilities or operating programs.

(2) The Committee shall report to the Council as requested by the Council and shall undertake studies or perform duties as the Council may request from time to time.

(3) The Committee may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this section.  
(Prior Code, § 3-20)

**§ ELECTRIC DEPARTMENT.**

- (A) The Electric Department shall consist of an Electric Director and as many other personnel as the Council may authorize.
- (B) The Electric Department shall be under the direction and control of the Electric Director.
- (C) In addition to other duties specified by the Town Manager, the Electric Director shall:
  - (1) Operate and maintain a electric distribution system with all its appurtenances, including but not limited to electric lines (both underground and overhead), meters, transformers, poles, substations, trucks, backhoes, and other equipment



## CHAPTER 33: STATE OF EMERGENCY

### Section

- 33.01 State of emergency defined
- 33.02 State of emergency declared by Mayor
- 33.03 Contents of proclamation
- 33.04 Publication of proclamation
- 33.05 Effect of proclamation
- 33.06 Termination of state of emergency
  
- 33.99 Penalties

### § 33.01 STATE OF EMERGENCY DEFINED.

A state of emergency exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason town public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any condition is imminent.

(Prior Code, § 9-1)

### § 33.02 STATE OF EMERGENCY DECLARED BY MAYOR.

(A) Whenever the Mayor finds that a state of emergency exists within all or a portion of the town, he or she shall issue a proclamation declaring a state of emergency in accordance with §§ 33.03 and 33.04.

(B) This proclamation, and any prohibitions and restrictions made effective by it, shall take effect immediately upon publication unless the proclamation sets a later time.

(Prior Code, § 9-2)

### § 33.03 CONTENTS OF PROCLAMATION.

The proclamation issued by the Mayor shall declare to all persons that a state of emergency exists and shall set forth:

(A) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it;

(B) The date and time from which the proclamation shall be effective;

(C) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(D) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 33.06.

(Prior Code, § 9-3)

#### § 33.04 PUBLICATION OF PROCLAMATION.

(A) For the purpose of making effective the prohibitions and restrictions imposed by the proclamation, publication may consist of reports of the substance of the proclamation's contents, including prohibitions and restrictions, in the mass communications media serving the affected area or other effective methods of disseminating the necessary information quickly.

(B) Notwithstanding division (A) above, the full text of the proclamation shall be published as soon as practicable in 1 or more newspapers serving the affected area and may be posted in various places, or otherwise disseminated to give the clearest notice practicable of its contents.

(Prior Code, § 9-4)

#### § 33.05 EFFECT OF PROCLAMATION.

(A) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state, and federal governments in accordance with the provisions of G.S. Ch. 166A.

(B) The Mayor is authorized in the proclamation to impose a curfew applicable to all persons within the area described in the proclamation. The curfew may be made effective during all or any portion of any day during the state of emergency.

(C) During the curfew, no person may, within the area affected by the curfew:

(1) Possess off his or her own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind;

(2) Sell beer, wines, or intoxicating beverages of any kind or possess or consume the same off his or her own premises;

(3) Sell gasoline or any similar petroleum products except when pumped or piped directly into the tank of a motor vehicle; or

(4) Travel upon any public street or highway or upon public property unless the person is in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of himself or herself or his or her family or some member thereof or unless the person is engaged in the performance of some function necessary to preserve the public health or safety, such as police and fire officers, other emergency service personnel, utility employees, doctors and nurses, and the like.

(Prior Code, § 9-5) Penalty, see § 33.99

#### § 33.06 TERMINATION OF STATE OF EMERGENCY.

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of 5 days after it becomes effective, except that the same:

(A) May be continued for another 5 days by the publication of a new proclamation; or

(B) May be earlier terminated by the Mayor, who may issue a proclamation declaring the state of emergency to be over at any time he or she concludes that to be the case, and who shall issue a proclamation if the Council concludes that the state of emergency has ended.

(Prior Code, § 9-6)

#### § 33.99 PENALTIES.

As provided in G.S. § 14-288, any person who violates any provision of § 33.05(B) after a curfew has been imposed pursuant to this chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$50 or imprisonment for not more than 30 days, or both.

(Prior Code, § 9-7)



## CHAPTER 34: GENERAL POLICIES

### Section

#### 34.01 Smoking policy

#### § 34.01 SMOKING POLICY.

(A) The Town of Granite Falls is dedicated to providing a healthful, comfortable and productive work environment for our employees. This goal can be achieved through efforts to protect non-smokers as well as smokers from harmful effects of environmental tobacco smoke.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

***SMOKING.*** The inhaling, exhaling, burning, chewing, or carrying of a lighted pipe, cigar, cigarette, or other combustible tobacco product.

(C) Smoking is strictly prohibited within any town owned and/or leased building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town. The individual in charge of the town government building or the individual's designee shall post signs in conspicuous areas of the building. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. The individual in charge of the building or the individual's designee shall direct a person who is smoking inside the building to extinguish the lighted smoking product. In the event that the person smoking inside the building is a town employee, the individual in charge of the building or the individual's designee shall inform the employee violating the provisions of this section that they are subject to disciplinary action

up to and including termination of employment.

(D) Smoking and the use of tobacco products and smoking materials, in all forms, is hereby prohibited in all town trucks, passenger cars, or other vehicles. The individual or the individual's designee in charge of assigning the vehicle shall place 1 or more signs in conspicuous areas of the vehicle. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. The individual in charge of assigning the vehicle or the individual's designee shall direct a person smoking or using tobacco products and smoking materials to discontinue

the use of the products. In the event that the person smoking or using tobacco products and smoking materials in a town vehicle is a town employee, the individual in charge of assigning the vehicle or the individual's designee shall inform the employee violating the provisions of this section that they are subject to disciplinary action up to and including termination of employment. If the vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle as provided in this division. The town vehicle must be cleaned at the end of shift, day, trip, and the like.

(E) This policy applies to all employees, citizens, contractors, and visitors.

(Prior Code, § 3-37) (Am. Ord. 267, passed 10-19-2009)

2010 S-1