

**TOWN OF POWELLSVILLE
BERTIE COUNTY, NORTH CAROLINA
CODE OF GENERAL ORDINANCES**

TOWN BOARD OF COMMISSIONERS

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**Officially Adopted:
Month, Date, Year**

With Technical Assistance Provided By:

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ORDINANCES of the TOWN OF POWELLSVILLE, NORTH CAROLINA
ADOPTED 2020

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CHAPTER ONE: GENERAL

ARTICLE 1: ORDINANCES

Section 1. All ordinances heretofore ordained by the Town Board which are in conflict with these ordinances, are hereby repealed, provided no prosecution heretofore begun shall abate nor shall any warrant be quashed because of the repeal or modification of any ordinance, nor shall the Town lose any rights heretofore accruing to it by reason of the repeal or modification of any ordinances, nor shall any tax, heretofore levied, or assessment against property, heretofore due and not yet collected, be remitted because of the repeal or modification of any assessment or ordinance heretofore in force.

Section 2. Any complaint against the Town or any employee thereof must be produced in writing, be signed by complainant and presented to the Town Board, within thirty days of the incident complained of.

Section 3. The ordinances of Bertie County and the laws of North Carolina shall be enforced in the Town of Powellsville.

Section 4. Any provision contained in these ordinances which is inconsistent with the laws of North Carolina is hereby repealed.

Section 5. These ordinances may be amended, supplemented or superseded by an affirmative vote of not less than the majority of the members of the Town Board of Commissioners; provided, however, that a public hearing has been duly advertised and conducted in acceptance with the General Statutes of the State of North Carolina.

Section 6. These ordinances shall become effective on such date as they are approved by an affirmative vote of not less than the majority of the members of the Town Board of Commissioners; provided, however, that a public hearing has been duly advertised and conducted in accordance with the General Statutes of the State of North Carolina. On that date, all previous ordinances shall become null and void.

ARTICLE 2: DEFINITIONS

Section 1. For the purposes of these ordinances, the following definitions shall be observed unless inconsistent with the manifest intent of the ordinance or the context clearly requires otherwise.

Section 2. "Person" shall include but is not limited to an individual, corporation, firm, partnership, association, group and organization.

Section 3. "Street" shall include but is not limited to any public way, road, highway, street, avenue, parkway, alley, path, bridge or other public place established for the purposes of vehicular traffic.

Section 4. "Town" shall refer to the Town of Powellsville, North Carolina.

Section 5. "State" shall refer to the State of North Carolina.

Section 6. "Vehicle" shall include but is not limited to a wagon, coach, carriage, bicycle, motorcycle, automobile, truck and any other means of transportation for business or pleasure, excluding baby carriages and invalid chairs.

Section 7. "Nuisance" shall refer to any condition or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially has an adverse impact on quality of life.

ARTICLE 3: PENALTIES

Section 1. Any person violating or failing, refusing or neglecting to comply with any provision or requirement of any Chapter, Article, Section or Sub-Section of these ordinances, the ordinances of Bertie County or the laws of North Carolina shall be, depending on the offense, fined or brought before a court having jurisdiction.

Section 2. Each day that any breach or violation of, or any failure to comply with any provision or requirement of any Chapter, Article, Section or Sub-Section of these ordinances, the ordinances of Bertie County or the laws of North Carolina, continues or is allowed to continue, shall constitute and is hereby declared a separate and distinct offense.

Section 3. Reasonable fees may be charged which are sufficient to cover the costs of administration and enforcement. The amount of the fees charged shall be as set forth in the Town's fee schedule as established by the Board of Commissioners and filed in the office of the Town Clerk.

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CHAPTER TWO: ADMINISTRATION AND DEPARTMENTS

ARTICLE 1: ADMINISTRATION

Section 1. For the purposes of this article, "employee" shall include appointed officials, members of the fire department, town maintenance position(s), and the Town Clerk.

Section 2. The day to day business of the Town shall be run by the Town Clerk under the supervision of the Mayor.

Section 3. No employees shall be involuntarily dismissed without cause unless given two weeks' notice or two weeks' severance pay.

ARTICLE 2: FIRE DEPARTMENT

Section 1. The Town Board of Commissioners shall appoint the Chief of the Fire Department to serve annually. The Fire Chief may appoint such members as are necessary to perfect the proper organization of the Fire Department. Appointments are to be made from among citizens of the fire district and approved by the Town Board of Commissioners. Additionally, the Town Board of Commissioners shall appoint a Commissioner to act as Fire Commissioner for the Town.

Section 2. No person shall interfere with any fireman in the discharge of his duty as such, or enter any fire house where fire apparatus is stored unless on legitimate errands, nor meddle with any apparatus belonging to the fire department.

Section 3. No person shall knowingly, willfully or mischievously give, or cause to be given, any false alarm of fire in any manner, either by outcry of "Fire", or by operating any fire alarm box or other apparatus belonging to the fire alarm system.

Section 4. The Town Board of Commissioners shall pay a reasonable reward to any person or persons who shall cause the arrest, apprehension and conviction of any person or persons giving or causing to be given any false alarm. The amount of such rewards is to be at the discretion of the Town Board of Commissioners.

Section 5. Whenever any alarm of fire shall have been turned in, any emergency vehicle, while showing or sounding emergency warning, shall have the right of way on all streets, alleys, and lands and road crossings within the Town, and no person shall knowingly obstruct the free passage of such emergency vehicle.

Section 6. No person shall willfully or carelessly drive a vehicle of any kind over the hose of the fire department at any time or at any place in the Town, either at a fire, at practice or on standby.

Section 7. The acting Chief of the fire department and the Mayor, shall have the power to call upon any and all persons to assist in the extinguishing of fires, or removal of persons or goods from any building in danger of being burned, to some place of safety, and it shall be unlawful for any person to refuse to obey such request or call.

Section 8. When any alarm has been turned in and any emergency vehicle is responding to same, on approach of such emergency vehicle it shall be the duty of all drivers of vehicles on the streets of the Town to immediately draw up to the curb on the right of the direction such vehicles may be proceeding and immediately bring the said vehicle to a halt until the emergency vehicle has passed. No vehicle shall be allowed to pass or attempt to pass any emergency vehicle on any street in the Town, or run nearer than within one block in the rear of said vehicle when such vehicle is showing emergency signals.

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CHAPTER THREE: ANIMALS

ARTICLE 1: GENERAL REGULATIONS

Section 1. The area embraced within the corporate limits of the Town and all lands owned or leased by the Town outside the corporate limits, is hereby designated as a Bird Sanctuary.

Section 2. It shall be unlawful to trap, hunt, shoot or otherwise kill within the sanctuary established by Section 1, any native wild bird provided that it shall be lawful to trap starlings or similar birds or fowls when such birds or fowls are found to be congregating in such numbers in a particular locality that they constitute a nuisance or a menace to health or property.

Section 3. It shall be unlawful for any person, to shoot or project any stone, rock, shot or other hard substance by means of sling shot, bean shooter, air rifle, pipe-gun, bow, or other similar contrivance, or to fire any pistol, gun or other fire-arm within the corporate limits of the Town of Powellsville unless in the discharge of duty by law enforcement officers.

Section 4. No person shall discard a dead animal of any kind in the streets, alleys, canals, or ditches, within the corporate limits of the Town of Powellsville.

Section 5. The owner of any animal which shall die shall remove the same from the corporate limits of the Town before said carcass generates unpleasant odors to where it shall be buried.

Section 6. No person shall slaughter any cattle, sheep, goats, hogs, or other animals within the corporate limits of the Town.

Section 7. No person shall keep or maintain any cattle yard or butcher yard or other farm animals within the corporate limits of the Town of Powellsville.

It shall be unlawful for any person, firm or corporation to produce, keep, or allow to run at large, within the corporate limits of the Town of Powellsville, any hogs or swine or any kind.

Section 8. No person shall keep more than 10 animals on their property at any time, with no more than three (3) like species of any animal, unless such person is a registered veterinarian and maintains a business as such. No other animals weighing more than ten (10) pounds may be kept on any property, except domesticated felines and domesticated canines,

ARTICLE 2: LEASH LAW

For state law as to authority of town to regulate, restrict or prohibit keeping, running or going at large of domestic animals, see. G. S., 160A-186

Section 1: Running at large. No person owning or having control of any animal shall permit such animal to run at large, upon any public street, business, parking lot, or private property not owned by the animals owner, within the corporate limits without being secured on a leash.

- (a) Those animals that are required to be on a leash must meet the following:
 - (1) The animal will be on a secure leash that will be no further than 10ft.
 - (2) All animals on a leash shall be fitted with a collar.

Section 2: Definitions. For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal: Any animal, domesticated or otherwise, owned by or in the care of a resident of the town.

At large: Off the premises of the owner or other person having possession, custody or control and not under the immediate control of such owner or other person, or a member of his immediate family, by leash, cord, chain or otherwise.

A dog found off the property or premises of its owner or custodian and not controlled by a leash as provided in this subsection shall be deemed to be running at running at large.

Farm animal: Cattle, calves, horses, mules, swine, sheep, goats, poultry, or other similar birds and animals.

