

TOWN OF AUTRYVILLE, NORTH CAROLINA

CODE OF ORDINANCES

Local legislation current through Ordinance passed 3-18-2025; and
State legislation through 2021 Regular Session #1

TOWN CHARTER

TOWN CHARTER

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION
RATIFIED BILL

CHAPTER 384
HOUSE BILL 797

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF AUTRYVILLE

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Autryville is revised and consolidated to read:

“THE CHARTER OF THE TOWN OF AUTRYVILLE.

“ARTICLE I. INCORPORATION, CORPORATE POWERS. AND BOUNDARIES.

“**Section 1.1. Incorporation.** The Town of Autryville, North Carolina, in Sampson County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the ‘Town of Autryville,’ also referred to as the ‘Town.’

“**Sec. 1.2. Powers.** The Town has and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Autryville specifically by this Charter or upon municipal corporations by general law. The term ‘general law’ is employed herein as defined in G.S. 160A-1.

“**Sec. 1.3. Corporate Limits.** The corporate limits are those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Sampson County Register of Deeds and the appropriate board of elections.

“ARTICLE II. GOVERNING BODY.

“**Sec. 2.1. Mayor and Board of Commissioners.** The Mayor and the Board of Commissioners, hereinafter referred to as the ‘Board,’ comprise the governing body of the Town.

“Sec. 2.2. Board of Commissioners; Composition; Terms of Office. The Board is composed of five Commissioners elected by all the qualified voters of the Town for staggered terms of four years or until their successors are elected and qualified.

“Sec. 2.3. Mayor; Term of Office; Duties. The Mayor is elected by all the qualified voters of the Town for a term of two years or until a successor is elected and qualified. The Mayor is the official head of the Town government and presides at meetings of the Board; has the right to vote only when there is an equal division on any question or matter before the Board; and exercises the powers and duties conferred by law or as directed by the Board.

“Sec. 2.4. Mayor Pro Tempore. At the organizational meeting following each regular municipal election, the Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor’s absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in that capacity until the organizational meeting following the next regular municipal election, despite the contrary provisions of G.S. 160A-70.

“Sec. 2.5. Meetings. In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

“Sec. 2.6. Voting Requirements; Quorum. Official actions of the Board and all votes are taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

“Sec. 2.7. Compensation; Qualifications for Office; Vacancies. The compensation and qualifications of the Mayor and Commissioners are as provided by general law. Vacancies that occur in any elective office of the Town shall be filled for the remainder of the unexpired term.

“ARTICLE III. ELECTIONS.

“Sec. 3.1. Regular Municipal Elections. Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of the State. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

“Sec. 3.2. Election of Board of Commissioners. The Commissioners serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. Three Commissioners shall be elected at the regular municipal election in 1991 and every four years thereafter. Two Commissioners shall be elected at the regular municipal election in 1993 and every four years thereafter.

“Sec. 3.3. Election of Mayor. A Mayor shall be elected in each regular municipal election.

“Sec. 3.4. Special Elections and Referendums. Special elections and referendums may be held only as provided by law.

“ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

“Sec. 4.1. Form of Government. The Town shall operate under the mayor-council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

“Sec. 4.2. Town Clerk. The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain official records and documents; to give notice of meetings; and to perform such other duties required by law or as the Board may direct.

“Sec. 4.3. Tax Collector. The Board shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

“Sec. 4.4. Town Attorney. The Board shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials and perform other duties required by law or as the Board may direct.

“Sec. 4.5. Other Administrative Officers and Employees. The Board may authorize other positions and may organize the Town government as deemed appropriate, subject to the requirements of general law.

“ARTICLE V. ALCOHOLIC BEVERAGES.

“Sec. 5.1. Sale of Alcoholic Beverages Prohibited. It shall be a misdemeanor for any person to sell spirituous or fermented liquors within one mile of the corporate limits of the Town, as provided in Section 18 of Chapter 191, Private Laws of 1891.”

Sec. 2. The purpose of this act is to revise the Charter of the Town of Autryville and to consolidate certain acts concerning the property, affairs, and government of the Town. It is intended to continue without interruption those provisions of prior acts which are expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act does not repeal or affect any acts concerning the property, affairs, or government of public schools, or acts validating official actions, proceedings, contracts, or obligations of any kind.

Sec. 4. All acts in conflict with this act are repealed. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 191, Private Laws of 1891, except for Section 18

Chapter 540, Public-Local Laws of 1937

Chapter 70, Session Laws of 1975.

Sec. 5. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 6. All existing ordinances, resolutions, and other provisions of the Town of Autryville not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 7. No action or proceeding pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by this act.

Sec. 8. If any provision or application of this act is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended

to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1991.

JAMES C. GARDNER

James C. Gardner
President of the Senate

DANIEL BLUE, JR.

Daniel Blue, Jr.
Speaker of the House of Representatives

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Town of Autryville shall be designated as the *Code of Autryville, North Carolina*, and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF COMMISSIONERS. The governing body of the Town of Autryville, North Carolina.

CHARTER. The Charter of the Town of Autryville, North Carolina.

CODE, THIS CODE or THIS CODE OF ORDINANCES. This municipal code, as modified by amendment, revision and adoption of new titles, chapters or sections.

COMPUTATION OF TIME. The time within which an act is to be done shall be computed by excluding the first and the last day; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

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

DELEGATION OF AUTHORITY. Whenever a provision of this code requires or authorizes an officer or employee of the town to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision shall specifically designate or provide otherwise.

G.S. or GENERAL STATUTES. The latest edition of the **GENERAL STATUTES** of North Carolina, as amended.

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

GOVERNING BODY. The words **TOWN BOARD OF COMMISSIONERS, COMMISSIONERS, BOARD** or **GOVERNING BODY** shall refer to the duly constituted governing body of the Town of Autryville, North Carolina.

GOVERNOR. The Governor of North Carolina.

HEALTH OFFICER. The Health Officer of the respective counties in which the affected county is located.

JOINT AUTHORITY. All words giving a joint authority to three or more persons or officers shall be construed as giving the authority to a majority of persons or officers.

MAY. The act referred to is permissive.

MONTH. A calendar month.

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

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION or DEPARTMENT. An officer, office, employee, commission or department of the municipality unless the context clearly requires otherwise.

OFFICIAL TIME STANDARD. Whenever certain hours are named in this code, they shall mean standard time or daylight saving time as may be in current use in this town.

OWNER. Applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of the property.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER**, as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PERSONAL PROPERTY. Every species of property, except real property.

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

PROPERTY. Includes real and personal property.

REAL PROPERTY. Includes lands, tenements and hereditaments.

SHALL. The act referred to is mandatory.

SIDEWALK. Any portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of North Carolina.

STREET. Any public way, road, highway, street, avenue, boulevard, parkway, dedicated alley, lane, viaduct, bridge and the approaches thereto within the town and shall mean the entire width of the right-of-way between abutting property lines.

SUBCHAPTER.

(a) A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading.

(b) Not all chapters have **SUBCHAPTERS.**

TENANT or **OCCUPANT.** When 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.

TENSE. Words used in the past or present tense include the future as well as the past and present.

TOWN. The Town of Autryville, North Carolina.

TOWN LIMITS. The legal boundary of the Town of Autryville, North Carolina.

WRITTEN. Any representation of words, letters or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

Statutory reference:

Computation of time, see G.S. § 1-593

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of the town shall be by the following rules, unless the construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance.

(A) **AND or OR.** Either conjunction shall include the other as if written “and/or”, if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of an act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES; LIABILITY.

(A) Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the town exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) In the event of a violation of any provision of this code or other ordinance of the town by a corporation, in addition to the corporation being subject to punishment, the officer, agent or employee thereof who performs the act constituting the violation, or who controls, directs or supervises, any officer, agent or employee who performs the act, or who procures, aids or abets the performance of the act shall be subject to the same penalties as if the officer, agent or employee had personally committed the violation.

§ 10.10 ERRORS AND OMISSIONS; ALTERATIONS.

(A) (1) If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, that spelling shall be corrected and the word or words supplied, omitted or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published.

(2) No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

(B) It shall be unlawful for any person to change or amend, by additions or deletions, any part or portion of this code or to insert or delete pages, or any portions thereof, or to alter or tamper with the code in any manner whatsoever, except pursuant to ordinance or resolution or other official act of the governing body which will cause the law of the town to be misrepresented thereby.

Penalty, see § 10.99

§ 10.11 OFFICIAL TIME.

The official time, as established by applicable state and federal laws, shall be the official time within the town for the transaction of all municipal business.

§ 10.12 REASONABLE TIME; COMPUTING TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

(A) This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced.

(B) All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§ 10.14 ORDINANCES UNAFFECTED.

(A) All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

(B) Nothing in this code or the ordinance adopting this code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;
- (3) Any contract or obligation assumed by the town;
- (4) Any ordinance fixing the salary of any town officer or employee;
- (5) Any right or franchise granted by the town;
- (6) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving and the like, any street or public way in the town;
- (7) Any appropriation ordinance;
- (8) Any ordinance which, by its own terms, is effective for a stated or limited term;
- (9) Any ordinance providing for local improvements and assessing taxes therefor;
- (10) Any zoning ordinance or zoning map amendment;
- (11) Any ordinance dedicating or accepting any subdivision plat;
- (12) Any ordinance describing or altering the boundaries of the town;
- (13) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this code;
- (14) Any ordinance levying or imposing taxes not included herein;
- (15) Any ordinance establishing or prescribing street grades in the town; and/or
- (16) Any personnel ordinance.

(C) Nor shall any ordinance be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Statutory reference:

Statutes not repealed by General Statutes, see G.S. § 164-7

§ 10.15 EFFECTIVE DATE OF ORDINANCES.

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§ 10.16 REPEAL OR MODIFICATION OF ORDINANCES.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause or provision, unless it is expressly provided.

§ 10.17 ORDINANCES WHICH AMEND CODE; EFFECT OF NEW ORDINANCES.

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

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

(C) If a new section not heretofore existing in the code is to be added, language substantially similar to the following shall be used: “The Code of Ordinances, Town of Autryville, North Carolina, is hereby amended by adding a section, to be numbered _____, which section shall read as follows: ” The new section shall then be set out in full as desired.

(D) All sections, subchapters, chapters or provisions desired to be repealed must be specifically repealed by section, subchapter or chapter number, as the case may be.

§ 10.18 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance and amending ordinances, if any, are listed following the text of the code section. *Example:* (Ord. 10, passed 5-13-1960; Ord. 15, passed 1-1-1970; Ord. 20, passed 1-1-1980; Ord. 25, passed 1-1-1985)

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. *Example:* (G.S. § 160A-11) (Ord. 10, passed 1-17-1980; Ord. 20, passed 1-1-1985)

(2) A statutory cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. *Example:*

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see G.S. §§ 132-1 et seq.

§ 10.99 GENERAL PENALTY.

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a class 3 misdemeanor and subject to a fine in an amount as set out in the fee schedule on file in the Town Clerk’s office, or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(G.S. § 14-4(a))

Statutory reference:

Enforcement of ordinances, see G.S. § 160A-175

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
- 31. POLICE DEPARTMENT**
- 32. FINANCE AND REVENUE**
- 33. PERSONNEL**

CHAPTER 30: GENERAL PROVISIONS

Section

- 30.01 Mayor
- 30.02 Code of Ethics
- 30.03 Petitions for annexation

§ 30.01 MAYOR.

The Town Board shall be responsible for retaining a qualified professional mayor.
(Ord. passed - -)

§ 30.02 CODE OF ETHICS.

(A) General provisions.

(1) The purpose of this Code of Ethics is to establish guidelines for an ethical standard of conduct for the board members and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

(2) G.S. § 160A-84 requires all members of the governing board to receive a minimum of two clock hours of ethics education within 12 months after their initial election or appointment, and again within 12 months after each time they are subsequently elected or appointed to the governing body. The Clerk is to maintain a record of each member's completion of the ethics education requirement.

(B) (1) Board members should obey all laws applicable to their official actions as members of the board. The spirit as well as the letter of the law in whatever they do should guide board members.

(2) At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because of disagreeing with that board member on a question of policy (and not because of the board member's behavior) is unfair, irresponsible, and unethical.