Household pet: Any animal customarily kept by humans (excluding farm animals) for companionship including but not limited to dogs, cats, birds, hamsters, and the like. Household pets may include four (4) or less chickens, excluding roosters.

Dog: Both male and female dogs.

Owner: Any person or persons, firm, association or corporation owning, keeping or harboring an animal.

Officer: Shall be intended to mean any designated official of the Town of Powellsville, Animal Control Officer and all other persons employed by the Town whose duty it is to preserve the peace or to enforce the law.

Section 3: Notice of violations, Animal control. It is hereby declared that when the town office is notified or becomes aware of any animal running at large in violation of Section 1, the office shall attempt to determine the identity of the person owning or having possession of such animal found running at large and, upon ascertaining the identity of the proper person, notify such person that he or she is in violation of Section 1 of this article.

If proper identity cannot be determined or if the owner fails to respond in a timely manner, it shall be the duty of any designated official of the Town of Powellsville or Animal Control Officer who observes a dog running at large contrary to the provision of this article to seize the dog and impound the same in the Bertie County dog pound

without prior notice to the owner. However, in the event that the dog has been determined to be a dangerous dog or potentially dangerous dog, then impoundment of such dog shall be governed by the provisions of Article 3, Section 5. Bertie County Animal Control will be notified to pick up the animal. If such occurs, the owner shall be responsible for retrieving said animal from the Bertie County Animal Control Office and will be responsible for any expenses incurred.

Section 4: Impoundment. It shall be the duty of any designated official of the Town of Powellsville or Animal Control Officer who observes a dog running at large contrary to the provisions of this Article to seize the dog and impound the same in the Bertie County dog pound without prior notice to the owner however, in the event that the dog has been determined to be a dangerous dog or potentially dangerous dog as defined under Article 3, Section 1 herein below, then impoundment of such dog shall be governed by the provisions of Article 3.

If the ownership of the dog so impounded can be determined, the owner shall be notified within two (2) days after impoundment and the dog returned to the owner upon payment of a civil penalty for the first offense of fifty dollars (\$50.00) and for each subsequent offense within one (1) year of the initial offense as follows:

Offenses	
2 nd Offense:	\$70.00
3 rd Offense:	\$150.00
4 th Offense:	\$200.00
5 th Offense and all succeeding offenses:	\$500.00

Impounded dogs shall be kept for a maximum of ten (10) days. If, at the expiration of ten (10) days, those dogs have not been redeemed, they may be sold, destroyed, or delivered to the Society for Prevention of Cruelty to Animals, People for the Ethical Treatment of Animals, or other similar nonprofit organization for the humane treatment of animals. No impounded dog shall be sold for the purpose of vivisection.

Section 5: Vaccination. Every owner of animals kept in the Town of Powellsville shall have and keep the animal vaccinated against rabies and other diseases that pose a risk to public health by a veterinarian or other authorized person in compliance with the State law regulating animal vaccinations (G.S. 106-364 through 106-387).

Section 6: Nuisances – barking, sanitation.

(a) Any person who keeps within the corporate limits of the Town one or more animals which, by prolonged and habitual barking, howling, or whining, destruction of property, overturning garbage cans, or harassment of people, interferes with the reasonable use and enjoyment of their premises by residents of the Town, shall be guilty of nuisance.

(b) It shall be unlawful for any animal to destroy or damage any yard, garden farm or shrubbery. No animal shall be able to run or roam about to tip over or tear up any garbage can or trash receptacle used to dispose of trash or other waste.

(c) It shall be unlawful for any animal in his owner's yard to leave the yard for the purpose of biting, chasing, attacking or attempting any type of attack upon any person upon a public street or sidewalk who is occupying same in a legal manner.

(d) It shall be unlawful for any person to tease or harass any animal that is occupying his owner's property. Teasing may consist of frequent yelling, whistling, throwing stones or other objects at an animal that may cause the animal to act violently when he may not have otherwise done so if left alone.

(e) No animal shall be allowed inside any public business. Animals trained to assist disabled persons are exempt.

(f) Any person keeping within the corporate limits of the Town one or more animals and who fails to maintain his premises or enclosures in a sanitary condition and thereby creates obnoxious odors or serious annoyances to the neighboring residents shall be guilty of maintaining a nuisance.

(g) All animal owners and keepers are required to immediately and properly dispose of their animal's solid waste deposited on any property, public or private, not owned or possessed by the person.

(h) No owner of any female dog in heat shall keep the same within the Town during that period except when securely confined to the premises of the owner or other person with that person's consent.

(i) Upon written and signed complaint being made to the Town Office by any resident or residents referred to in this section, a representative of the Town Council shall notify that person against whom the complaint is directed that a complaint has been received and, thereupon, that person shall abate the nuisance declared in subparagraphs (a) through (h) above, if in fact such nuisance exists, within 24 hours from time of notification.

(j) Any owner of an animal that is violation of this ordinance may be cited as outlined in Section 9 (penalty) below. Any animal located under this section may be caught and impounded by Animal Control. Animal control will keep the animal for seven (7) days at which time if the owner does not come forward to claim his animal and pay any storage fees, the animal may be destroyed.

(k) Any animal that attacks or bites a human may be destroyed by Bertie County Animal Control if the owner cannot be located. An animal may be destroyed if it is apparent that the animal may attack other persons before the owner can be found. This is to be done only in extreme situations, and when lesser means are not practical or safe.

Section 7: Tax Receipt and Tags. It shall be unlawful, except as hereinafter provided, for the owner of any dog required to be listed for taxation under the ordinance of the

Town of Powellsville adopted August 2, 2011 not to have in his possession the tax receipt issued upon payment of the annual tax on such dog imposed by that ordinance, a current rabies vaccination tag for such dog, and a metallic tag issued as hereinafter provided. An owner whose dog has been born or brought into the Town after the 1st day of January (the tax-listing date) of any year shall list the said dog for taxes during the ensuing year, pay the annual tax on the dog for the ensuing year, and keep the tax receipt issued upon payment in his possession until a new receipt is issued upon payment of the tax for the next year.

Section 8: Inhumane treatment of animals. Any enclosure used as a primary means of confinement for a dog must meet the following criteria. It shall be unlawful to tether a dog while outdoors. No animal shall be tethered by a cable, rope, or chained to a stationary object. Tethering of dogs to any stationary object is prohibited in the town limits of Powellsville, N.C.

The enclosure of the animal must meet a minimum requirement of being no smaller than 10 feet x 10 feet or at a minimum at least five times the length of the dogs body, measured from the tip of the nose to the base of the tail.

No dog is to be outside during a period of extreme weather, including without limitation to extreme heat or freezing temperatures, tornadoes, tropical storms, or hurricanes.

The dog must have access to food, water, shelter, and dry bedding. The dog is to be at least 6 months of age, not sick or injured.

Animal Control under the Bertie County Sheriff's department shall impound any animal found to be cruelly treated or inhumanely treated; and the owner or owners can be charged with penalties under the statues of the laws of North Carolina. Any person who violates this ordinance adopted by the Town of Powellsville may forfeit his right to license an animal in the county for one year in addition to any other violations of the laws of North Carolina.

Section 9: Penalty. Reasonable fees may be charged which are sufficient to cover the costs of administration and enforcement. The amount of the fees charged shall be as set forth in the Town's fee schedule as established by the Board of Commissioners and filed in the office of the Town Clerk.

ARTICLE 3: DANGEROUS DOGS

Section 1: Definitions. For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dangerous Dog: A dog that without provocation has killed or inflicted severe injury on a person or is determined by the Animal Control Officer to be potentially dangerous as defined below.

Potentially Dangerous Dog: A dog that the Animal Control Officer determines to have:

- a) Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization;
- b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c) Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Owner: Any person or legal entity that has a possessory property right in a dog.

Owner's Real Property: Any real property owned or leased by the owner of the dog, but not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

Severe Injury: Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

Section 2: Exceptions. The provisions of this section shall not apply to the following:

1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
2. A dog being used in a lawful hunt;
3. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
4. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

Section 3: Determination of Potentially Dangerous Dog. The designated official for the Town of Powellsville or Animal Control Officer shall determine whether a dog shall be declared a potentially dangerous dog. The designated official must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous. The owner may appeal the determination by filing written objections with the Board of Commissioners within three (3) days. The Board of Commissioners shall schedule a hearing within ten (10) days of the filing of objections. Any appeal from the Board of Commissioners shall be taken to the Superior Court by filing a Notice of Appeal and a Petition for Review within ten (10) days of the final decision of the Board of Commissioners. Appeals from the rulings of the Board of Commissioners shall be heard de novo before a Superior Court Judge sitting in Bertie County.