(3) Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing legal or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

(C) Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- (1) Adhering firmly to a code of sound values;
- (2) Behaving consistently and with respect toward everyone with whom they interact;
- (3) Exhibiting trustworthiness;
- (4) Living as if they are on duty as elected officials regardless of where they are or what they are doing;
- (5) Using their best independent judgment to pursue the common good as they see it, presenting their opinion to all in a reasonable, forthright, consistent manner;
- (6) Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others;
- (7) Disclosing contracts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves;
- (8) Treating other board members and the public with respect and honoring the opinions of others even while the board members disagree with those opinions;
- (9) Not reaching conclusions on issues until all sides have been heard;
- (10) Showing respect for their offices and not behaving in ways that reflect on those offices;
- (11) Recognizing that they are a part of a larger group and acting accordingly;
- (12) Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body;
- (13) Avoiding conflicts of interest.

(D) (1) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

(2) If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

(E) (1) Board members should faithfully perform the duties of their offices. They should act as especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

(2) Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

(3) Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

(F) (1) Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should also remember that local government records belong to the public and not to board members or their employees.

(2) In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor be maintained at all times in the government unit. They should prohibit unjustified delay in fulfilling public record requests. They should take deliberate steps to make certain that any closed sessions held by the council are lawfully conducted and that such sessions do not stray from the purpose for which they are called.

(Ord. passed 11-20-2012)

§ 30.03 PETITIONS FOR ANNEXATION.

The petitioner for annexation may appear before the Board of Commissioners at a regularly scheduled meeting of the Board of Commissioners to request exemptions or modifications to the Code of Ordinances as they may apply to the petition for annexation. These exemptions or modifications shall apply solely to the property being considered for annexation. The Board of Commissioners shall hereby be given full discretion in deciding these exemptions or modifications.

(Res. passed 2-16-2021)

CHAPTER 31: POLICE DEPARTMENT

Section

General Provisions

31.01 Definition

§ 31.01 DEFINITION

Currently Law Enforcement for the Town of Garland is handled via contract with Sampson County Sheriff's Department.

CHAPTER 32: FINANCE AND REVENUE

Section

Purchasing, Procuring

- 32.01 Materials, supplies and equipment
- 32.02 Facilities
- 32.03 Joint use of equipment
- 32.04 Professional and consultative services

Fiscal Provisions

- 32.15 Budgets
- 32.16 Accountants
- 32.17 Management of statement and federal grant funds

PURCHASING, PROCURING

§ 32.01 MATERIALS, SUPPLIES AND EQUIPMENT.

(A) The Mayor may procure materials, supplies and equipment within the limits of approved budgets of the town in accord with pertinent state general statutes; and with the understanding that any single item of equipment costing more than \$500 will be submitted to the Town Board for approval prior to purchase.

(B) The Mayor or Town Clerk shall maintain an up-to-date inventory of all equipment purchased and the equipment will be so marked that it can be identified as the property of the town.
(Ord. passed - -)

§ 32.02 FACILITIES.

Physical facilities suitable in size and location for the operation of the town will be procured by the Mayor subject to approval by the Town Board and within the limits of approved budgets.
(Ord. passed - -)

§ 32.03 JOINT USE OF EQUIPMENT.

Joint use of equipment is encouraged to ensure efficiency and economy when the town's staff is housed in the same facility with another agency. Reimbursement to the agency owning or leasing the equipment will be made on a fair and equitable basis as determined by the Mayor and within the limits of approved budgets.

(Ord. passed - -)

§ 32.04 PROFESSIONAL AND CONSULTATIVE SERVICES.

The Mayor may negotiate and execute agreements for professional and consultative services within the limits of approved budgets and subject to approval by the Town Board.

(Ord. passed - -)

FISCAL PROVISIONS**§ 32.15 BUDGETS.**

The Mayor and/or Town Clerk shall prepare a budget each fiscal year for the operation of the town, to be submitted for approval to the Town Board.

(Ord. passed - -)

§ 32.16 ACCOUNTANTS.

The Town Board may employ an accountant to handle fiscal affairs or the Mayor of the town may, with the agreement of the Town Board, designate the Town Clerk as the official Town Accountant to perform the function of the Town Accountant. In either event, the function shall be performed under the Municipal or County Fiscal Control Act, being G.S. §§ 159-7 *et seq.*, insofar as post-budget approval of expenditures is concerned.

(Ord. passed - -)

§ 32.17 MANAGEMENT OF STATEMENT AND FEDERAL GRANT FUNDS.

Fiscal records and procedures required by state and federal agencies in the management of state and federal grant funds shall be maintained and followed as mutually agreed by the Mayor and Town Clerk.

(Ord. passed - -)

CHAPTER 33: PERSONNEL

Section

General Provisions

33.01 Applicability; definitions

GENERAL PROVISIONS

§ 33.01 APPLICABILITY; DEFINITIONS.

The personnel policies and procedures of the town are hereby adopted by reference as if set out in full herein. A copy is available in the office of the Town Clerk during regular business hours.

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. WATER

CHAPTER 50: SOLID WASTE

Section

50.01 County solid waste management plan adopted

50.02 Collection and disposal

50.99 Penalty

§ 50.01 COUNTY SOLID WASTE MANAGEMENT PLAN ADOPTED.

The county's solid waste management plan is adopted by reference and incorporated herein as if set out in full.

(Res. passed 11-18-2008)

§ 50.02 COLLECTION AND DISPOSAL.

(A) The town, pursuant to and under the authority of G.S. § 160A-192 does hereby find and determine that the establishment of a garbage collection and disposal ordinance will promote a good environment for the community. Local governments are required to maintain a solid waste reduction program.

(B) (1) *Recyclables*. Items that should be recycled are as follows: (All these can be bagged together if the town picks up. A person can help the environment by separating and taking to a local dump.)

(a) Newspaper;

(b) Aluminum and metal cans; and

(c) Glass and plastic.

(2) *Hazard items*. Any needles, blood products or items with blood on them must be disposed of by the customer.

(3) *Regular trash*. Regular trash consists of all other household garbage and must be bagged to be collected by the town. Trash pick-up at each household or business will be limited to six bags per

pick-up. The bags must not weigh over 40 pounds. Bags that are not picked up as being in violation of this section must be disposed of by the customer within one week.

(4) *Yard debris.* Yard debris should be used as mulch or disposed by the customer. Yard debris may be bagged for pick-up, but is included in the six-bag limit.

(5) *Cardboard.* Cardboard must be cut up and bagged or disposed by customer.

(C) Trash must be out by the curb or street or will not be picked up.

(D) A mandatory garbage fee in an amount as set out in the fee schedule on file in the Town Clerk's office will be added to each water hook-up per household or business per month within the town limits. A penalty will be assessed on the twentieth day of the month if not paid, in an amount as set out in the fee schedule on file in the Town Clerk's office.

(Ord. passed 8-21-2007; Ord. passed 9-18-2007) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person found guilty of violating § 50.02 shall be guilty of a misdemeanor and shall be fined in an amount as set out in the fee schedule on file in the Town Clerk's office.

(Ord. passed 8-21-2007)

CHAPTER 51: WATER

Section

Water Shortage Response Plan

- 51.01 Purpose
- 51.02 Authorization
- 51.03 Notification
- 51.04 Levels of response
- 51.05 Triggers
- 51.06 Enforcement
- 51.07 Public comment
- 51.08 Variance protocols
- 51.09 Effectiveness
- 51.10 Revision

Water System Rules and Regulations

- 51.25 Classification of service
- 51.26 Rate schedule and tap-on fees
- 51.27 Application for service
- 51.28 Deposit
- 51.29 Initial or minimum charge; separate connections
- 51.30 Town's responsibility and liability
- 51.31 Consumer's responsibility
- 51.32 Extensions to mains and services
- 51.33 Access to premises
- 51.34 Change of occupancy
- 51.35 Meter reading; billing; collecting
- 51.36 Suspension of service
- 51.37 Complaints; adjustment
- 51.38 Abridgement or modification of rules
- 51.39 Water leaks on personal property

Supply and Distribution

- 51.50 Connection required
- 51.51 Cross-connection prohibited

- 51.52 Rules and regulations
- 51.53 Cutting off water service
- 51.54 Interference with water works

- 51.99 Penalty

WATER SHORTAGE RESPONSE PLAN

§ 51.01 PURPOSE.

The procedures herein are written to reduce potable water demand and supplement existing drinking water supplies whenever existing water supply sources are inadequate to meet current demands for potable water.

(Res. passed 4-20-2010)

§ 51.02 AUTHORIZATION.

The Town Clerk shall enact the following water shortage response provisions whenever the trigger conditions outlined in § 51.05 are met. In his or her absence, the Town Mayor will assume this role.

(Res. passed 4-20-2010)

§ 51.03 NOTIFICATION.

The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through *The Sampson Independent*. Declaration of emergency water restrictions or water rationing will be communicated to all customers by telephone through use of reverse 911.

(Res. passed 4-20-2010)

§ 51.04 LEVELS OF RESPONSE.

(A) Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below.

<i>Stage</i>	<i>Response</i>	<i>Description</i>
1	Voluntary reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for non-compliance. Water supply conditions indicate a potential for shortage
2	Mandatory reductions I	Water users must abide required water use reduction and efficiency measures; penalties apply for non-compliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist
3	Mandatory reductions II	Same as in Stage 2
4	Emergency reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity

(B) In Stage 1, voluntary reductions, all water users will be asked to reduce their normal water use by 5%. Customer education and outreach programs will encourage water conservation and efficiency measures including: irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

(C) In Stage 2, mandatory reductions I, all customers are expected to reduce their water use by 10% in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to one-half inch per week between 8:00 p.m. and 8:00 a.m.; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g., fire protection) will be limited.

(D) In Stage 3, mandatory reductions II, customers must continue actions from all previous stages and further reduce water use by 20% compared to their previous month's water bill. All non-essential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of one and one-half times the normal water rate applies.

(E) In Stage 4, emergency reductions, customers must continue all actions from previous stages and further reduce their water use by 25% compared to their previous month's water bill. A ban on all use of drinking water, except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate.

(F) The goal of Stage 5, water rationing, is to provide drinking water to protect public health (e.g., residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only

permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to the county's emergency response plan. Drought surcharges increase to five times the normal water rate.

(Res. passed 4-20-2010)

§ 51.05 TRIGGERS.

The town is provided water by purchase from the County Water and Sewer District. When the County Water and Sewer District declares a water shortage, the town is required to do so as well. During this time, the Town Clerk will stay in close contact with the County Water and Sewer District and follow their triggers.

(Res. passed 4-20-2010)

§ 51.06 ENFORCEMENT.

The provisions of the water shortage response plan will be enforced by Town Utility Department. Violators may be reported to the town. Citations are assessed according to the schedule as amended from time to time and on file in the Clerk's office, depending on the number of prior violations and current level of water shortage. Drought surcharge rates are effective in Stages 3, 4 and 5.

(Res. passed 4-20-2010)

§ 51.07 PUBLIC COMMENT.

Customers will have multiple opportunities to comment on the provisions of the water shortage response plan. First, a draft plan will be published in *The Sampson Independent*. A public hearing will be scheduled with notice printed in all customer water bills to collect comments on the draft. All subsequent revisions to the draft plan will be published at least 30 days prior to an adoption vote by the Town Board of Commissioners.

(Res. passed 4-20-2010)

§ 51.08 VARIANCE PROTOCOLS.

Applications for water use variance requests are available from the Town Hall. All applications must be submitted to the Town Hall for review by the Town Clerk or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.

(Res. passed 4-20-2010)

§ 51.09 EFFECTIVENESS.

The effectiveness of the town's water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.

(Res. passed 4-20-2010)

§ 51.10 REVISION.

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and, at a minimum of every five years, in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the Town Board of Commissioners. The town is responsible for initiating all subsequent revisions.

(Res. passed 4-20-2010)

WATER SYSTEM RULES AND REGULATIONS**§ 51.25 CLASSIFICATION OF SERVICE.**

All services are classified under one category to include residential, schools, churches and commercial users.

(Ord. passed 10-27-1983)

§ 51.26 RATE SCHEDULE AND TAP-ON FEES.

Rates and fees shall be as set out in the fee schedule on file in the Town Clerk's office.

(Ord. passed - -; Ord. passed 10-27-1983; Ord. passed 10-16-2001; Ord. passed 7-17-2007; Ord. passed 8-18-2009; Ord. passed 2-15-2011)

§ 51.27 APPLICATION FOR SERVICE.

(A) Service will be supplied only to those who are residents of the town or to outside customers who have applied for and have received approval from the town. It is understood that service to outside customers would be provided only where water lines are readily available.

(1) When an outside customer has requested a tap at a location and the service is rendered and, later, he or she requests the service be discontinued, the town may do so. When the service is requested again, from the same customer, the town will charge a reconnection fee the first time, in an amount as set out in the fee schedule on file in the Town Clerk's office. There will be a progressive fee charged each time thereafter, if it is the same customer, as set out in the fee schedule on file in the Town Clerk's office.

(2) When an inside customer has requested a tap at a location and the service is rendered and, later, he or she requests the service be discontinued due to unimproved property that has burned or been torn down, the town may do so, but when the service is requested again, the town will charge a reconnection fee in an amount as set out in the fee schedule on file in the Town Clerk's office.

(B) Customers will make application for service, in person, at the Town Clerk's office and at the same time make the deposit guarantee required as shown on the fee schedule in the Town Clerk's office.

(C) The town may reject any application for service not available under a standard rate or which involves excessive service cost, or which may affect the quality of service to other customers or for other good and sufficient reasons, in which case the fee will be refunded.

(D) The town may reject any application for service when the applicant is delinquent, in payment of bills incurred for service previously supplied at any location; provided that, when the owner of the premises has been served water and has not paid for the same, the town shall not be required to render service to anyone at the location where the water was used until the water bill has been paid.

(Ord. passed 10-27-1983; Ord. passed 5-17-2005)

§ 51.28 DEPOSIT.

(A) All customers will make a minimum cash deposit in an amount as set out in the fee schedule on file in the Town Clerk's office. Deposits shall not draw interest.

(B) The individual in whose name the deposit is made shall be responsible for payment of all bills incurred in connection with the service furnished.

(C) The deposit receipt is not negotiable and can be redeemed only at the Town Clerk's office.

(D) A separate deposit is required for each meter installed.

(E) Where the town finds that the request for a deposit refund is questionable, the town may require the applicant for refund to produce the deposit receipt properly endorsed.

(F) After one calendar year from date of deposit, the town may return property owner's water deposit, who have maintained good credit. (On rental property, the town may hold the deposit for the

landlord, causing him or her to be liable for the tenants bill if the landlord wishes. This causes the tenant not to make a deposit.)

(Ord. passed - -; Ord. passed 10-27-1983)

§ 51.29 INITIAL OR MINIMUM CHARGE; SEPARATE CONNECTIONS.

(A) The initial or minimum charge, as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter requires a separate meter sheet and each meter reading sheet shall cover a separate and individual account.

(B) Where service is furnished to a consumer during certain months only, the minimum charge per service for the period of non-use shall be the regular minimum as set out in the published rates of the town.

(C) (1) Water furnished for a given lot shall be used on that lot only.

(2) Each consumer's service must be separately metered at a single delivery and metering point. Each commercial unit and each storeroom or stall used for business purposes shall have a separate meter.

(3) All commercial use, including storerooms and stalls for business purposes, shall be metered separately from any residential use and vice versa, whether now in service or to be installed in the future.

(D) Every individual party, family or apartment shall be served through a separate tap. Each apartment in a common or multiple-dwelling building shall be served by a single separate tap.
(Ord. passed 10-27-1983)

§ 51.30 TOWN'S RESPONSIBILITY AND LIABILITY.

(A) The town shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served and for which a tap-on fee then in effect for each size of meter will be charged.

(B) The town may install its meter at the property line or, at the town's option, on the consumer's property or in a location mutually agreed upon.

(C) When two or more meters are to be installed on the same premises for different consumers, they shall be closely grouped and each clearly designated as to which consumer it applies.

(D) The town does not assume the responsibility of inspecting the consumer's piping or apparatus and will not be responsible therefor.

(E) The town reserves the right to refuse service unless the consumer's lines or piping are installed in a manner as to prevent cross connections or backflow.

(F) The town shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises, unless the damage results directly from negligence on the part of the town. The town shall not be responsible for any damage done by or resulting from any defect in the piping, fixtures or appliances on the consumer's premises. The town shall not be responsible for negligence of third persons or forces beyond the control of the town resulting in any interruption of service.

(G) Under normal conditions, the consumer will be notified of any anticipated interruption of service.

(Ord. passed 10-27-1983)

§ 51.31 CONSUMER'S RESPONSIBILITY.

(A) Piping on the consumers' premises must be so arranged that the connections are conveniently located with respect to the town's lines or mains.

(B) If the consumer's piping on consumer's premises is so arranged that the town is called upon to provide additional meters, each place of metering will be considered as a separate and individual account.

(C) Where a meter is placed on the premises of a consumer, a suitable place shall be provided by consumer for placing the meter, unobstructed and accessible at all times to the meter reader.

(D) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter; the town to provide a like valve on the town's side of the meter.

(E) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expense in a safe and efficient manner and in accordance with the town's rules and regulations and in full compliance with the sanitary regulations of the State Department of Human Resources, Division of Health Services.

(F) The consumer shall guarantee proper protection for the town's property placed on the consumer's premises and shall permit, access to it only by authorized representatives of the town. In the event that any loss or damage to the property of the town or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the consumer, his or her agent or employees, the cost of the necessary repairs or replacements shall be paid by the consumer to the town, and any liability otherwise resulting shall be assumed by the consumer.

(G) The amount of the loss or damage or the cost of repairs shall be added to the consumer's bill and, if not paid, service may be discontinued by the town.

(Ord. passed 10-27-1983)

§ 51.32 EXTENSIONS TO MAINS AND SERVICES.

(A) *Distribution lines for undeveloped subdivisions.* Water distribution lines to serve undeveloped subdivisions will be handled as follows.

(1) The developer will submit plans and specifications for reviews and approval of the town, its engineer and the State Division of Health Services.

(2) The developer will install the lines in accordance with the approved plans and specifications.

(3) Upon completion of the new extension, the developer will deed the complete facility, to include all rights-of-way, easements, permits, franchises and authorizations or other instruments needed for the operation and maintenance of the facility to the town. The town will not reimburse the developer for the extension.

(B) *Other extensions.* Other extensions of water lines within the town's service areas will be handled as follows.

(1) The plans and specifications for the extension will be submitted for review and approval by the town, its engineer and the State Division of Health Services.

(2) The lines will be installed in accordance with the approved plans and specifications.

(3) Prior to or upon completion of the new extension, all rights-of-way, easements, permits, franchises and authorizations or other instruments needed for the installation, operation and maintenance of the facility, will be deeded to the town. The cost involved in the new extension will be paid by the person or persons requesting the extension.

(Ord. passed 10-27-1983)

§ 51.33 ACCESS TO PREMISES.

(A) Duly authorized agents of the town shall have access at all reasonable hours to the premises of the consumer for the purpose of installing or removing town's property, inspecting piping, reading or testing meters or for any other purpose in connection with the town's service and facilities.

(B) Each consumer shall grant or convey or shall cause to be granted or conveyed to the town a perpetual easement and right-of-way across any property owned or controlled by the consumer wherever the perpetual easement and right-of-way is necessary for the town water facilities and lines so as to be able to furnish service to the consumer.

(Ord. passed 10-27-1983)

§ 51.34 CHANGE OF OCCUPANCY.

(A) Not less than three days' notice must be given in person or in writing at the Town Clerk's office to discontinue service for a change in occupancy.

(B) The outgoing party shall be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest.
(Ord. passed 10-27-1983)

§ 51.35 METER READING; BILLING; COLLECTING.

(A) Meters will be read and bills rendered on a monthly basis, but the town reserves the right, to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.

(B) Bills for water will be figured in accordance with the town's published rate schedule then in effect and will be based on the amount consumed for the period covered by the meter readings.

(C) Charge for service commences when the meter is installed and connection made, whether used or not. Sixty days may be all owed for hookup on initial installation of the water system.

(D) Readings from different meters will not be combined for billing, irrespective of the fact that meters may be for the same or different premises or for the same or different consumers, or for the same or different services.

(E) Bills are due when rendered and become delinquent 20 days thereafter, whereupon a penalty of 10% per month will be added; and if not paid in 30 days, service will be discontinued by the town. The policy shall be due by the tenth; penalty added by the twentieth; cut off the first day of the month. A fee of will be charged for a bad check, in an amount as set out in the fee schedule on file in the Town Clerk's office. If more than two have occurred, only accept cash or money order. Any bills three months old shall be turned over to the attorney for collecting by process of law.

(F) The landowner is responsible for the water bill. The account can be put in a tenant's name, but when he or she leaves, the bill falls back to the owner. Therefore, where a meter is located a minimum bill will be collected.

(G) Churches are exempted from obtaining a water meter.

(H) Failure to receive bills or notices shall not prevent the bills from becoming delinquent or relieve the consumer from payment.

(Ord. passed - -; Ord. passed 10-27-1983; Ord. passed 5-17-2005; Ord. passed 9-18-2007; Ord. passed 1-15-2008)

§ 51.36 SUSPENSION OF SERVICE.

(A) When services are discontinued and all bills are paid, the deposit will be refunded.

(B) Upon discontinuance of service for non-payment of bills, the deposit will be applied by the town toward settlement of the account. Any balance will be refunded to the consumer; but if the deposit is not sufficient to cover the bill, the town may proceed to collect the balance in the usual way provided by law for the collection of debts.

(C) Service discontinued for non-payment of bills will be restored only after bills are paid in full, redeposit made and a service charge paid for each meter reconnected, in an amount as set out in the fee schedule on file in the Town Clerk's office. If a customer requests water to be cut on after office hours for non-payment, the reconnect will be charged in an amount as set out in the fee schedule on file in the Town Clerk's office .

(D) The town reserves the right to discontinue its service without notice for the following additional reasons:

- (1) To prevent fraud or abuse;
- (2) Consumers willful disregard of the town's rules and regulations;
- (3) Emergency repairs;
- (4) Insufficiency of supply due to circumstances beyond the town's control;
- (5) Legal processes;
- (6) Direction of public authorities; and
- (7) Strike, riot, fire, flood, accident or any unavoidable cause.

(E) The town may, in addition to prosecution by law, permanently refuse service to any consumer who tampers with a meter or other measuring device.

(Ord. passed 10-27-1983; Ord. passed 5-17-2005)

§ 51.37 COMPLAINTS; ADJUSTMENTS.

(A) If the consumer believes his or her bill to be in error, he or she shall present his or her claim, in person, at the Town Clerk's office before the bill becomes delinquent. The claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay the bill under protest and the payment shall not prejudice his or her claim.

(B) The town will make special meter readings at the request of the consumer for a fee in an amount as set out in the fee schedule on file in the Town Clerk's office; provided, however, that, if the special reading discloses that the meter was over-read, no charge will be made.

(C) Meters will be tested at the request of the consumer upon payment to the town of the actual cost to the town of making the test; provided, however, that, if the meter is found to over-register beyond 2% of the correct volume, no charge will be made.

(D) If the seal of a meter is broken by other than the town's representative or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated for the record of his or her previous bills and/or from other proper data.

(Ord. passed 10-27-1983)

§ 51.38 ABRIDGEMENT OR MODIFICATION OF RULES.

(A) No promise, agreement or representation of any employee of the town shall be binding upon the town, except as it shall have been agreed upon in writing, signed and accepted by the acknowledged Board of Commissioners of the town.

(B) No modification of rates or any of the rules and regulations shall be made by any agent or employee of the town.

(Ord. passed 10-27-1983)

§ 51.39 WATER LEAKS ON PERSONAL PROPERTY.

The consumer may appear before the Board of Commissioners at the next regularly scheduled meeting of the Board of Commissioners to request a financial resolution to issue of their inability to pay the water bill. The Board of Commissioners is granted full power to give the consumer a unique resolution that shall not set a precedent for any other consumer. If the consumer fails to appear before the Board of Commissioners at their regularly scheduled meeting immediately following the receipt of their water bill, the consumer will thereby forfeit their ability to request this aforementioned financial resolution, and their water bill will become delinquent if not paid in full.

(Res. passed 2-16-2021)

SUPPLY AND DISTRIBUTION**§ 51.50 CONNECTION REQUIRED.**

Each owner of improved property located in the town shall connect the plumbing system of his or her premises with the town's water system.
(Ord. passed 12-13-1983)

§ 51.51 CROSS-CONNECTION PROHIBITED.