Section 4: Confinement and Restraint. The owner of a dangerous dog shall comply with the following:

1. Meet all requirements for keeping any dog under this Article, including rabies inoculation;

2. Keep the dog collared and tagged;
3. While the dog is on the owner's property, the owner must keep the dangerous dog securely confined indoors or in a securely enclosed and locked pen or kennel suitable to prevent the entry of young children and designed to prevent the dog from escaping. The pen or kennel may not share common fencing with an area or perimeter fence. At a minimum, the kennel or pen must have secure sides at least six (6) feet in height, with sides buried two (2) feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. A secure top must be attached to all sides of the pen or kennel, and the gate must be locked. The enclosure must also provide for the humane protection from the elements for the dog, and have a ground area of at least five by twenty (5 x 20) feet;
4. Display a sign on his or premises warning that there is a dangerous dog on the property. The sign shall be visible and capable of being read from the street. A sign measuring twelve by eighteen (12 x 18) inches, with prominent words "Beware of Dangerous Dog" will suffice.
5. A dangerous dog may be off of the owner's premises only if the dog is muzzled to prevent the dog from biting, restrained by a substantial chain or leash not exceeding three (3) feet in length, and under the control of a responsible adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration.
6. The owner must allow designated officials of the Town of Powellsville or any animal control officer of Bertie County to make whatever inquiries deemed necessary by said official or officer to assure compliance with these provisions, including inspection of the owner's premises where the dog is confined;
7. If unwilling or unable to comply with these regulations for keeping a dangerous dog, the owner must have the dog humanely euthanized by any animal control officer of Bertie County, or a licensed veterinarian, after a fourteen (14) day holding period. All costs shall be borne by the owner; and
8. The owner shall be responsible for compliance with these provisions for care, confinement and restraint of the dog, and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the dog. This requirement shall include all medical and health care costs.

Section 5: Impoundment. Any dangerous dog not kept in accordance with the requirements of this section may be confiscated by an animal control officer of Bertie County, and impoundment by the Town at the owner's expense until the owner complies with the requirements of this section. If an owner appeals an action or determination of a Town of Powellsville Designated Official or Animal Control Officer of Bertie County, the dangerous dog may be impounded pending the outcome and exhaustion of the appeals process, at the owner's expense, if the owner fails or refuses to provide confinement and restraint as required by this section.

Section 6: Emergency Action. When a dangerous dog at large is reasonably believed to present a clear and present danger to the community and attempts to seize the animal control officer of Bertie County may tranquilize the animal to facilitate seizure or, if this is not feasible under the circumstances, the animal control officer may destroy the animal.

Section 7: Required Notification by Owner. The owner of a dangerous dog shall inform the designated official as soon as practicable, but not later than 24 hours, after the occurrence of any of the following:

1. An assault or attack upon, or biting of any person by the dog.
2. An attack upon or biting of any domesticated animal or pet while the dangerous dog is off the premises of the owner.
3. The destruction of, or damage to, property of another by the dog.
4. The roaming or escape of a dangerous dog.

Section 8: Transfer of Ownership. If the owner of a dog that has been declared dangerous transfers ownership or possession of the dog to another person, the owner shall provide written notice to:

1. The Town of Powellsville Designated Official. The notice shall state the name and address of the new owner or possessor of the dog; and
2. The person taking ownership or possession of the dog. The notice shall state that the dog has been determined dangerous or potentially dangerous and specify the dog's dangerous behavior.

Section 9: Teasing and Molesting. It shall be unlawful for any person to tease, bait, or in any way molest the dangerous or potentially dangerous dog not belonging to him or her or under his or her control.

Section 10: Interference with Enforcement. It shall be unlawful for any person to interfere with, hinder, or molest the official of the Town of Powellsville or animal control officer of Bertie County, or veterinarians in the performance of any duty authorized by this section, or to seek to release, or release, a dangerous dog from the custody of such officer or veterinarians except as otherwise specifically provided in this section.

Section 11: Penalties.

1. The owner of a dangerous dog shall pay to the Town of Powellsville a civil penalty in the amount of five hundred dollars (\$500.00) for a first violation of any provision of this section. For each subsequent violation, the owner shall pay to the Town of Powellsville a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00). In addition, if the dangerous dog is involved in an unprovoked attack causing fatal or severe injury to a person, the dog shall be destroyed by the animal control officer after a ten (10) day waiting period, exclusive of Sundays and holidays.
2. The owner of a dangerous dog shall pay to the Town of Powellsville a civil penalty in the amount of two hundred dollars (\$200.00) if the dangerous dog, when unprovoked, kills, wounds, worries, or assists in killing or wounding,

any domestic animal or pet. The animal control officer is empowered to confiscate, and after a ten (10) day waiting period (exclusive of Sundays and holidays) may destroy the dangerous dog. For each subsequent violation, the owner of the dog shall be liable for a five hundred dollar (\$500.00) civil penalty.

3. The violation of any provision of this section shall be a misdemeanor punishable as provided in G.S. 14-4. Any fine imposed by the Court may be in excess of fifty dollars (\$50.00) but not more than five hundred dollars (\$500.00). Each day's violation of this section shall be a separate offense. Payment of any fine imposed in criminal proceedings shall not relieve a person of liability for civil penalties imposed under this section.

CHAPTER FOUR

BUILDING CODES

ARTICLE 1: GENERAL REGULATIONS

Section.

1. State Building Code
2. Permits/Fees
3. Temporary Storage Containers
4. Cleanup of Construction Material
5. Fines

ARTICLE 2: MINIMUM STANDARDS FOR OCCUPANCY

Section.

1. Plumbing System
2. Heating System
3. Electrical System
4. Structural Conditions

CHAPTER FOUR: BUILDING CODES

ARTICLE 1: GENERAL REGULATIONS

Section 1. The State Building Code shall be observed in the Town.

Section 2. No new structure, structural alteration, or structural addition shall be constructed without first having obtained necessary permits required by the Bertie County Building Inspections, the Town of Powellsville Zoning Ordinance, and other offices as required by Bertie County or Town of Powellsville regulations. Town of Powellsville permit fees shall be established by the Powellsville Town Board of Commissioners.

Section 3. No residential lot shall have stored on the front yard or plainly visible from a public right of way, any cargo container, “pod”, truck trailer, or any other device designed for the shipment or self-storage of personal household goods, construction materials, or bulk goods for more than thirty days unless the owner of said lot has an active building permit for the lot.

Section 4. All temporary structures, surplus building materials, and construction debris shall be removed no later than two (2) weeks after construction has been completed.

Section 5. Reasonable fees may be charged which are sufficient to cover the costs of administration and enforcement. The amount of the fees charged shall be as set forth in

the Town's fee schedule as established by the Board of Commissioners and filed in the office of the Town Clerk.

ARTICLE 2: MINIMUM STANDARDS FOR OCCUPANCY

Section 1. Plumbing System

- (a) Each dwelling shall be connected to an operable/in service potable water supply and, to Town of Powellsville public sewer.
- (b) Each dwelling unit, including single and multi-family, shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold water and hot water. All systems must be connected to a potable water supply.
- (c) All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and good working order.
- (d) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- (e) Water closet shall be functional and free of leaks
- (f) Water closet shall not be loose from floor or leaking
- (g) Tub and shower stall floors and walls shall be watertight.
- (h) Fixtures shall not be cracked or broken and function as designed.
- (i) Sewer and water lines shall be properly supported, with no broken or leaking lines

Section 2. Heating System

- (a) Every dwelling and dwelling unit shall provide central heat or other approved permanent source of heating.
- (b) Central and electric heating system. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected, a minimum temperature of 68 degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions. All ducts, pipes and tubes should be free of leaks and functioning properly.
- (c) Other heating facilities. Where central or electric heating systems are not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances are connected so as to heat all habitable rooms with a minimum temperature of 68 degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions. All floor, wall, or room heaters, must comply with standards of Chapter 16 Volume VII of the State Building Code.

- (d) Chimneys shall have no loose bricks or mortar, and shall have a flue.
- (e) Flues shall have no holes.
- (f) Open masonry fireplaces shall only be used as supplemental heat and not as a primary source of heating.
- (g) No portable kerosene space heater may be used as a primary source of heat.
- (h) If fireplace opening is closed, the closure shall be of noncombustible material, and airtight.
- (i) No hanging chimneys will be allowed.

Section 3. Electrical System

- (a) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such a manner as determined by the North Carolina Electric Codes. There shall be installed in every bathroom, water closet room, laundry room, and furnace room, at least one supplied ceiling or wall-type electric fixture for lighting. In the event wall or ceiling light fixtures are not provided in any habitable room, then such habitable room shall contain at least three floor or wall-type electric convenience receptacles.
- (b) Every common hall and stairway in every multiple dwelling shall have adequate lighting by electric lights at all times when natural lighting is not sufficient.
- (c) All fixtures, receptacles, equipment, and wiring, shall be maintained in a state of good repair and installed in accordance with the State Electrical Code (Volume IV of the State Building Code).
- (d) All receptacles shall have outlet covers installed.
- (e) All light switches shall have covers installed
- (f) Each dwelling unit shall have electric service from a separately metered delivery system provided by a licensed utility company. No drop cords, extension cords, or similar wiring mechanism may be utilized in any fashion other than in conformance with the purposes in which it was designed.

Section 4. Structural Conditions

- (a) Walls or partitions or supporting members, sills, joist, rafters or other structural members shall not list, lean or buckle, and shall not have holes or cracks which might admit rodents.
- (b) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (c) Foundations, foundation walls, piers or their foundation supports shall not be deteriorated or damaged.