There shall be no cross-connections of the town's water system with any other private or public system, except the system of the Town of Stedman and Sampson County.
(Ord. passed 12-13-1983)

§ 51.52 RULES AND REGULATIONS.

The rules and regulations set out in §§ 51.25 through 51.38 apply.
(Ord. passed 12-13-1983)

§ 51.53 CUTTING OFF WATER SERVICE.

The town reserves the right to cut off any water services in emergencies or in cases of failure to comply with the regulations.
(Ord. passed 12-13-1983)

§ 51.54 INTERFERENCE WITH WATER WORKS.

(A) It shall be unlawful to interfere in any way with any of the buildings, wells, reservoirs, tanks, pipes, meters or connections or with the water in same or with any apparatus forming a part of the water works system, to make any connection therewith, except as herein provided for, or to knowingly permit same to be done or to knowingly use water from the unauthorized connection.

(B) Neither shall any authorized consumer be allowed to supply water to other persons or families nor take or carry away water from any authorized connection or from any hydrant, watering trough or public fountain without the consent of the town.
(Ord. passed 12-13-1983) Penalty, see § 51.99

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) The following fines apply, as regarding §§ 51.01 through 51.10:

<i>Water Shortage Level</i>	<i>First Violation</i>	<i>Second Violation</i>	<i>Third Violation</i>
Voluntary reductions	N/A	N/A	N/A
Mandatory reductions (Stages 2 and 3)	Warning	Fine - see fee schedule	Discontinuation of service
Emergency reductions	Fine - see fee schedule	Discontinuation of service	Discontinuation of service
Water rationing	Fine - see fee schedule	Discontinuation of service	Discontinuation of service

(C) Any person found guilty of violating §§ 51.50 through 51.54 shall be guilty of a misdemeanor and shall be fined in an amount as set out in the fee schedule on file in the Town Clerk's office, or imprisoned for not more than 30 days.

(Ord. passed 12-13-1983; Res. passed 4-20-2010)

TITLE VII: TRAFFIC CODE

Chapter

70. TRAFFIC SCHEDULES

71. PARKING SCHEDULES

CHAPTER 70: TRAFFIC SCHEDULES

Schedule

I. Speed limits

SCHEDULE I. SPEED LIMITS.

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>	<i>Ord. No.</i>	<i>Date Passed</i>
Gray Street (S.R. 1414)	From a point 725 feet south of the Atlantic Coast Line Railroad crossing to the northern corporate limit, approximately 1,110 feet north of North Street	35 mph	5	6-7-1977

CHAPTER 71: PARKING SCHEDULES

Schedule

I. Prohibited parking

SCHEDULE I. PROHIBITED PARKING.

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Prohibition</i>	<i>Ord. No.</i>	<i>Date Passed</i>
N.C. Highway 24	From Mill Street to Cooper Street in front of the trailer park	North	No parking any time	15	6-13-1989
	From the center of Gray Street, 125 feet east and from the center of Hotel Street, 108 feet west	North	No parking any time	19	2-13-1990
	300-foot block from Gray Street to Hotel Street	South	No parking designated by stripping asphalt	20	12-11-1990

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

91. NUISANCES

92. PARADES AND DEMONSTRATIONS

93. FALSE ALARMS

CHAPTER 90: ANIMALS

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- 90.01 Purpose
- 90.02 Authority
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- 90.30 Reclaiming by owner
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GENERAL PROVISIONS

§ 90.01 PURPOSE.

(A) The Town of Autryville Board of Commissioners adopted a Resolution of May 20, 2008 stating is what the belief that it was in the best interest of the Town of Autryville residents that Sampson County provide all animal control services within the corporate limits and the ETJ of the town. Therefore as follows; The County Board of Commissioners finds that unwanted and unattended animals constitute nuisances to and are the source of complaints from the county's citizens, are often subjected to inhumane conditions, may create hazards to motorists and procreate and thereby increase in number.

(B) The Board of Commissioners finds that each of these conditions constitutes a detriment to the public health, welfare and safety of the county's citizens.
(Res. passed 5-20-2008)

§ 90.02 AUTHORITY.

The Board of Commissioners has established an Animal Control Department and pursuant to the authority contained in G.S. §§ 153A-121, 153A-122, 153A-442 and 67-30 hereby establishes, adopts and ordains this chapter to address issues related to animal control.
(Res. passed 5-20-2008)

§ 90.03 JURISDICTION.

This chapter shall be applicable in all portions of the county not within any municipality.
(Res. passed 5-20-2008)

§ 90.04 OTHER ANIMAL CONTROL FUNCTIONS.

The County Animal Control Department and its Animal Control Officers are authorized and directed to conduct any other animal control activities prescribed by and consistent with the general statutes of the state.
(Res. passed 5-20-2008)

§ 90.05 BIRD SANCTUARY.

(A) The area embraced within the corporate limits of the town and all lands owned or leased by the town outside the corporate limits are hereby designated as a "bird sanctuary".

(B) It shall be unlawful to trap, hunt, shoot or otherwise intentionally kill, within the sanctuary established by division (A) above, any domestic or wild bird; provided that, in accordance with G.S. § 160A-188, it shall be lawful to trap, hunt or otherwise kill any species of bird declared a "pest" by the Commissioner of Agriculture or the Pesticide Control Board.

(C) The Town Clerk is authorized to erect signs, giving notice of "bird sanctuary", at places and of a design as may be approved by the Commissioners of the town.
(Ord. passed 1-1-1994) Penalty, see § 10.99

IMPOUNDMENT OF CERTAIN DOGS AND CATS**§ 90.15 AUTHORIZATION FOR IMPOUNDMENT.**

Any dog or cat over the age of four months and not displaying a current rabies vaccination tag, or any puppy or kitten under the age of four months, found upon the premises of someone other than its owner, or upon any public property or public street right-of-way, is deemed to have been abandoned by its lawful owner and may be seized by the person in control of the premises or by any Animal Control Officer and taken to the animal shelter for impoundment.

(Res. passed 5-20-2008)

§ 90.16 DURATION OF IMPOUNDMENT.

(A) The duration of the impoundment of these animals shall not be less than 72 hours, except as provided in § 90.17.

(B) During the impoundment period, the Animal Control Department shall make a reasonable effort to locate the owner of the animal.

(C) If the animal is not reclaimed by its owner during the impoundment period, the animal shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by a new owner; sold to institutions within the state registered by the United States Department of Agriculture pursuant to the Federal Animal Welfare Act, as amended, being 7 U.S.C. §§ 2131 *et seq.*; or put to death by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States or of the American Humane Association.

(D) The Animal Control Department shall maintain a record of all animals impounded under this section which shall include the date of impoundment, the length of impoundment, the method of disposal of the animal and the name of the person or institution to whom or which any animal has been released.

(Res. passed 5-20-2008)

§ 90.17 WOUNDED OR DISEASED ANIMALS.

Any impounded animal which is badly wounded or diseased, other than one suspected of having rabies, and without displaying identification as to its owner, shall be destroyed immediately in a humane manner. If the badly wounded or diseased animal displays identification as to its owner, the Animal Control Department shall attempt to notify the owner before destroying the animal; but if the owner cannot be reached readily and the animal is suffering, the Animal Control Department may destroy the animal, at its discretion, in a humane manner.

(Res. passed 5-20-2008)

RECLAIMING OR ADOPTING IMPOUNDED ANIMALS**§ 90.30 RECLAIMING BY OWNER.**

Any owner reclaiming an impounded animal shall pay any shelter fees in effect at the time the animal is reclaimed. In addition, the owner shall either provide proof that the animal has a current rabies vaccination and has been sterilized or shall pay a rabies vaccination fee and a sterilization fee in amounts as are set by the Board of Commissioners from time to time. The rabies vaccination fee and the sterilization fee shall be refunded upon the owner providing proof that the animal has received a rabies vaccination and has been spayed or neutered. Refunds shall be made under other conditions and limitations as are established by the Animal Control Department.

(Res. passed 5-20-2008)

§ 90.31 ADOPTION.

Any adult person may adopt an impounded animal that is not reclaimed by its owner. The adopter shall pay a rabies vaccination fee and a sterilization fee in amounts as are set by the Board of Commissioners from time to time. The rabies vaccination fee and the sterilization fee shall be refunded upon the adopter providing proof that the animal has received a rabies vaccination and has been spayed or neutered. Refunds shall be made under other conditions and limitations as are established by the Animal Control Department.

(Res. passed 5-20-2008)

CHAPTER 91: NUISANCES

Section

- 91.01 Nuisances generally
- 91.02 Investigation to determine conditions
- 91.03 Notice to abate
- 91.04 Abatement by town; costs; non-payment creates lien

§ 91.01 NUISANCES GENERALLY.

The existence of any of the following conditions on any vacant lot or other parcel of land within the town 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 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;

(C) 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; and

(D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(Ord. passed 12-13-1983) Penalty, see § 10.99

§ 91.02 INVESTIGATION TO DETERMINE CONDITIONS.

The Town Board, upon notice from any person of the existence of any of the conditions described in § 91.01, shall cause to be made by the appropriate County Health Department official or town official an investigation as may be necessary to determine whether, in fact, conditions exist, which constitute a public nuisance as declared in § 91.01.

(Ord. passed 12-13-1983)

§ 91.03 NOTICE TO ABATE.

Upon determining that conditions enumerated in § 91.01 exist, the Town Board shall notify, in writing, 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 ten days from the receipt of the written notice.

(Ord. passed 12-13-1983)

§ 91.04 ABATEMENT BY TOWN; COSTS; NON-PAYMENT CREATES LIEN.

(A) If any person, having been ordered to abate a public nuisance, as authorized in this section, fails, neglects or refuses to abate or remove the condition constituting a nuisance within ten days from receipt of the order, the Town Board shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Board. Any person who has been ordered to abate a public nuisance may, within the time allowed after receipt of the abatement notice, request the town, in writing, to remove the condition, the cost of which shall be paid by the person making the request.

(B) The actual cost incurred by the town in removing or otherwise remedying a public nuisance, plus an administrative cost of 25%, 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.

(C) In the event the charges for the removal or abatement of the public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in division (B) above, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Ord. passed 12-13-1983)

CHAPTER 92: PARADES AND DEMONSTRATIONS

Section

General Provisions

- 92.01 Definitions
- 92.02 Exceptions
- 92.03 Unlawful to interfere
- 92.04 Participation of minors
- 92.05 Heavily traveled areas
- 92.06 Vendors

Permits

- 92.20 Required
- 92.21 Authority to issue; application
- 92.22 Contents
- 92.23 Refusal of Town Board to issue
- 92.24 Appeals from refusal to issue
- 92.25 Revocation

GENERAL PROVISIONS

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROUP DEMONSTRATION. Any assembly together or in concert of action between two or more persons for the purpose of protesting any matter or making known any position or thought of the group or of attracting attention to the demonstration.

PARADE. Any parade, march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, parks or other public places.

PICKET LINE. Any group of persons formed together for the purpose of making known any position or promotion of the persons or on behalf of any organization.
(Ord. passed 10-10-1989)

§ 92.02 EXCEPTIONS.

This chapter shall not apply to:

(A) Funeral processions;

(B) Students going to and from school classes or participating in educational activities where the activity is under the immediate supervision and direction of proper school authorities; or

(C) A governmental agency acting within the scope of its functions.
(Ord. passed 10-10-1989)

§ 92.03 UNLAWFUL TO INTERFERE.

No person shall hamper, obstruct, impede or interfere with any parade or demonstration or any person participating therein and the police force is authorized to establish lines for separation of the general public from the activity. It shall be unlawful to violate the provisions of this section or to cross the lines.

(Ord. passed 10-10-1989) Penalty, see § 10.99

§ 92.04 PARTICIPATION OF MINORS.

In any parade, picket line or group demonstration, it shall be unlawful:

(A) For any minor below the age of 18 years to participate or be allowed to participate, unless the participation is authorized by the permit; and any person encouraging, leading or allowing a minor to so participate, unless a permit therefor has been issued, shall be guilty of a violation of this section;

(B) For any person to lead, guide, participate in or, in any way, support to encourage a parade, picket line or group demonstration when a minor below the age of 18 years is participating therein, unless a permit for participation by the minor has been issued;

(C) For any parent to knowingly permit any minor child of the parent under 18 years of age to participate in a parade, picket line or group demonstration, unless a permit for participation by the minor has been issued; and/or

(D) To cause, participate in, lead or encourage the deviation of any parade, picket line or group demonstration in any manner from the authority specified in the permit.
(Ord. passed 10-10-1989) Penalty, see § 10.99

§ 92.05 HEAVILY TRAVELED AREAS.

Any picket line or group demonstration that takes place in any area subject to normally heavy pedestrian or vehicular traffic may be limited in the permit issued to a concentration of not more than six persons participating within any designated area of the street or sidewalk; provided that, the officer issuing the permit may specify a larger number in the designated area when, in his or her judgment, conditions permit a higher concentration. A ***DESIGNATED AREA*** is defined as the entire width of the street or sidewalk within a distance measured along its length of 100 feet.
(Ord. passed 10-10-1989) Penalty, see § 10.99

§ 92.06 VENDORS.

No person, firm, corporation or other agency shall vend, peddle or otherwise offer for sale any article of merchandise on any public street or sidewalk within the town located along any parade route or within two blocks of the parade route during the time any parade is in progress or within two hours of the start of the parade or within two hours of the end of the parade.
(Ord. passed 10-10-1989) Penalty, see § 10.99

PERMITS

§ 92.20 REQUIRED.

No parade, picket line or group demonstration shall be permitted on the sidewalks or streets of the town unless a permit therefore has been issued by the town; provided that, nothing in this subchapter shall be construed to prevent the peaceful assembly of any group for orderly expression or communication between those assembled.
(Ord. passed 10-10-1989) Penalty, see § 10.99

§ 92.21 AUTHORITY TO ISSUE; APPLICATION.

The Town Board shall have the authority to issue permits as required in this subchapter and, in the issuance thereof, shall require a written application to be filed 24 hours in advance of the parade, picket line or group demonstration on a form prescribed by the town office that shall require the application

to be signed by the person filing the application. The applicant shall therein state the proposed place, time, purposes and size of the proposed parade, picket line or group demonstration, and whether any minors below the age of 18 years will participate.

(Ord. passed 10-10-1989)

§ 92.22 CONTENTS.

(A) *Participation of minors.* The Town Board shall determine and specify in the permit required by this subchapter whether minors below the age of 18 years will be permitted to participate in the parade, picket line or group demonstration. The Board shall base its determination upon whether the purpose, time or place of the participation will be detrimental to or endanger the health, welfare or safety of the minors.

(B) *Parade route, time and the like.* The permit may set the starting time and duration of the parade, demonstration or picket line and may set the speed of its travel, the space between persons or vehicles, the portions or areas of the streets and sidewalks to be used, the length of the parade, group or line and other requirements as the Town Board may include in the permit for the control of free movement of traffic upon the streets and sidewalks, or for the health, safety and property rights of the participants and general public. Failure to comply with the requirements set forth in the permit shall be unlawful.

(C) *Person in charge.* The applicant for a permit shall specify and the permit shall designate the person in charge of the parade, group demonstration or picket line; and the person in charge shall accompany the parade, demonstration or picket line and shall carry the permit with him or her at that time.

(Ord. passed 10-10-1989) Penalty, see § 10.99

§ 92.23 REFUSAL OF TOWN BOARD TO ISSUE.

(A) The Town Board shall refuse to issue a permit under this subchapter when the activity or purpose stated in the application would violate the provisions of this chapter, any other ordinance of the town or any statute of the state, or when the activity or purpose would endanger the public health or safety, or hinder or prevent the orderly movement of pedestrian or vehicular traffic on the sidewalks or streets of the town.

(B) The Town Board, in considering the issuance of a permit, shall, among other considerations provided, consider and find as a requisite for issuance that:

(1) The activity will not require excessive diversion of police from other necessary duties;

(2) The activity will not interfere with the right of property owners in the area to enjoy peaceful occupancy and use of their property; and

(3) The activity can be conducted without unreasonable interference with normal vehicular or pedestrian traffic in the area, will not prevent normal police or fire protection to the public and will not be likely to cause injury to persons or property, provoke disorderly conduct or create a public disturbance.

(C) No parade, picket line or group demonstration shall be permitted within any public building or structure.

(Ord. passed 10-10-1989)

§ 92.24 APPEALS FROM REFUSAL TO ISSUE.

Any person aggrieved by the denial of a permit under this subchapter shall have a right of appeal to the Town Board, but notice of the appeal must be given within five days after denial. The appeal upon the notice shall be heard by the Town Board within five days.

(Ord. passed 10-10-1989)

§ 92.25 REVOCATION.

Upon violation of the terms of a permit under this subchapter by those participating, the Police Chief or the officer of the police force as may then be in charge is authorized to revoke the permit and direct those participating to disperse.

(Ord. passed 10-10-1989)

CHAPTER 93: FALSE ALARMS

Section

- 93.01 Short title
- 93.02 Purpose
- 93.03 Definitions
- 93.04 Applicability
- 93.05 General regulations
- 93.06 Automatic dialing devices; interconnection to Sheriff and Fire Departments
- 93.07 Alarm responses
- 93.08 Exclusions
- 93.09 Prohibited acts
- 93.10 Miscellaneous

- 93.99 Penalty

Editor's note:

This chapter is based on the Sampson County false alarms ordinance. These regulations were adopted by the county at regular meeting held 5-21-2001. The town adopted the county's provisions by resolution on 5-21-2002.

§ 93.01 SHORT TITLE.

This chapter shall be known and may be cited and referred to as "The Sampson County Alarm Systems Regulations".
(Res. passed 5-21-2002)

§ 93.02 PURPOSE.

(A) The purpose of this chapter is to establish regulations governing alarm systems requiring response thereto by or through the county E-911 communications center.

(B) The terms of this chapter shall, in no way, prohibit alarm companies from providing service by private source to other offices within the geographical boundaries of the county.
(Res. passed 5-21-2002)

§ 93.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM. The activation of an alarm system signal that produces either an audible sound that can be heard from the interior or exterior of the building causing the alarm system, or the emission of a signal to a direct monitoring service which in turn notifies the communications center that the alarm has been activated.

ALARM BUSINESS. The business by any individual, partnership, corporation or other legal entity of servicing, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility, and shall not include any other activity of the business.

ALARM INSTALLATION. Any alarm device or combination of devices installed for one or more buildings.

ALARM RESPONSE. The dispatch or response of Fire or Sheriff's Department personnel as the result of an alarm.

ALARM SYSTEM. Any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise) which is designed, intended or used to detect fire, or an unauthorized entry into a building, structure or premises, to signal a fire or attempted robbery or hold up, or to alert others of a fire or the commission of an unlawful act in or around a building, structure or premises.

ALARM USER. Any person, corporation, partnership, proprietorship, governmental or educational entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

AUTOMATIC DIALING DEVICE. Any type of device which automatically sends signals over regular telephone lines as opposed to dedicated alarm lines.

COMMUNICATION CENTER. The county central dispatch, known as the **SAMPSON COUNTY E-911 COMMUNICATIONS CENTER**.

COUNTY. Sampson County, North Carolina, a political subdivision of the state.

DEDICATED ALARM LINE. A special leased telephone line circuit maintained for the sole purpose of transmitting alarm signals.

DIGITAL ALARM. An alarm system which automatically sends signals over regular telephone lines connecting to a digital receiving console, as opposed to a telephone handset.

DIRECT CONNECTING ALARM. An alarm utilizing dedicated alarm lines to connect to a remote receiving console.

FALSE ALARM. An electrical signal communicated to the communications center indicating that an unlawful entry or other crime is being committed or attempted or indicating the detection of a fire, whether to signal a fire or to alert others of a fire in or around a building, structure or premises when it is subsequently determined, after response to the alarm, that no unlawful entry, crime or fire was either committed or in existence and that the alarm was activated in error due to the subscriber's negligence or equipment malfunction. The alarm shall be considered a ***FALSE ALARM*** if it could have been prevented by the ordinary care of a competent subscriber or alarm business operator. An alarm transmitted during testing procedures approved in advance by the communications center shall not be deemed a ***FALSE ALARM***.

LOCAL ALARM. An alarm or device which produces a signal not connecting, in any way, to any alarm monitoring centers, such as store or home burglar alarms actuating bell devices.

OFFICER. Either a sworn law enforcement officer or a member of any County Fire Department.

TAPE DIALER ALARM. An alarm system which automatically sends a signal over regular telephone lines and plays a pre-recorded message.
(Res. passed 5-21-2002)

§ 93.04 APPLICABILITY.

The provisions of this chapter shall apply to all unincorporated portions of the county and to those incorporated municipalities which have entered into an agreement with the county for communications center to dispatch personnel to respond to alarms within that municipality pursuant to G.S. § 153A-122.
(Res. passed 5-21-2002)

§ 93.05 GENERAL REGULATIONS.

- (A) The alarm user shall be responsible for knowing the contents of this chapter.
- (B) Alarm systems may be connected directly to a private alarm control center or may be a local alarm.
- (C) All automatic dialing devices shall conform with § 93.06.
- (D) Local alarms shall be of a type that sounds for no more than 15 minutes.
- (E) Any alarm existing as of the effective date of this chapter shall also be governed by the regulations of this chapter.

(F) Each local alarm user shall furnish to the communications center the names and telephone numbers of at least three persons authorized and able to deactivate the alarm system. Should this requirement represent an undue burden upon the alarm user, an exception thereto may be requested from the County Emergency Director who shall have the authority to allow less than three persons authorized and able to deactivate the alarm system, but any exception shall be written in duplicate originals with one retained by the Director and one by the alarm user.

(G) After the effective date of this chapter, it shall be unlawful to connect a local alarm without notifying the communications center of the name(s) and telephone number(s) of persons (singular or plural) authorized and able to deactivate the alarm system. Any changes in the name(s) or telephone number(s) of those persons (singular or plural) authorized and able to deactivate the alarm system must be communicated to the communications center immediately.

(H) Burglar alarm systems installed within those geographical areas covered by this chapter shall be equipped with an automatic bell time cut-off module to prevent continuous alarm sounding when the user is unavailable to manually silence the alarm. System or test devices which give a delay of ten seconds or longer prior to alarm system activation in order to warn the user of an open alarm circuit are highly recommended for all burglar systems in order to prevent false alarms.

(I) Alarm systems installed after the effective date of this chapter will be required to have reset capabilities and to reset within 15 minutes. An alarm system cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the effective date of this chapter shall have one year from the effective date of this chapter to convert their systems to the extent necessary for compliance with the provisions of this chapter.

(Res. passed 5-21-2002) Penalty, see § 93.99

§ 93.06 AUTOMATIC DIALING DEVICES; INTERCONNECTION TO SHERIFF AND FIRE DEPARTMENTS.

(A) No automatic dialing device shall be interconnected to any telephone numbers of the County Sheriff's Department, to any County Fire Department or communications centers, or either of them, after the effective date of this chapter.

(B) Within six months of the effective date of this chapter, all automatic dialing devices interconnected to any telephone numbers of the County Sheriff's Department, any County Fire Department or the communication centers for either shall be disconnected. The user of each device shall be responsible for having the device disconnected upon notification by the County Sheriff's Department or any anticipated responder fire department.

(C) Each separate violation of this section shall be deemed a separate punishable offense under § 93.99.

(Res. passed 5-21-2002) Penalty, see § 93.99

§ 93.07 ALARM RESPONSES.

(A) (1) The County Sheriff's Department will provide a maximum of three free burglar alarm responses and the County Fire Departments will also provide a maximum of three free fire alarm responses to any alarm user within any calendar year.

(2) Thereafter, a user fee, as approved by resolution of the County Board of Commissioners, shall be charged for any alarm response in excess of the three burglar alarm responses and three fire alarm responses.

(B) The alarm user or that user's representative shall reset an alarm system when notified by a responder that the alarm has activated. When an alarm sounds continuously for a period of 60 minutes from the time responders react to the alarm, due to the failure of the alarm user or that user's representative to reset the alarm, every subsequent 60-minute period or portion thereof that the alarm continues to sound shall be deemed a separate alarm. The alarm user shall pay, in addition to any other fees imposed under this chapter, the county a flat rate fee established pursuant to a resolution passed by the County Board of Commissioners in its original form, or as amended from time to time. The user shall, additionally, pay for the benefit of the primary responder fire department a monetary sum established by resolution of the County Board of Commissioners, as originally passed or amended from time to time.