- (d) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (e) Adequate facilities for egress in case of fire or panic shall be provided.
- (f) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials which will, by use of reasonable household methods, promote sanitary and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (g) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight and watertight.
- (h) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) There shall be no use of the ground for floors, or wood floors on the ground.
- (j) The above conditions apply to all dwellings and accessory buildings.

CHAPTER FIVE

CEMETERIES

ARTICLE 1: GENERAL REGULATIONS

Section

1. North Carolina Cemetery Law
2. Town cemetery: burial in
3. Interment
4. Supervision, maintenance
5. Sale of lots
6. Structures: placement
7. Structures: removal, destruction
8. Cemetery avenues
9. Exhumation
10. Unlawful entry

CHAPTER FIVE: CEMETERIES

ARTICLE 1: GENERAL REGULATIONS

Section 1. Cemeteries located within the Town of Powellsville and its Extraterritorial Jurisdiction shall be operated and maintained in accordance with Chapter 65 of the North Carolina General Statutes.

Section 2. Stoney Creek Cemetery (also known as Powellsville Cemetery) is hereby designated as the Town cemetery for the burial of Town residents, their relatives and friends.

Section 3. Interment may be made therein upon purchase of a lot from the Town Office.

Section 4. Stoney Creek Cemetery shall be under the supervision of the Mayor and Town Board of Commissioners and shall be kept by the Town.

Section 5. The Mayor and Town Board of Commissioners may sell lots there from at such price, and under such restrictions, as the Town Board of Commissioners, from time to time, may impose.

Section 6. No monument, headstone, concrete or other covering over any grave, fence or other type markers shall be placed upon or around any lot without the approval of the Mayor or the Town Board of Commissioners.

Section 7. No person shall remove, injure or destroy any grass, flowers, shrubs, trees, decoration, structure, monument, marker or stone from any cemetery or church yard without approval of the Mayor.

Section 8. No person shall use the avenues of the Cemetery as a public through street.

Section 9. No person shall exhume, or cause to be exhumed, any dead bodies buried in said Cemetery without the approval of the Mayor.

Section 10. It shall be unlawful for any person to enter said Cemetery between sunset and sunrise for any purpose without the approval of the Mayor or Supervisor of the cemetery.

CHAPTER SIX
CIVIL OFFENSES

ARTICLE 1: PUBLIC NUISANCES

Section

1. Definitions
2. Disorderly conduct
3. Disorderly house
4. Public gatherings
5. Solicitation
6. Litter

ARTICLE 2: LOITERING

Section

1. Definition
2. Prohibited Activities

ARTICLE 3: ALCOHOL

Section

1. Definitions
2. Public places
3. Sunday restrictions

ARTICLE 4: NOISE

Section

1. Definitions
2. Prohibited Activities

ARTICLE 5: DANGEROUS SUBSTANCES

Section

1. Explosives
2. Flammable liquids

ARTICLE 6: CONCEALED WEAPONS

Section

1. Possession
2. Prosecution

ARTICLE 7: YARD SALES/GARAGE SALES

Section

1. Definitions
2. Sales per Calendar Year

ARTICLE 8: FEES

CHAPTER SIX: CIVIL OFFENSES

ARTICLE 1: PUBLIC NUISANCES

Section 1. For the purposes of this chapter, "public place" means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or any property owned by the Town of Powellsville.

Section 2. Any person who shall be guilty of disorderly conduct, any obscene act or language, creating a public nuisance, or being found intoxicated on the public streets or sidewalks, or in public buildings shall be fined for each offense.

Section 3. Any person who shall operate a disorderly house, or house of ill-fame, or who shall knowingly rent any house or building to be used as such, shall be fined. Each adult person living in such house shall be considered the "keeper" thereof and be liable under this section.

Section 4. It shall be unlawful for any public parade, picket line or protest group, to operate or use the streets or sidewalks without the approval of the Mayor.

Section 5. No public solicitation or begging shall be allowed without the approval of the Mayor.

Section 6. No person shall throw any bottles, cans, or other waste or refuse matter, on any street or sidewalk within the corporate limits.

ARTICLE 2: LOITERING

Section 1. For the purposes of this chapter, "loitering" means standing lounging, sitting, or lying about idly, whether alone or in the company of other loiterers.

Section 2. Prohibited Activities:

- (1) No person shall without having some business on the premises loiter in or about any street, sidewalk, park, parking lot, or any public place or public building in any manner as to, hinder, obstruct, or interfere with the free passage into or out of any public or private property.
- 2) No person shall repeatedly beckon to, interfere with, stop, or attempt to stop passers-by or repeatedly attempt to engage passers-by in conversation.
- 3) No person shall repeatedly pass to or receive from passers-by, whether on foot or in a vehicle, money, or objects.
- 4) No person shall loiter at any place within the Town and while so loitering insult, threaten, intimidate, or in any manner interfere with any person conducting himself in a lawful and orderly manner.
- 5) It shall also be prohibited for any person to loiter or lounge on any bridge or railroad track within the Town of Powellsville.

ARTICLE 3: ALCOHOL

Section 1. Definitions:

1. “Malt beverage” – shall mean beer, lager, malt liquor, ale, porter, and other brewed or fermented beverage containing at least one half of one percent (0.5%), and not more than six percent (6%) alcohol by volume.
2. “Open container” – shall mean a container whose seal has been broken or a container other than the manufacturer’s unopened original container.
3. “Public Street” – shall mean any highway, road, street, avenue, boulevard, alley, bridge, or other way within and/or under the control of the Town and open to public use, including the sidewalks of any such street.
4. “Unfortified wine” – shall mean wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcohol content of not more than seventeen percent (17%) alcohol by volume.

Section 2. No person shall consume, serve or drink wine, beer, whiskey, or alcoholic beverages of any kind on or in the public streets, boulevards, alleys, parks, sidewalks, public parking lots, or public buildings within the Town.

Section 3. It shall be unlawful for any person, firm or corporation to sell or offer for sale any beer or wine within the corporate limits of the Town except between the hours of 7 o’clock AM until 10 o’clock PM Monday through Saturday, and, the hours of 12 o’clock PM until 10 o’clock PM on Sundays.

Section 4. Consumption on the Public Streets and on Municipal Property Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages of unfortified wine on the public street. Furthermore, it shall be unlawful for any person to consume malt beverages or unfortified wine on any property, whether located inside or outside the corporate limits, which is owned, occupied, or controlled by the Town including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

Section 5. Possession of Open Containers on the Public Streets and on Municipal Property Prohibited. It shall be unlawful for any person who is not an occupant of a motor vehicle to possess any open container of malt beverage or unfortified wine on the public streets. Furthermore, it shall be unlawful for any person to possess any open container of malt beverage or unfortified wine on any property, whether located inside or outside the corporate limits, which is owned, occupied, or controlled by the Town including, but not limited to public buildings and the grounds appurtenant thereto,

municipal parking lots, public parks, playgrounds, recreational areas, tennis courts, and other athletic fields.

Section 6. Penalty. Violation of this section shall constitute a misdemeanor punishable in accordance with Section 1404 of the North Carolina General Statutes.

ARTICLE 4: NOISE

Section 1. Definitions:

- (1) Unreasonably loud: Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with general welfare, health, peace, and/or good order.
- (2) Disturbing: Noise which is perceived by a person of ordinary sensibilities as interrupting the normal solitude, peace, and calm of the area.

Section 2. Prohibited Activities:

- (1) It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud noise or a noise that either annoys, disturbs, injures or endangers the comfort, health, peace, or safety of others in the Town.
- (2) The following acts, among others, are declared to be unreasonably loud noises in violation of this section:
- (3) The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street, way, avenue or alley or other public place of the Town except as a danger warning, other than police, fire or other statutory emergency vehicle.
- (4) The using of, operating of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.
- (5) The noise emitting from a motor vehicle that is so out of repair, or has such a faulty muffler, so as to emit a loud and disturbing noise.

- (6) The loud and continual noise caused by an animal within the Town limits.

ARTICLE 5: DANGEROUS SUBSTANCES

Section 1. No person shall store or keep dangerous explosives within the Town of Powellsville.

Section 2. The installation or use of non-supervised coin-operated, card-operated, or remote pre-set dispensing devices for flammable or combustible liquids is prohibited.

ARTICLE 6: CONCEALED WEAPONS

Section 1. It shall be unlawful to possess, any and all concealed weapons, in or on property of the Town of Powellsville.

Section 2. Any person in possession of concealed weapons in or on Town Property shall be prosecuted to the full extent of the law.

ARTICLE 7: YARD SALES/GARAGE SALES

Section 1. Definition of Yard/Garage Sale: Includes all general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "tag," "patio," "flea market," or "rummage sale."

Section 2. No person or his or her household shall hold, on his or her residential premises, or participate in, through his or her neighborhood association, more than an aggregate of two Garage Sales in any given calendar year. No neighborhood association shall hold more than four Garage Sales in any given calendar year. Each Garage Sell shall be limited to not more than three consecutive days.