(C) For purposes of this chapter, **CALENDAR YEAR** shall mean January 1 through December 31. (Res. passed 5-21-2002)

§ 93.08 EXCLUSIONS.

(A) (1) For the purpose of computing the number of alarm responses in § 93.07, an alarm shall not include an alarm which is:

(a) Determined to have been activated by adverse weather conditions as reported by the County Emergency Services Director or as reported by the National Weather Service;

(b) Activated by an electrical power outage to the electric meter on the building housing the activated alarm system; provided that, the alarm user shall provide proof of the electrical outage within five business days of the alarm response; or

(c) An alarm where there is physical evidence of a fire, unauthorized entry, robbery or other crime having been committed at the premises where the alarm was activated.

(2) Any determination by an alarm responder that an alarm activation was not one of the exclusions herein may be appealed to the County Manager within 72 hours. The decision of the County Manager shall be final.

(B) A local alarm activated during alarm system testing procedures shall not be considered an alarm for the purpose of computing alarm responses, if the alarm user first notifies the county E-911 communications center of the alarm testing.

(Res. passed 5-21-2002)

§ 93.09 PROHIBITED ACTS.

(A) It shall be unlawful for any person to activate an alarm for the purpose of summoning either Sheriff's Department or Fire Department assistance when no fire, burglary, robbery or other crime dangerous to life, is being committed or attempted on the premises or otherwise to cause an alarm response where there is no valid basis for causing the same.

(B) It shall be unlawful for an alarm user to fail to reimburse the county, in accordance with § 93.07(B), for alarm response(s) through the county E-911 communication center.

(Res. passed 5-21-2002) Penalty, see § 93.99

§ 93.10 MISCELLANEOUS.

(A) The alarm user, upon being notified that the alarm system has been experiencing an excessive number of false alarms or has in some way become defective, shall have the alarm system inspected and repaired by a qualified individual or company so as to correct any malfunction, restore the system to proper function, and shall, thereafter, notify the county E-911 communication center when the necessary repairs have been completed.

(B) The alarm user, or the user's representative shall respond to an alarm call when there is evidence of an illegal entry or some other alarm indication and, when possible, assist law enforcement personnel in the performance of their duties. The assistance to be provided only upon request from responding law enforcement personnel.

(Res. passed 5-21-2002) Penalty, see § 93.99

§ 93.99 PENALTY.

(A) Violations of § 93.09 shall be misdemeanors, punishable by a fine in an amount as set out in the fee schedule on file in the Town Clerk's office, or imprisonment for not more than 30 days.

(B) All other violations of this chapter, including failure to pay the fees imposed herein within 14 days next following notice that the fees are due, shall subject the offender to a civil penalty in the nature of a debt. The civil penalties may be recovered by the county in a civil action in the nature of a debt, pursuant to G.S. § 160A-175(c).

(C) Effective on the date of this chapter, all alarm users shall begin with a zero number of responses for purposes of § 93.07(A).
(Res. passed 5-21-2002)

TITLE XI: BUSINESS REGULATIONS

Chapter

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. CURFEW

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Skateboarding prohibited
- 130.02 Pellet and BB guns prohibited
- 130.03 Firearms; discharge prohibited
- 130.04 Beer and wine consumption

130.99 Penalty

§ 130.01 SKATEBOARDING PROHIBITED.

(A) For the well-being and safety of the town, the Town Board of Commissioners declare that no skateboarding be conducted on any town street, park facility, state road or other public area in the town.

(B) It shall be unlawful for any person, firm or corporation to operate a skateboard upon any town street, park facility, state road or other public area in the town.
(Ord. passed 4-20-2004) Penalty, see § 130.99

§ 130.02 PELLET AND BB GUNS PROHIBITED.

(A) This section shall be effective within the corporate limits of the town and all lands owned or leased by the town outside the corporate limits.

(B) It shall be unlawful for any person under the age of 18 years to sell, possess, use or discharge any pellet gun, BB gun or any other mechanism or device designed or used to project a missile by compressed air or mechanical action, from, into or upon the lands set out in division (A) above.

(C) It shall be unlawful for any person of whatever age to discharge any pellet gun, BB gun or any other mechanism or device designed or used to project a missile by compressed air or mechanical action, from, into or upon the lands set out in division (A) above.

(D) Any pellet gun or any other mechanism or device designed or used to project a missile by compressed air or mechanical action, being unlawfully used, possessed or discharged, is hereby declared contraband and subject to immediate seizure by any law enforcement officer.
(Ord. passed 1-1-1994) Penalty, see § 130.99

§ 130.03 FIREARMS; DISCHARGE PROHIBITED.

(A) It shall be unlawful for any person, irrespective of age, to fire or discharge any firearm within the town limits unless the firearm is discharged in the defense of person or property or pursuant to lawful directions of law enforcement officers.

(B) An amendment to this section permits a person to discharge a firearm on special events or burial occasions.

(Ord. passed 12-8-1981) Penalty, see § 130.99

Statutory reference:

Authority of city to regulate firearms, see G.S. § 160A-189

§ 130.04 BEER AND WINE CONSUMPTION.

No person shall consume or serve malt beverages or unfortified wine, as defined by G.S. § 18B-101 in the public streets, boulevards, alleys, parks, sidewalks or public buildings within the town. (Ord. passed 8-5-1975) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation who violates any of the provisions of § 130.01 shall be guilty of a class 3 misdemeanor and shall be fined in an amount as set out in the fee schedule on file in the Town Clerk's office or imprisoned not more than 30 days, or both.

(C) The violation of § 130.02 shall constitute a misdemeanor punishable, upon conviction, by a fine in an amount as set out in the fee schedule on file in the Town Clerk's office, plus the cost of court, or imprisoned not more than 30 days.

(D) Violation of § 130.04 shall be a misdemeanor punishable, on conviction, by a fine in an amount as set out in the fee schedule on file in the Town Clerk's office or by imprisonment not exceeding 30 days.

(Ord. passed 8-5-1975; Ord. passed 1-1-1994; Ord. passed 4-20-2004)

CHAPTER 131: CURFEW

Section

- 131.01 Purpose
- 131.02 Definitions
- 131.03 Offenses
- 131.04 Exceptions
- 131.05 Defense
- 131.06 Method of enforcement

- 131.99 Penalty

§ 131.01 PURPOSE.

The purpose of this chapter shall be to establish a curfew for youth within the town to promote the health, safety and welfare of both youth and adults in the town.
(Ord. passed 10-21-2003)

§ 131.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DIRECT ROUTE. The shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

EMERGENCY. An unforeseen combination of circumstances of the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member or a person under 18 regardless of whether the young person's action is taken in order to prevent death or serious bodily injury.

ESTABLISHMENT. Any privately owned place of business operated for profit to which the public has access or is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN. A person who is court-appointed to be the guardian of a person under 18 or another adult as may be head of the household in which the youth dwells.

OWNER/OPERATOR. Any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members of partners of any association or partnership and the officers of a corporation.

PARENT. A person who is a natural parent, adoptive parent, foster parent or step-parent of another person, or a person to whom legal custody has been given by court order; or other person who is acting in loco parentis.

PUBLIC PLACE. Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including, but not limited to, streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public and other common areas open to or accessible to the public.

REMAIN. To linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

RESTRICTED HOURS. The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed at that hour by the public in the county.

YOUTH. A person who is under the age of 16 years.
(Ord. passed 10-21-2003)

§ 131.03 OFFENSES.

A curfew applicable to youth is established and shall be enforced as follows.

(A) It is unlawful for any youth under the age of 16 years to be or remain upon any public place in the town between the hours of 10:00 p.m. at night and 6:00 a.m. of the following day.

(B) It is unlawful for any youth under 16 years who has been suspended from school or has failed to attend school for any reason during regular school hours, who is not in the company of a parent or guardian, to be or remain upon any establishment or public place in the town between the hours of 7:30 a.m. and 3:30 p.m. on any school day.

(C) A parent or guardian of youth commits an offense if he or she knowingly permits or, by insufficient control, allows the youth to remain in any public place or on the premises of any

establishment within the town during the restricted hours. The term **KNOWINGLY** includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a youth in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of the youth.

(D) The owner, operator or any employee of an establishment commits an offense if he or she knowingly allows a youth to remain upon the premises of the establishment during the restricted hours. The term **KNOWINGLY** includes knowledge that an operator or employee should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test whether a reasonable person in the operator's or employee's position should have known that the patron was a youth in violation of this chapter.

(E) It shall be a violation of this chapter for any person 16 years of age or older to aid or abet a youth in the violation of this chapter.

(F) It shall be a violation of this chapter for a parent or guardian to refuse to take custody during the restricted hours of a youth for whom the parent or guardian is responsible.
(Ord. passed 10-21-2003) Penalty, see § 131.99

§ 131.04 EXCEPTIONS.

A youth under 16 years of age who is in a public place or establishment during the restricted hours shall not be in violation of this chapter if:

(A) Accompanied by his or her parent or guardian;

(B) Accompanied by an adult 18 years of age or older authorized by the parent or guardian of the youth to take the parent's or guardian's place in accompanying the youth for a designated period of time and purpose within an area specified by the youth's parents or guardian;

(C) On the property of his or her parents or guardian;

(D) In a motor vehicle with parental consent;

(E) Traveling in a motor vehicle with a parent or guardian or traveling in a motor vehicle with an adult 18 years of age or older authorized by the parent or guardian of the youth to take the parent or guardian's place in accompanying the youth for a designated period of time and purpose within an area specified by the youth's parent or guardian;

(F) Engaged in a lawful employment activity or using a direct route to or from a place of employment;

(G) Reacting or responding to an emergency;

(H) Attending or traveling to or from, by direct route an official school, religious or recreational activity that is supervised by adults and sponsored by a public or private school, the town or other governmental entity, a civic organization or another similar entity that accepts responsibility for the youth;

(I) Exercising First Amendments rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly;

(J) Married or emancipated;

(K) In possession of a “special permit”:

(1) When necessary nighttime activities of a youth may be inadequately provided for by other provisions of this chapter, application may be made in writing to the Chief of Police, or his or her designee, or the Town Clerk or his or her designee, either for a regulation as provided herein or for a “special permit” as the circumstances warrant. The application shall be in writing, signed by the youth and by a parent of the youth if feasible stating:

(a) The name, age and address of the youth and the telephone number of a parent;

(b) The height, weight, sex, color of eyes and hair and other physical characteristics of the youth;

(c) The necessity that requires the youth to remain upon a public place during the restricted hours;

(d) The public place; and

(e) The beginning and ending of the period of time involved by date and hour.

(2) Upon receipt of the application, the Chief of Police, his or her designee, the Town Clerk or his or her designee may issue a written permit for the youth’s use of the public place as the hours as, in the opinion of the Chief of Police or the Town Clerk, may be reasonable, necessary and consistent with the purpose of the chapter.

(L) When authorized by regulation issued by the Chief of Police or his or her designee, establish special permit exceptions to be handled as set forth in division (K) above. Normally, the regulation by the Chief of Police, his or her designee, the Town Clerk or his or her designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools. It shall define the activity, the scope of the use of the public

places permit, the period of time involved not to extend more than one hour beyond the time for termination of the activity and the reason.

(Ord. passed 10-21-2003)

§ 131.05 DEFENSE.

It is a defense to prosecution under § 131.03(C) that the owner, operator or employee of an establishment promptly notified law enforcement officers that a youth was present on the premises of the establishment during the restricted hours and refused to leave.

(Ord. passed 10-21-2003)

§ 131.06 METHOD OF ENFORCEMENT.

(A) (1) Before taking any enforcement action under this chapter, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place or establishment during restricted hours.

(2) The law enforcement officer shall not prepare a juvenile arrest report, issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception or defense in §§ 131.04 and 131.05 is present.

(B) It shall be the policy of the Town Police Department or other law enforcement officers to issue a uniform citation against any person the officer has probable cause to believe has violated this chapter, whether the offending person is a juvenile or any other person, and not to take the juvenile or other person into custody.

(Ord. passed 10-21-2003)

§ 131.99 PENALTY.

(A) A youth who violates any provision of this chapter is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternatives that are provided in the State Juvenile Code for any youth who is delinquent.

(B) Any person other than a youth who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount as set out in the fee schedule on file in the Town Clerk's office and imprisonment at the discretion of the court in accordance with G.S. § 14-4.

(Ord. passed 10-21-2003)

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS; CONSTRUCTION

151. FLOOD DAMAGE PREVENTION

CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

Section

- 150.01 Findings and purpose
- 150.02 Election of Housing Code Officer and Housing Code Inspector; county inspectors' responsibilities
- 150.03 Deputy inspectors
- 150.04 Building permits
- 150.05 Annual inspection of buildings
- 150.06 Record of inspections
- 150.07 Reports of inspectors
- 150.08 Inspection and permit fees
- 150.09 Periodic inspections
- 150.10 Defects in buildings to be corrected
- 150.11 Unsafe buildings condemned
- 150.12 Removing notice from condemned buildings
- 150.13 Action in event of failure to take corrective action
- 150.14 Order to take corrective action
- 150.15 Appeal
- 150.16 Failure to comply with order
- 150.17 Equitable enforcement
- 150.18 Regulatory codes adopted
- 150.19 Codes on file
- 150.20 Monthly report

§ 150.01 FINDINGS AND PURPOSE.

(A) Pursuant to G.S. §§ 160A-411 et seq., 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 to other conditions rendering the dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. Ch. 160A, Art. 19, part 6, it is the purpose of this chapter to establish guidelines for fitness for occupancy of all buildings used for human habitation, as expressly authorized by G.S. Ch. 160A et seq. (Ord. passed 9-21-2010)

§ 150.02 ELECTION OF HOUSING CODE OFFICER AND HOUSING CODE INSPECTOR; COUNTY INSPECTORS' RESPONSIBILITIES.

(A) The Board of Commissioners shall appoint some qualified person to perform the duties of inspector or contract with another city, county or combination thereof as prescribed in G.S. Ch. 160A, Art. 19, part 6 to act as same. The person so appointed shall be known as the Housing Code Inspector. The Board of Commissioners shall also select a Housing Code Officer to preside over any necessary hearings or make decisions as set forth herein.

(B) (1) Any county inspector, including the County Fire Marshal, while exercising the duties of an inspector in the municipality, shall be considered a municipal employee.

(2) It shall have the same potential liability, if any, for inspections conducted by a county inspector as it does for any municipal employee.

(3) It will defend, hold harmless and indemnify any county inspector and the county against any and all claims arising out of the county inspector's performing or failing to perform any act related to inspections or enforcement within its jurisdiction.

(4) Its governing board will approve the form of any municipal citations, permits, orders or other enforcement documents to be used by the Fire Marshal within its jurisdiction.

(5) Its governing board hereby appoints the County Fire Marshal as its fire code official.

(6) Any inspector's responsibility shall only be for inspections, notice and conducting an initial appeal hearing under the State Building Code and that, once appeal is made to the municipal governing board, all enforcement responsibility lies with the municipality.

(7) It approves any fee schedule adopted by the Board of Commissioners for inspections.

(8) The Town Board of Commissioners requests that the county perform all inspection responsibilities required by G.S. Ch. 160A, Art. 19, within the planning and zoning jurisdiction of the town, as those limits currently exist or shall hereafter be changed or modified, subject always to those rescission rights reserved by G.S. § 160A-36(g).

(Res. passed 1-19-2010; Ord. passed 9-21-2010)

§ 150.03 DEPUTY INSPECTORS.

All duties imposed by this chapter upon the Housing Code Officers may be performed by a deputy or assistant inspector or in the case of a contract with another town or county to serve in that capacity as set forth in § 150.02, then the duties may be performed by any duly authorized agent of the town or county.

(Ord. passed 9-21-2010)

§ 150.04 BUILDING PERMITS.

(A) *Building permits.* Before a building is begun, the owner of the property shall apply to the inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of the building law. As the building progresses, the inspector shall make as many inspections as may be necessary to satisfy him or her that the building is being constructed according to the provisions of the laws. As soon as the building is completed, the owner shall notify the inspector, who shall proceed at once to inspect the building and determine whether or not the flues and the building are properly constructed in accordance with the building law. If the building meets the requirements of the building law, the inspector shall then issue to the owner of the building a certificate which shall state that he or she has complied with the requirements of the building law as to that particular building, giving description and location. The inspector shall keep his or her record so that it will show readily by reference all buildings as are approved. The inspector shall report to the Insurance Commissioner every person neglecting to secure the permit and certificate and also bring the matter before the Mayor or a court of proper jurisdiction for their attention and action.

(B) *Changes in work.* After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of approved changes or deviations has been obtained from the Housing Code Inspector.

(C) *Inspections of work in progress.* As the work pursuant to a permit progresses, the Housing Code Inspector shall make as many inspections thereof as may be necessary to satisfy him or her that the work is being done according to the provisions of all applicable state and local laws and of the terms of the permit. In exercising this power, the Housing Code Inspector shall have the right to enter on any premises within the jurisdiction of his or her department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(Ord. passed 9-21-2010)

§ 150.05 ANNUAL INSPECTION OF BUILDINGS.

(A) The Housing Code Inspector may make inspections of all buildings as often as it is deemed appropriate by the State Building Code as it may be amended from time to time.

(B) The Housing Code Inspector alone or with the Insurance Commissioner or his or her deputy, to the extent otherwise allowed by law, shall, at all reasonable times, have the right to enter any dwelling, store or other building premises to inspect same without molestation from anyone.

(C) It shall be the duty of the Housing Code Inspector to notify the occupant and owner of all premises of any defects found in this general inspection and see that they are properly corrected.

(Ord. passed 9-21-2010)

§ 150.06 RECORD OF INSPECTIONS.

The Housing Code Inspector shall keep a record of all inspections as required by the State Building Code, as it is amended from time to time.

(Ord. passed 9-21-2010)

§ 150.07 REPORTS OF INSPECTORS.

To the extent required by the Insurance Commissioner and the laws of the state, the Housing Code Inspector shall report before February 15 of each year the number and dates of general inspections during the year ending December 31 upon blanks furnished by the Insurance Commissioner, and furnish other information and make other reports as shall be called for by the Insurance Commissioner.

(Ord. passed 9-21-2010)

§ 150.08 INSPECTION AND PERMIT FEES.

(A) For the inspection of every new building, or old building repaired or altered, the Housing Code Inspector shall charge and collect an inspection and permit fee before issuing the building certificate as prescribed by the County Housing Officer. Fees will be charged in accordance with the prevailing county ordinance.

(B) A mobile home, house trailer or trailer used for storage shall also be considered a building and this chapter shall apply thereto, except the fees and permit shall not be required where same is parked in a mobile home or trailer parking lot or one engaged in the business of operating the lot and the lot is being so used.

(Ord. passed 9-21-2010)

§ 150.09 PERIODIC INSPECTIONS.

(A) The Housing Code Inspector, the Housing Code Officer, Fire Chief and/or Fire Marshal or a designated member of his or her staff may make periodic inspections, subject to the direction of the Board of Commissioners for unsafe, unsanitary or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, he or she shall make inspections when he or she has reason to believe that the conditions may exist in a particular structure.

(B) In exercising this power, the Housing Code Inspector shall have the right to enter on any premises within the jurisdiction of inspections or other enforcement at all reasonable hours for the purposes of inspections or other enforcement action, upon presentation of proper credentials.

(Ord. passed 9-21-2010)

§ 150.10 DEFECTS IN BUILDINGS TO BE CORRECTED.

When the Housing Code Inspector finds any defect in a building, or finds that the building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his or her duty to notify the owner or occupant of the building of its defects, hazardous conditions or failure to comply with the laws. The owner of the contents of the building shall immediately remedy the defects, hazardous conditions or violations of the law in the property he or she owns.

(Ord. passed 9-21-2010)

§ 150.11 UNSAFE BUILDINGS CONDEMNED.

Every building which shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes, shall be held to be unsafe, and the Housing Code Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(Ord. passed 9-21-2010)

§ 150.12 REMOVING NOTICE FROM CONDEMNED BUILDINGS.

If any person shall remove any notice that has been affixed to any building or structure by a local inspector of any municipality that states the dangerous character of the building or structure, he or she shall be guilty of a misdemeanor.

(Ord. passed 9-21-2010)

§ 150.13 ACTION IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.

(A) If the owner of a building or structure that has been condemned as unsafe pursuant to § 150.11, or pursuant to the applicable state laws, shall fail to take prompt corrective action the inspector shall submit a written report to the Town Board of Commissioners and give the owner written notice, by certified or registered mail to his or her last known address or by personal service:

(1) The building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health or other property;

(2) A hearing will be held before the Housing Code Officer at a designated place and time not sooner 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 to the matter; and

(3) Following the hearing, the Housing Code Officer may issue orders as are necessary to repair, close, vacate or demolish the building or structure as appears appropriate.

(B) If the name or the whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once, not later than one week prior to the hearing.

(Ord. passed 9-21-2010)

§ 150.14 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to the notice hereinabove described, the Housing Code Officer shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health or other property, he or she shall make an order in writing, directed to the owner of the building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating or demolishing the building or structure or taking other necessary steps within a period of not less than 60 days as the Housing Code Officer may prescribe.

(Ord. passed 9-21-2010)

§ 150.15 APPEAL.

Any owner who has received an order under the provisions of this chapter may appeal from the order to the Board of Commissioners by giving notice of appeal in writing to the Housing Code Officer and to the Town Clerk within ten days following issuance of the order. In the absence of an appeal, the order of the Housing Code Officer shall be final. If a timely appeal is made, the Town Council shall hear an appeal within a reasonable time and may modify and affirm or revoke the order.

(Ord. passed 9-21-2010)

§ 150.16 FAILURE TO COMPLY WITH ORDER.

If the owner of a building or structure fails to comply with an order issued pursuant to this chapter from which no appeal has been taken, or fails to comply with an order of the City Council following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. passed 9-21-2010)

§ 150.17 EQUITABLE ENFORCEMENT.

(A) Whenever any violation is denominated a misdemeanor under the provisions of this chapter, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or

proceedings to prevent, restrain, correct or abate the violation, or to prevent the occupancy of the building or structure involved.

(B) If the owner of a building or structure fails to comply with an order issued pursuant to this chapter, from which no appeal has been taken, or failed to comply with an order of the Town Council following an order directing that the building or structure be repaired, closed, vacated or demolished as appears appropriate. The Board of Commissioners may then proceed to effectuate the order according to its terms and the costs of the repair, closing, vacating or the demolition of the building, whichever is necessary, shall be chargeable against the owner and become a lien upon the property to be recovered or foreclosed in the manner provided by law for the collection of ad valorem taxes by a municipality. (Ord. passed 9-21-2010)

§ 150.18 REGULATORY CODES ADOPTED.

Pursuant to authority granted by G.S. §§ 143-138 et seq. and G.S. §§ 160A-411 et seq., the codes enumerated in this section governing building regulations and plumbing and electrical installations are hereby adopted as the minimum regulations within the corporate limits for the types of buildings described. All buildings hereafter erected, enlarged, altered, repaired, moved, converted to other uses or demolished, and all plumbing and electrical installations shall comply in all respects with the requirements of the applicable code.

(A) Building Codes.

(1) All buildings other than one- and two-family dwellings and temporary buildings or sheds not exceeding 20 feet in length or width and used exclusively for construction purposes, shall be regulated by the State Building Code (current edition), including amendments thereto as may be prepared and published from time to time by the State Building Code Council and approved by the Commissioner of Insurance.

(2) One- and two-family dwellings shall be regulated by the State Uniform Residential Building Code (current edition) and amendments thereto as may be published from time to time by the State Building Code Council.

(B) *Plumbing Code.* Plumbing installations in all buildings shall be regulated by State Building Code, Plumbing (current edition), and amendments thereto as may be prepared and published from time to time by the State Building Code Council and approved by the Commissioner of Insurance. (Ord. passed 9-21-2010)

§ 150.19 CODES ON FILE.

An official, up to date copy of each regulatory code adopted in the preceding section shall be placed and maintained in the office of the Town Clerk. (Ord. passed 9-21-2010)

§ 150.20 MONTHLY REPORT.

The Housing Code Officer shall prepare and submit to the Board of Commissioners a monthly report in any month in which a hearing is held before the Housing Code Officer which contains the details of any hearing held and the results thereof, the names of the property owners and date of inspection and any other information the Housing Code Officer deems appropriate.