ARTICLE 8: FEES

Reasonable fee may be charged which are sufficient to cover the costs of administration and enforcement. The amount of the fees charged shall be as set forth in the Town's fee schedule as established by the Board of Commissioners and filed in the office of the Town Clerk.

CHAPTER SEVEN

HEALTH AND SANITATION

ARTICLE 1: GENERAL REGULATIONS

Section

1. Board of Health
2. Refuse in receptacles
3. Private property, removal of health violations
4. Ditches
5. Sidewalks and Streets
6. Alleys
7. Property Owners Adjacent to Street
8. Yard Clippings
9. Burning: Permit, State Regulation
10. Building Materials Exception
11. Action Taken by the Town

ARTICLE 2: WEED AND REFUSE CONTROL

Section

1. Declared Public Nuisance
2. Complaint and Investigation
3. Notice to Abate Nuisance
4. Failure of Owner to Abate
5. Cost Incurred by Owner
6. Charges Become a Lien
7. Procedure is Alternative to Other Authorized Procedures
8. Criminal Penalty

CHAPTER SEVEN: HEALTH AND SANITATION

ARTICLE 1: GENERAL REGULATIONS

Section 1. The Board of Health of the Town shall be composed of the Mayor and Town Council, and said Board shall make such rules and regulations as they deem necessary to promote the health of the Town, under the direction of a licensed Health Officer or Medical Practitioner.

Section 2. No person shall knowingly and willfully permit any refuse or stagnant water, used oil or chemical to remain in any pool or receptacle on his premises; after being notified to remove the same by the Health Department, the Mayor or the Town Board of Commissioners.

Section 3. Every property owner shall remove any item which constitutes a nuisance or which affects or could affect public health or welfare from his or her property: If such property owner fails to clean his or her property after notice by the Town, the Town is authorized to remove same, fine, and bill the owner.

Section 4. All open ditches on the premises of anyone within the corporate limits of the Town, shall be kept clean and in a sanitary condition by the owners or occupants of the property.

Section 5. It shall be unlawful to place any trash or debris on any sidewalk or street, except for the removal of same by the Town.

Section 6. It shall be unlawful to deposit any trash or debris in any alley within fifty (50) feet of any street, except for removal of same by the Town.

Section 7. Every occupant of a lot on any street shall keep the footway or sidewalk clear and the gutter or ditch open and free from obstructions as far as such lot extends. If any trash or debris be placed or left, without lawful authority, upon footway or sidewalk, or upon gutter or ditch, the occupant of such lot shall remove the same. Failure to do so will result in the Town removing same and billing the owner who shall be liable.

Section 8. No person shall dispose of yard debris, grass clippings, or other organic material into the public right-of-way. All yard debris shall be maintained or disposed of by the property owner on a respective property or off-site.

Section 9. No person shall burn yard debris in the Town of Powellsville without a proper permit from the North Carolina Forestry Service and a Town of Powellsville burning permit. Only organic yard debris is permitted to be burned within the corporate limits.

Section 10. Nothing herein contained shall render unlawful the placement of building materials upon any lot for the purpose of erecting a building upon said lot and during the time within which said building is being erected.

Section 11. It shall be the responsibility of the Town Clerk, upon authority of the Town Board of Commissioners, to notify a person or business who shall violate any of the regulations in this Article to correct such discrepancies within three (3) days from notice of such violation, after which time the Town shall take action.

ARTICLE 2: UNCONTROLLED WEEDS AND REFUSE CONTROL

Section 1. Uncontrolled growth of weeds and accumulation of refuse declared a public nuisance. The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

- (a) The uncontrolled growth of noxious weeds, grass or non-ornamental bushes to a height in excess of twenty-four (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 or 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, junk, or wood 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.
- (d) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

Section 2. The Town Clerk, upon notice from any person of the existence of any of the conditions described in this Article, shall cause to be made by the appropriate County Health Department official, or Town official, such investigation as may be necessary to determine whether in fact such conditions exist as to constitute a public nuisance as declared in Section 1.

Section 3. Upon a determination that such conditions constituting a public nuisance exist, the Town Clerk shall notify, in writing, the owner, occupant, or person in possession of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within fifteen (15) days from the receipt of such written notice.

Section 4. If any person, having been ordered to abate such a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from condition to be removed or otherwise remedied by having employees or the Town go upon said premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the Powellsville Town Council.

Any person who has been ordered to abate a public nuisance may within the time allowed by this ordinance request the Town in writing to remove such condition, the cost of which shall be paid by the person making such request.

Section 5. The actual cost incurred by the Town in removing or otherwise remedying a public nuisance shall be charged to the owner of such lot or parcel or land and it shall be the duty of the Town Clerk to mail a statement of such charges to the owner or other person in possession of such premises with instruction that such charges are due and payable within thirty (30) days from the receipt thereof.

Section 6. In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after receipt of a statement of charges as provided for in

Section 9, such 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 N.C.G.S. 160A-193.

Section 7. The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding in a criminal action against any person, firm, or corporation violating the provisions of this Article as provided in N.C.G.S. 14-4.

Section 8. Violation of this Article shall be punishable on conviction by a fine not exceeding \$50.00 or imprisonment not exceeding thirty (30) days, as provided in N.C.G.S. 14-4. For purposes of punishment therein, each separate violation of this ordinance shall be deemed a separate offense.

CHAPTER EIGHT
LICENSING AND TAXATION

ARTICLE 1: OPERATION REGULATIONS

Section

1. Standards of Operation
2. Prohibited Conduct

ARTICLE 2: TAXATION REGULATIONS

Section

1. Tax due date

ARTICLE 3: GROSS RECEIPTS TAX ON SHORT-TERM LEASE OR RENTAL OF VEHICLES

Section

1. Definitions
2. Levy of Tax
3. Collection of the Tax
4. Report and Payment of Tax
5. Taxpayer to Keep Records
6. Tax Collector to Provide Forms
7. Situs
8. Penalties and Remedies
9. Administration
10. Authority

CHAPTER EIGHT: LICENSING AND TAXATION

ARTICLE 1: OPERATION REGULATIONS

Section 1. Under no circumstances shall any owner leave their business open for operation without an employee on the premises. An employee shall be on site at all times while the business is open for operation.

Section 2. It shall be prohibited for any owner to:

- a. Suffer or permit any gambling on the licensed premises at anytime, or the storage, sale or use of any racing, football, or other parlay cards, gambling boards, devices or paraphernalia.
- b. Suffer or permit the premises to become disorderly, or permit any profane, obscene, indecent language or behavior thereupon;

- c. Suffer or permit any intoxicating alcoholic beverages to be sold or consumed on the premises without proper license from the North Carolina Alcoholic Beverage Control Commission.
- d. Suffer or permit any narcotic or otherwise illegal drug to be sold, kept, or consumed on the premises.

ARTICLE 2: TAXATION REGULATIONS

Section 1. All taxes payable to the Town, including, but not limited to, license and privilege fee, shall be due and collectible on the first day of July of each year. Property taxes shall be due and collectible September of each year.

Section 2. Anyone who sells more than five (5) vehicles within six months shall be classed as a vehicle dealer and shall pay an annual tax.

ARTICLE 3 GROSS RECEIPTS TAX ON SHORT-TERM LEASE OR RENTAL OF VEHICLES

Section 1. Definitions

In addition to the common meanings of words, the following definitions shall be applicable herein:

- a) "Customer" shall mean any person that leases or rents a vehicle on a short-term lease or rental basis.
- b) "General Statutes" shall refer to the North Carolina General Statutes and any reference to a particular section thereof shall include the same as may be from time to time amended, modified, supplemented, revised or superseded.
- c) "Gross receipts" shall mean the amount that is or would be reported as gross receipts on a business's state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax herein imposed and are not included in gross receipts.
- d) "Lease or rental" shall mean a transfer, for consideration, of the use but not the ownership of property to another for a period of time.
- e) "Person" shall mean any individual, trustee, executor, other fiduciary, corporation, unincorporated association, partnership, sole proprietorship, company, firm, or other legal entity.
- f) "Short-term lease" or rental shall mean any lease or rental of a vehicle, whether made under a written or verbal contract or agreement, made to the same person for a period of less than 365 continuous days.

- g) "Tax collector" shall refer to that individual appointed by the governing body pursuant to G.S. 105-349 (the provisions of the Town charter) to collect taxes on behalf of the Town and any other person authorized to carry out the duties and functions of such individual.
- h) "Taxpayer" shall mean any person liable for the taxes imposed by the ordinance from which this article was derived.
- i) "Vehicle" shall mean any of the following:
 - i. A motor vehicle or the private passenger type, including a passenger van, minivan, or sport utility vehicle.
 - ii. A motor vehicle of the cargo type, including a cargo van, pickup truck, or truck with a gross vehicle weight of 26,00 pounds or less used predominantly in the transportation of property for other than commercial freight, and that does not require the operator to possess a commercial drives license.
 - iii. A trailer of semitrailer with a gross vehicle weight of 6,000 pounds or less. [G.S. 160A-215.1(e)(1)]

Section 2. Levy of Tax

A tax is hereby imposed and levied in an amount equal to one-half percent (1.5%) of the gross receipts derived from the short-term lease or rental of vehicles at retail to the general public. This tax on gross receipts is in addition to the privilege taxes authorized by G.S. 160A-211.