(Ord. passed 9-21-2010)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Statement of purpose
- 151.04 Objectives
- 151.05 Definitions
- 151.06 Lands to which chapter applies
- 151.07 Basis for establishing the areas of special flood hazard
- 151.08 Compliance
- 151.09 Abrogation and greater restrictions
- 151.10 Interpretation
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Administration

- 151.25 Establishment of development permit and certification requirements
- 151.26 Designation of local administrator
- 151.27 Variance procedures

Flood Hazard Reduction

- 151.40 General standards
- 151.41 Standards where base flood elevation data is available
- 151.42 Standards for streams without established base flood elevations and/or floodways
- 151.99 Penalty

Cross-reference:

Building Regulations; Construction, see Ch. 150

Statutory reference:

Authority, see G.S. Ch. 143, Art. 21, part 6, and G.S. Ch. 160A, Art. 19, parts 3, 5 and 8

GENERAL PROVISIONS**§ 151.01 STATUTORY AUTHORIZATION.**

The legislature of the state has, in G.S. Ch. 143, Art. 21, part 6, and G.S. Ch. 160A, Art. 19, parts 3, 5 and 8, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of Commissioners of the town does ordain as follows.

(Ord. passed 2-9-1988)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, flood-proofed or otherwise protected from flood damages.

(Ord. passed 2-9-1988)

§ 151.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve the uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural flood plains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
(Ord. passed 2-9-1988)

§ 151.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize the expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in flood plains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in a manner as to minimize future flood blight areas; and

(G) To ensure that potential home buyers are notified that property is in a flood area.
(Ord. passed 2-9-1988)

§ 151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADDITION (TO AN EXISTING BUILDING). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed ***ADDITION*** which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

APPEAL. A request from a review of the local administrator's interpretation of any provisions of this chapter or a request for a variance.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. The lowest level or story which has its floor subgrade on all sides.

BUILDING. Any structure built for support, shelter or enclosure for any occupancy or storage.

DEVELOPMENT. Any human-made 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.

ELEVATED BUILDING. A non-basement building built to have the lowest floor elevated above the ground level by means of full solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakway walls.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). The official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOR. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage

in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided that, the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this chapter, the term is synonymous with **NATIONAL GEODETIC VERTICAL DATUM (NGVD)**.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). As corrected in 1929 is a verticle control used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this chapter.

START OF CONSTRUCTION. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. Law No. 97-348), being 16 U.S.C. §§ 3501 *et seq.*), includes substantial improvement and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction or improvement 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 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 as part of the main structure.

STRUCTURE. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank or other human-made facilities or infrastructures.

SUBSTANTIAL IMPROVEMENT.

(1) The cost, within any 12-month period, of any repair, reconstruction or improvement of a structure which equals or exceeds 50% of the market value of the structure, either:

- (a) Before the improvement or repair is started; or
- (b) Before the damage occurred if the structure has been damaged and is being restored.

(2) For the purposes of this definition, ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code inspections which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE. A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(Ord. passed 2-9-1988)

§ 151.06 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of town.
(Ord. passed 2-9-1988)

§ 151.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Insurance Rate Map (FIRM) #370358, dated 5-22-1981, and any revision thereto are adopted by reference and declared to be a part of this chapter.

(Ord. passed 2-9-1988)

§ 151.08 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. passed 2-9-1988)

§ 151.09 ABROGATION AND GREATER RESTRICTIONS.

(A) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

(B) However, where this chapter and another conflict or overlap, whichever imposes the most stringent restrictions shall prevail.
(Ord. passed 2-9-1988)

§ 151.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit, nor repeal, any other powers granted under state statutes.
(Ord. passed 2-9-1988)

§ 151.11 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 considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administration decision lawfully made thereunder.
(Ord. passed 2-9-1988)

ADMINISTRATION

§ 151.25 ESTABLISHMENT OF DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

(A) A development permit shall be required in conformance with the provisions of this chapter.

(B) Application for a development permit shall be made to the Building Inspector on forms furnished by him or her. The development permit may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; and the location of fill, storage or materials; drainage facilities. Specifically, the following information is required.

(1) Where the base flood elevation data is provided in accordance with § 151.26(A)(10), the application for the development permit within the Zone A on the flood hazard boundary map or flood insurance rate map shall show:

(a) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and

(b) If the structure has been floodproofed in accordance with § 151.41(B), the elevation (in relation to mean sea level) to which the structure was floodproofed.

(2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade.

(3) Where any water course will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of water course 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 water course alteration or relocation.

(C) When a structure is flood-proofed the applicant shall provide a certification by a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in § 151.41(B).

(D) (1) The applicant shall provide a flood elevation or flood-proofing certification after the lowest floor is completed.

(2) Within 21 calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level.

(3) The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(4) When flood-proofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(5) Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by the review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. passed 2-9-1988)

§ 151.26 DESIGNATION OF LOCAL ADMINISTRATOR.

(A) The Building Inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Duties of the local administrator shall include, but not be limited to, the following:

(1) Review all development permits to assure that the permit requirements of this chapter have been satisfied;

(2) Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the flood plain. For purposes of this chapter, *ADVERSELY AFFECTS* means damage to adjacent property because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(a) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

(b) If it is determined there is an adverse effect, then technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.

(c) If the proposed development is a building, then the provisions of this chapter shall apply.

(3) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of the permits be provided and maintained on file with the development permit;

(4) Notify adjacent communities and the State Department of Crime Control and Public Safety; Division of Emergency Management, State Coordinator of the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;

(5) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;

(6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.40;

(7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 151.41(B);

(8) When flood-proofing is utilized for a particular structure obtain certification from a registered professional engineer or architect in accordance with § 151.41(B);

(9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (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 chapter; and

(10) When base flood elevation data or floodway data has not been provided in accordance with § 151.07, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of § 151.40(A), in order to administer the provisions of this chapter.

(B) All records pertaining to the provisions of this chapter shall be maintained in the office of the local administrator and shall be open for public inspection.
(Ord. passed 2-9-1988)

§ 151.27 VARIANCE PROCEDURES.

(A) The Board of Adjustment as established by the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal the decision to Superior Court, as provided in G.S. Ch. 7A.

(C) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(D) In passing upon the applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatability of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) Upon consideration of the factors listed above and the purpose of this chapter, the Board of Adjustment may attach conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(F) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(G) (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;

and

(c) 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.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation 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 lowest floor elevation. The notification shall be maintained with a record of all variance actions.

(4) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. passed 2-9-1988)

FLOOD HAZARD REDUCTION**§ 151.40 GENERAL STANDARDS.**

In all areas of special flood hazard, the following provisions are required.

(A) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes to be placed within Zone A on a community's FHBM or FIRM be installed using methods and practices which minimize flood damage. For the purpose of this requirement, mobile homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) 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 the conditions of flooding.

(C) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(2) 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.

(3) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(D) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

(E) *Encroachments*. The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be in accordance with § 151.26(A)(2). (Ord. passed 2-9-1988)

§ 151.41 STANDARDS WHERE BASE FLOOD ELEVATION DATA IS AVAILABLE.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 151.26(A)(10), the following provisions are required.

(A) *Residential construction*. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(B) *Non-residential construction*. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the base flood elevation. Structures located in A zones may be flood-proofed in lieu of elevation; provided that, all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components have 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 division (B) are satisfied. The certification shall be provided to the official as set forth in § 151.26. (Ord. passed 2-9-1988)

§ 151.42 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Sites located within the areas of special flood hazard where small streams exist, but where no base flood data has been provided or where no floodways have been identified. The following provisions shall apply within the areas.

(A) No encroachments, including fill, new construction, substantial improvements or new developments shall be permitted within a distance of stream bank equal to times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) New construction or substantial improvements of structures shall be elevated or flood-proofed in accordance with elevations established in accordance with § 151.41(A)(10). When base flood elevation data is not available from a federal, state or other source, the lowest floor, including basement, shall be elevated, at least two feet above the highest adjacent grade.

(Ord. passed 2-9-1988)

§ 151.99 PENALTY.

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 as provided by G.S. § 14-4. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined in an amount as set out in the fee schedule on file in the Town Clerk's office or imprisoned for not more than 30 days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent town from taking other lawful action as is necessary to prevent or remedy any violation.

(Ord. passed 2-9-1988)

TABLE OF SPECIAL ORDINANCES

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- I. FRANCHISE AGREEMENTS**
- II. ANNEXATIONS**
- III. DESIGNATIONS OF TRESPASS AGENCY**

TABLE I: FRANCHISE AGREEMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -	Amendment; transfer of the cable television franchise from American Television and Communications Corporation to Time Warner Entertainment Company, L.P.
-	5-15-1984	Granting a community antenna television franchise to Fayetteville Cablevision, a division of American Television and Communications Corporation
-	6-9-1992	Amendment; making certain revisions in the cable television franchise agreement with Time Warner Entertainment Company, L.P.
-	5-18-1999	Granting a cable television franchise to Time Warner Entertainment/Advanced-Newhouse Partnership

TABLE II: ANNEXATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
18	3-29-1990	Extending the corporate limits of the town; Bertie A. Williams, Lots 1 through 8, Plat Book 21, Page 88, of the County Registry
18A	4-20-2010	Extending the corporate limits of the town; Bertie A. Williams and Others, Williamsdale Subdivision, the eastern corner of Lot No. 1, Plat Book 21, Page 88, of the County Registry; and the southwest corner of Lot No. 78, Plat Book 35, Page 4 of the County Registry
18B	8-16-2011	Extending the corporate limits of the town; 4.45 acres, being a portion of the tract conveyed to Bertie A. Williams and wife, Patricia A. Williams by deed recorded in Book 1029, Page 711 of the County Registry
-	8-16-2011	Extending the corporate limits of the town
-	6-16-2021	Extending the corporate limits of the town; 4.48 acres, being a portion of the property conveyed to James Herbert Spell by deed recorded in Book 849, Page 524 of the County Registry
-	6-16-2021	Extending the corporate limits of the town

TABLE III: DESIGNATIONS OF TRESPASS AGENCY

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
-	- -	102 West Williams Street
-	- -	201 West Williams Street
-	- -	208 West Williams Street
-	- -	220 West Williams Street
-	- -	101 East Williams Street
-	- -	107 East Williams Street
-	- -	202 East Williams Street
-	- -	404 West Clinton Street
-	- -	123 West Union Avenue
-	- -	416 South Gray Street

PARALLEL REFERENCES

References to North Carolina General Statutes
References to Resolutions
References to Ordinances

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>G.S. Section</i>	<i>Code Section</i>
1-593	10.05
Chapter 7A	151.27
14-4	131.99, 151.99
14-4(a)	10.99
18A-2	130.04
20-145	31.25
67-30	90.02
97-1 et seq.	33.29
105-109(d)	110.15
105-249	110.13
105-249.1	110.13
105-349	Charter
Chapter 143, Art. 21, part 6	Ch. 151, 151.01
143-138 et seq.	150.1
143-166.1 et seq.	31.02
153A-121	90.02
153A-122	90.02, 93.04
153A-442	90.02
159-7 et seq.	32.16
160A et seq.	150.01
160A-1	Charter
160A-70	Charter
160A-74	Charter
160A-75	Charter
160A-84	30.02
160A-175	10.99
160A-175(c)	93.99
160A-188	90.05
160A-189	130.03
160A-192	50.02
160A-193	91.04
160A-207	110.15
160A-411 et seq.	150.01, 150.18
Chapter 160A, Art. 7, part 3	Charter
Chapter 160A, Art. 19	150.02

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Chapter 160A, Art. 19, parts 3, 5 and 8
Chapter 160A, Art. 19, part 6
163-292
164-7

Code Section

Ch. 151, 151.01
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Charter
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<i>Res. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
-	5-21-2002	93.01—93.10, 93.99
-	5-20-2008	90.01—90.04, 90.15—90.17, 90.30, 90.31
-	11-18-2008	50.01
-	1-19-2010	150.02
-	4-20-2010	51.01—51.10, 51.99
-	2-16-2021	30.03
-	2-16-2021	51.39

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-	--	Ch. 70, Sch. I
-	--	TSO Table I
-	--	TSO Table III
-	--	30.01, 32.01—32.04, 32.15—32.17, 33.01—33.36, 33.50—33.54
-	--	31.02
-	--	31.15—31.26
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-	4-8-1980	31.01
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-	5-13-1980	TSO Table III
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-	6-14-1988	110.16
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-	10-10-1989	92.01—92.06, 92.20—92.25

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