Section 3. Collection of the Tax

Every person engaged in the business of the short-term lease or rental of vehicles at retail to the general public shall collect at the time of the lease or rental the tax herein levied, place the tax so collected in a segregated account, and thereafter remit such tax to the Tax Collector in accordance with the provisions of this Ordinance. The taxpayer shall include a provision in each retail short-term lease or rental agreement stating that the percentage amount enacted by this Ordinance of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer's records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of the Town of Powellsville. The taxpayer shall be liable for the collection thereof and for its payment to the Tax Collector and the taxpayer's failure to charge or to collect said tax from the customer shall not affect such liability.

Section 4. Report and Payment of Tax

Taxes levied under this Ordinance are due and payable when a return is required to be filed. Every taxpayer shall, within the time specified, submit a return to the tax collector on the form prescribed by the Tax Collector. A return must be signed by the taxpayer or the taxpayer's agent. Returns of taxpayers are due to the Tax Collector each month on or

before the fifteenth (15th) day of the month following the month in which the tax accrues. As provided in G.S. 160A-208.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith.

Section 5. Taxpayer to Keep Records

The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of the tax for which such taxpayer is liable under the provisions of this Ordinance. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the Tax Collector or his or her duly authorized agent.

Section 6. Tax Collector to Provide Forms

The Tax Collector shall design, prepare, print and make available to all taxpayers operating within the municipal boundaries of the Town forms and instructions for filing returns to insure a full collection of and an accounting for taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

Section 7. Situs

The transaction giving rise to the tax herein levied shall be deemed to have occurred at the location of the entity from which the customer takes delivery of the vehicle. [G.S. 160A-215.1(b)]

Section 8. Penalties and Remedies

The provisions with respect to remedies and penalties applicable to Subchapter VIII (Local Government Sales and Use Tax) of Chapter 105 of the General Statutes, as contained in Article 5 and Article 9, Subchapter 1, Chapter 105 thereof, shall be applicable in like manner to the tax authorized to be levied and collected under this Ordinance, to the extent that the same are not inconsistent with the provisions hereof. The town council may exercise any power the Secretary of Revenue may exercise in collecting sales and use taxes. [G.S. 160A-215.1(f)]

Section 9. Administration

In addition to the provisions herein, the levy and collection of the taxes herein imposed shall be otherwise administered in the same manner as the Sales and Use Tax as provided in Article 5, Subchapter 1, Chapter 105 of the General Statutes. [G.S. 160A-215.1(d)]

Section 10. Authority

This Ordinance is enacted pursuant to the provisions of G.S. 160A-215.1.

CHAPTER NINE

STREETS, SIDEWALKS, AND VEHICLES

ARTICLE 1: PARKING LIMITATIONS

Section

1. Unlawful parking
2. Fire hydrants
3. Sidewalks
4. Water Meters
5. Blocked entrance
6. Twenty-four hour maximum
7. Vehicles left standing
8. Not apply to authorized persons
9. Ticketing
10. Emergency Towing
11. Payment of fine

ARTICLE 2: TRAFFIC REGULATIONS

Section

1. Repairs in the street
2. Offensive activity
3. Squealing tires

ARTICLE 3: EXCAVATION AND REPAIRS

Section

1. Additions, alterations
2. Excavation, removal
3. Trees, plants
4. Public area

ARTICLE 4: VEHICLE LOAD RESTRICTIONS ON TOWN STREETS

Section

1. Vehicle Load Restrictions
2. Per Se Restriction
3. Notice Requirement
4. Penalty

ARTICLE 5: OBSTRUCTIONS

Section

1. Advertisement
2. Additions, alterations to a structure
3. Any obstruction to persons or vehicles
4. Display of goods
5. Assembly
6. Construction

ARTICLE 6: ABANDONED, JUNKED, AND NUISANCE VEHICLES

Section

1. Definitions
2. Removal
3. Notice
4. Owner's Responsibility

CHAPTER NINE: STREETS, SIDEWALKS, AND VEHICLES

ARTICLE I: PARKING REGULATIONS

Section 1. No motor vehicle shall be parked upon any street within the Town limits, except within the regularly defined parking spaces, and in a manner provided by such regulations as the Town Board shall, from time to time, prescribe.

Section 2. No vehicle shall be parked with ten (10) feet of any fire hydrant.

Section 3. It shall be unlawful to drive or park any vehicle on any sidewalk.

Section 4. No person shall park or place any vehicle over any Town water meter, whether said vehicle partially or completely obstructs and/or covers said Town water meter.

Section 5. No person shall block the entrance to any public or private driveway or doorway with any vehicle.

Section 6. It shall be unlawful to park any automobile or other vehicle on any street in Town longer than twenty-four (24) hours.

Section 7. Whenever a vehicle is left standing upon the street, public alley, or other public place in the Town, the operator or person in charge shall shut off, or cause to be shut off, the engine of such vehicle, unless such vehicle is attended by a chauffeur of person qualified to operate it.

Section 8. The parking limitation imposed by this ordinance shall not apply to parking by authorized persons in space reserved for doctors and law enforcement officers.

Section 9. Any State or County Enforcement Officer who shall find a vehicle to have been parked in violation of this ordinance shall place on the windshield of the offending vehicle or in some other conspicuous place a parking ticket or citation giving notice of the violation and directing that payment be made.

Section 10. In an emergency situation the Town of Powellsville has the authority to have any vehicle towed or removed, the entire cost of the towing and/or removal, and any storage fees incident thereto, shall be the full responsibility of the owner(s) of the said vehicle.

Section 11. Reasonable fees may be charged which are sufficient to cover the costs of administration and enforcement. The amount of fees charged shall be as set forth in the Town's fee schedule as established by the Board of Commissioners and filed in the office of the Town Clerk.

ARTICLE 2: TRAFFIC REGULATIONS

Section 1. No person or garage owner or employee of such garage, shall repair any vehicle on any street in Town, except to make such repairs as are necessary to move such vehicle off the said street.

Section 2. No person shall drive any vehicle around or about any area of Town in any manner that shall prove offensive to any gathering or place of public worship.

Section 3. It shall be unlawful to operate a vehicle in the city limits in such a manner to cause the wheels thereof to lose traction with the surface on which they are driven, or so as to cause the tires to squeal.

ARTICLE 3: EXCAVATION AND REPAIRS

Section 1. No person shall lay out a new street, or alter an existing street without the approval of the Town Board.

Section 2. No person shall dig up, tear up, excavate or remove dirt, earth or other road building substance from any Street or proposed street without the approval of the Town Board.

Section 3. No person or business shall dig up, chop down, injure, or remove any tree or plant on any Town property without the approval of the Town Board.

Section 4. No person shall obstruct or close any public place or shall rake any excavation therein, without the approval of the Town Board.

ARTICLE 4: VEHICLE LOAD RESTRICTIONS ON TOWN STREETS

Section 1. It shall be unlawful for any person to operate or park any vehicle with a gross weight in excess of 20,000 pounds at any time upon any street within the corporate limits of the Town of Powellsville that is maintained by said Town and is designated as a Town maintained street by the North Carolina Department of Transportation.

Section 2. In addition to the provisions of Section 1 above, it shall be unlawful for any person to operate or park any 18 wheel tractor trailer, regardless of weight, at any time upon any street within the corporate limits of the Town of Powellsville that is maintained by said Town and is designated as a Town maintained street by the North Carolina Department of Transportation.

Section 3. In order for a person to be in violation of this Article, he or she must have been provided with actual or constructive notice of the existence of this Ordinance. If a street is marked by a duly erected sign indicating the restrictions set forth in this Ordinance, said sign shall be deemed sufficient notice to all persons operating or parking vehicles upon the street of the existence of this Article. If a street is not marked by such a sign as indicated above, a person must be provided notice of the existing Ordinance in any one of the following manners before he or she can be deemed in violation of this Article.

- (a) Personal verbal notice provided by either the Town Clerk or the Mayor of Powellsville.
- (b) Written notice provided by either the Town Clerk, Mayor, or Town Attorney of Powellsville.

Section 4. Violation of this Article shall be punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days, as provided in N.C.G.S. 14-4. For purposes of punishment herein, each separate violation of this Article shall be deemed a separate offense.

ARTICLE 5: OBSTRUCTIONS

Section 1. No person shall erect any banner, sign, billboard or other advertising matter on, or over, any street or sidewalk without the approval of the Mayor.

Section 2. No person shall construct, or add to a structure, any obstruction, or protrusion over any sidewalk or street without a resolution having been adopted by the Town Board of Commissioners giving such permission to do so.

Section 3. No person shall place on any sidewalk, roadway, or other property, anything constituting an obstruction to persons or vehicles without having first obtained a permit from the Mayor.

Section 4. No one shall place on any sidewalk any article of hardware or merchandise, or any counter, table, showcase, boxes, crates or other articles for the purpose of displaying thereon any goods, wares, or merchandise for sale without approval from the Mayor.

Section 5. No person shall obstruct the free passage and use of the streets and sidewalks by assembling and loitering together thereon.

Section 6. No person shall build or erect anything on any street or sidewalk, except upon the authority of a resolution duly adopted by the Town Board.

ARTICLE 6: ABANDONED, JUNKED, AND NUISANCE VEHICLES

Section 1. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

- (a) An abandoned vehicle is defined as a motor vehicle that:
 - (1) is left upon the right-of way of a public street or highway in violation of a law or ordinance prohibiting parking; or
 - (2) is left on the right-of-way of a public street or highway for longer than seven (7) days; or
 - (3) is left on property owned or operated by the town for longer than twenty four (24) hours; or
 - (4) is left on private property without the written consent of the owner occupant or lessee thereof, for longer than two (2) hours.
- (b) A junked motor vehicle is defined as a motor vehicle that does not display a current license plate lawfully upon that vehicle and:
 - (1) is partially damaged or wrecked; or
 - (2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or
 - (3) is more than five (5) years old and appears to be worth less than five hundred dollars (\$500.00).
- (c) A nuisance vehicle is defined as a motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
 - (1) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests; or
 - (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
 - (3) A point of collection of pools or ponds of water; or
 - (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
 - (5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials; or
 - (6) So situated or located that there is a danger of it falling or turning over; or
 - (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrefied mater of any kind; or
 - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
 - (9) Any other vehicle specifically declared a health and safety hazard by the Town Board..
- (d) Open places mean areas of properties or portions thereof that are open to the exterior, including building openings, such as carports, or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side, and rear yards.

Section 2. Removal

- (a) It shall be unlawful for the registered owner or person(s) entitled to possession of a vehicle to cause or allow such a vehicle to be abandoned;
- (b) Upon investigation, a Powellsville Town Official or designee, may determine that a vehicle is abandoned and order the vehicle removed.
- (c) A written assessment must be provided to the Town Clerk itemizing the findings prior to any action being taken.
- (d) It shall be unlawful for the registered owner or person(s) entitled to the possession of a nuisance or junked vehicle , or for the owner, lessee, or occupant of the real property upon which a nuisance or junked vehicle is located to leave or allow the vehicle to remain on the property after which the vehicle has been ordered to be removed.
- (e) Upon investigation, a Powellsville Town Official or designee, may order the Removal of a junked vehicle as defined in this section after finding in writing that the aesthetic benefits of removing the vehicle outweigh the financial burdens imposed on the private property owner. Such finding shall be based on a balance of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following among other relevant factors may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the safety, comfort, happiness, and emotional stability of area residents.

Section 3. Notice

- (a) Except as set forth in section 5 below, an abandoned, nuisance, or junked vehicle that is to be removed shall be towed only after notice to the registered owner or person(s) entitled to possession of the vehicle. Notice shall be given by affixing a notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the town will remove the vehicle on a specified date, no sooner than seven (7) days after the notice is affixed or mailed, unless the owner or legal possessor moves the vehicle prior to that time. In the case of a nuisance vehicle or a junked vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to which mailed and the date mailed.
- (b) With respect to abandoned vehicles on private property, nuisance vehicles and

junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle, or in the case of a junked vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Town Board in writing prior to the applicable date of abatement and heard at the earliest regularly scheduled meeting of the Town Board of Commissioners.

Section 4. Exception to prior notice requirement

The requirement that written notice be given prior to removal of an abandoned, nuisance, or junked vehicle may, as determined by the Powellsville Town Board of Commissioners, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstruction or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the Powellsville Town Clerk in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (a) Vehicles abandoned on streets or highways. For vehicles left on the public Streets and highways, the Town Board hereby determines that immediate removal of such vehicles may be warranted when they are obstructing traffic.
- (b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on town-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses or residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 5. Removal post-towing notice requirements

- (a) Any abandoned, nuisance, or junked vehicle which has been ordered and Removed may, as directed by the town, be removed to a storage garage or any other designated storage area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle in writing, such notice to include the following:
 - (1) The description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner shall follow to redeem the vehicle; and

- (5) The procedure the owner shall follow to request a probable cause hearing on the removal.
- (b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in section 5(a)(1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.
 - (c) If the vehicle is registered in North Carolina, notice shall be given within twenty four (24) hours. If the vehicle is not registered in North Carolina, notice shall be given to the registered owner within seventy two (72) hours from the removal of the vehicle.
 - (d) Whenever an abandoned, nuisance, or junked vehicle is removed, and such Vehicle has no valid registration or registration plates, the Powellsville Town Code Enforcement Officer, Mayor, or designee shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify the owner of the information set forth in section 5 (a) (1) through (5).

Section 6. Owner's Responsibility

If an abandoned, nuisance, or junked vehicle is removed by or at the direction of the Powellsville Town Board, the owner shall pay all costs incurred as a result of the removal and storage of such vehicle.

CHAPTER TEN

WATER AND SEWERAGE

ARTICLE 1: WATER

Section

1. Hook-Up
2. Hook-Up Charge
3. Violation
4. Unlocking hydrant, etc.
5. Obstructing Water Meters

ARTICLE 2: SEWERAGE

Section

1. Definitions
2. Connections required
3. Connections made by plumbers
4. Permits
5. Prohibited conduct
6. Trespassing

CHAPTER TEN: WATER AND SEWERAGE

ARTICLE 1: WATER

Section 1. It shall be mandatory that all existing structures located within the limits of the Town shall be connected to the water system of Powellsville. "Structures" shall be defined for the purposes of this Article to only included residences, other structures which are used for human habitation or occupancy, or business structures requiring the use of water.

Section 2. All structures that initially are hooked up to the water system after the effective date of this Ordinance shall pay the regular hook-up charge as established by the Powellsville Town Council. It is specifically provided that all structures that are already connected to the existing water system of the Town as of the effective date of this Ordinance shall not be required to pay a hook-up charge to be connected to the "improved" Town Water System. All structures constructed after the completion of the current water improvements project must hook-up to the Town Water System within one month after the completion of construction and shall pay the regular hook-up charge.

Section 3. Violators of this Article shall be guilty of a misdemeanor and shall be punished by a fine of not more than Fifty Dollars or by imprisonment for not more than thirty days as provided in N.C.G.S. 14-4.

Section 4. Any person who shall unlock any hydrant, turn any water cock or valve and thereby cause the water to escape from any standpipe, hydrant or other part of the

waterworks of the County shall be deemed guilty of a misdemeanor; provided, that this section shall not apply to any person turning such valve, water cock or unlocking such hydrant by order of the Mayor, or to any person in charge of the waterworks or officer of the County or, in case of fire or practice, to any member of the County fire departments.

Section 5. It shall be unlawful for any person to place any obstruction over any Town water meter, whether said obstruction partially or completely obstructs and/or covers said Town water meter.

ARTICLE 2: SEWERAGE

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

- a. Sewer. Sewer shall mean sanitary sewer and storm sewer or storm drains.
- b. Sanitary sewer. Sanitary sewer shall mean a sewer which carries domestic sewage and industrial waste, except that of the type expressly prohibited by this article, without the admixture of surface water and storm water.
- c. Storm sewer or storm drain. Storm sewer or storm drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes.
- d. Domestic sewage. Domestic sewage shall mean liquid waste from bathrooms, toilet rooms, kitchens and home laundries.
- e. Industrial wastes. Industrial wastes shall mean the liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial and commercial establishments.
- f. Properly shredded garbage. Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- g. Suspended solids. Suspended solids shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

Section 2. It shall be unlawful to use or maintain any residence or other building in the Town which is located on a lot abutting on the Town sewer line without hookup to municipal sewer service. Such residence or building being not more than two hundred (200) feet from the sewer line, unless such residence or building is provided, with a flush closet or closets connected with the municipal sewer; provided, that county water is available from the county mains within two hundred (200) feet of the residence or building. All properties in the Town not included under this section shall be governed by the requirements of the State Board of Health.

Any person requesting municipal sewerage shall be required to pay a connection fee as set forth by the Town of Powellsville sewerage fee schedule established by the Town Board of Commissioners.

Section 3. No person, other than master plumbers or journeyman plumbers employed by master plumbers shall make or cause to be made connections to any plumbing fixture drain, waste, soil or vent pipe, or water supply system in connection therewith.

Section 4. Any person desiring to discharge, or who is now discharging any industrial waste into the Town sanitary sewers shall make application to the Town Board in the manner prescribed by him for a permit authorizing the discharge of industrial waste into the Town sanitary sewer.. The board shall approve such applications and issue permit only when it is satisfied that the discharge into the sanitary sewer will or does, as the case may be, comply with all regulations of this article.

Section 5. No person shall discharge or deposit any of the following waste materials into any Town sewer:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- b. Any water or waste' which may contain more than 100 parts per million by weight, of fat, oil, or grease, exclusive of soap.
- c. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- d. Any garbage; provided however, properly shredded garbage may be discharged into sanitary sewer.
- e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in said sewers or other interference with the proper operation of the sewerage works.
- f. Any waters or wastes having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.
- g. Any waters or wastes having chemical characteristics, such as excessive alkalinity or excessive acidity, which will so interfere with the sewage treatment plant processes as to cause noncompliance with the receiving stream standards established by the State of North Carolina.
- h. Any waters or wastes containing more than 700 parts per million by weight of suspended solids.
- i. Any waters or wastes having an objections' color which is not removable in the sewage treatment plant processes.
- j. Any waters or wastes containing a toxic poisonous substance or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.
- k. Any water or waste that contains more than 10 parts per million by weight of the following gases: Hydrogen sulphide, sulphur dioxide, or nitrous oxide or any gas or substance which either singly or by interaction with other waste, is capable of creating a public nuisance or hazard to life of preventing entry into sewer for their maintenance and repair.

- l. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- m. Any water or waste which contains grease or oil or other substances that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit.
- n. Any water or waste containing emulsified oil and grease exceeding on analysis an average of 100 parts per million (833 pounds per million gallons) of other soluble matter.

Section 6. No person shall trespass on Town of Powellsville lift station properties or the Town of Powellsville farm or lagoon. Violators shall be subject to a fine or criminal prosecution for trespassing or damages incurred due to trespassing.

CHAPTER ELEVEN

COMMUNITY BUILDING

ARTICLE 1: USE REGULATIONS

Section

1. Fees
2. Deposit
3. Sponsorship
4. Regulations for use
5. Signed agreement

ARTICLE 1: USE REGULATIONS

Section 1. A fee of \$150.00 shall be collected prior to use of the Town of Powellsville Community Building.

Section 2. A deposit fee of \$50.00 shall be required prior to use of the Town of Powellsville Community Building. This fee shall be held until inspection is completed by Town Personnel.

Section 3. Use of the community building requires sponsorship by an adult who is at least 21 years of age.

Section 4. The following regulations for use of the community building shall apply:

- (1) The key to the community building may be picked up on the Thursday before the permitted function is to occur unless the function is to occur on the weekend. If the function occurs on the weekend, the key must be picked up during regular Town Hall business hours on the last business day prior to the function.
- (2) No person or persons permitted to use the community building will be allowed to occupy said building during the hours of 12:00am to 6:00am.
- (3) Only bona-fide non-profit organizations will be allowed to charge or accept donation for any event or function.
- (4) No political or quasi-politically related functions may be held in the community building.
- (5) Person/persons using the community building will be responsible for any and all damages that may occur while building is under agreement.
- (6) Town personnel will inspect community building after function, before any deposit is returned.
- (7) Any cancellation after a deposit has been made is nonrefundable.

Section 5. Each person using the community building must read, understand, and sign, a copy of the community building rules and regulations prior to use.

CHAPTER TWELVE
PERSONNEL ORDINANCE

ARTICLE 1. THE PERSONNEL SYSTEM

Section

1. Purpose
2. Merit Principles
3. The Mayor
4. Personnel Records

ARTICLE 2. RECRUITMENT AND APPOINTMENT

Section

1. Recruiting and Appointing Procedures
2. Recruiting Area
3. Probationary Period
4. Part-Time and Temporary Employment
5. Employment of Relatives

ARTICLE 3. PERSONNEL ACTIONS

Section

1. Merit Pay Raise
2. Promotion
3. Transfer
4. Demotion
5. Resignation
6. Suspension
7. Dismissal
8. Layoff
9. Reinstatement

ARTICLE 4. CONDITIONS OF EMPLOYMENT

Section

1. Responsibility of the Employee
2. Responsibility of the Department Head
3. Attendance
4. Performance Evaluation
5. Outside Employment
6. Political Activity
7. Solicitations
8. Gifts and Favors
9. Conduct
10. Use of City Supplies and Equipment
11. Safety
12. Hours of Work
13. The Grievance Procedure

ARTICLE 5. LEAVES OF ABSENCE

Section

1. Holidays
2. Vacation Leave
3. Sick Leave and Maternity Leave
4. Workman's Compensation
5. Civil Leave
6. Military Leave
7. Rest Periods
8. Leave Without Pay.
9. Sympathy Pay

ARTICLE 6. FRINGE BENEFITS

Section

1. Retirement and Death Benefits
2. Social Security

ARTICLE 7. CLASSIFICATION PAY

Section

1. Pay Day
2. Overtime Compensation

ARTICLE 8. SEXUAL HARASSMENT POLICY

Section

1. Purpose
2. Policy
3. Definitions

CHAPTER TWELVE: PERSONNEL ORDINANCE

ARTICLE 1. THE PERSONNEL SYSTEM

Section 1. Purpose:

This ordinance establishes a system of personnel administration for the Town of Powellsville to recruit, select, employ, develop and maintain an effective and responsible work force. This ordinance also covers conditions of employment, employee benefits, work rules, grievance procedures, position classification and pay administration.

Section 2. Merit Principles:

The Town embraces the following merit principles in administering its personnel program:

- A. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed, sex, age, national origin, color or race. Handicapped persons shall be given equal consideration in all personnel actions providing their handicaps are not unreasonable barriers to satisfactory performance of duties.
- B. Individuals shall be treated with proper regard for their privacy and constitutional rights as citizens.
- C. Employees shall be recruited, selected, trained and advanced on the basis of their relative ability, knowledge, skill and performance.
- D. Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated from employment when inadequate performance cannot be corrected.
- E. Employees shall receive equitable and adequate pay and benefits and all positions requiring performance of the same duties: and fulfillment of the same responsibilities shall be assigned to the same classification and the same salary range.
- F. Eligible employees shall receive merit pay increases based on the quality of their performance, subject to the availability of funds.
- G. Employees shall be protected against coercion for partisan political purposes.

Deleted: ¶

Section 3. The Mayor:

As the chief executive officer, the Mayor is the head of the administrative branch of the Town government and is directly responsible to the Town Board for the administration of

the affairs of the Town. The Mayor is the final authority, with advice and consent of the Town Board, for directing the activities of all classified employees. Therefore, the Mayor shall establish personnel policies, rules and procedures as necessary to effectively accomplish the mission of the Town which are not inconsistent with the Town Charter of ordinances or with Federal or State laws.

Section 4. Personnel Records:

The Mayor shall establish a system of maintaining official personnel records for employees of the Town. Each personnel file shall contain such documents as the pre-employment application and resume, record of personnel actions, performance evaluations, retirement and insurance records, tests results, certificates of achievement, letters of recommendation and commendation, letters of reprimand, records of disciplinary action and other personnel related documents. Certain information included in an employee's personnel file shall be considered as public records, while other information in the employees file shall be treated as confidential in accordance with NC General Statute 160A-168. Privacy of Personnel Records.

ARTICLE 2. RECRUITMENT AND APPOINTMENT

Section 1. Recruiting and Appointing Procedures:

The Mayor shall distribute notices and announcements throughout the community publicizing employment opportunities, specifying qualifying requirements, and the pay range of the positions to be filled.

Qualified persons currently employed by the Town shall receive first consideration for filling those vacancies that represent promotional opportunities.

Individuals shall be recruited, screened, appointed and promoted on the basis of job related experience, job related skills, knowledge and abilities, the quality of past performance and on the basis of the candidate's general suitability to perform the required work. Factors that are not job related shall not be considered, such as political preference, religious creed, sex, age and race. The Mayor shall have, with advice and consent of the Town Council, final hiring authority in ruling on personnel actions recommended by department heads.

Section 2. Recruiting Area:

Candidates for employment shall be recruited from a geographic area as wide as necessary to assure obtaining well qualified applicants.

Section 3. Probationary Period:

A new employee serves a probationary period of at least six-months. The probationary period provides an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which one must prove his or her ability to perform the work, to accept additional responsibility, to develop a desirable attitude and to work well for the public and with his or her fellow employees.

An employee serving a probationary period shall be entitled to all benefits provided in accordance with this Personnel Policy except as follows:

- (a) An employee may accumulate vacation leave, but shall not normally be eligible for paid vacation during the probationary period. The Mayor may allow paid vacation to probationary employee when he determines that such is required to relieve a particular hardship situation.
- (b) An individual whose employment is discontinued for any reason during the probationary period shall not be eligible for terminal pay for accumulated vacation.

A probationary period may be extended in duration for up to six additional months, except that the probationary period for sworn police personnel shall not exceed 12 months.

If continued employment is considered not to be in the best interest of the Town, employment may be discontinued during the probationary period without adverse judgment against the worker.

Upon successful completion of the probationary period the employee is eligible to be considered for a probationary pay increase moving from the beginning Step to the second Step of the assigned salary grade; likewise, the employee becomes eligible for paid vacation scheduled upon approval of the Department Head or the Mayor.

Waiver of all or part of the probationary period or starting salary above Step (1) is subject to prior approval by the Mayor.

Section 4. Part-time and Temporary Employment:

A temporary employee shall not be eligible for paid vacation, sick leave, paid holidays, insurance or other benefits that accrue to the permanent full-time employee. Part-time and temporary employees may be hired and paid, subject to the availability of funds, at a rate that is competitive with the local labor market upon approval of the Mayor.

Section 5. Employment of Relatives:

The hiring of a relative after the election or appointment and during the term of office of any member of the governing body of the Town is prohibited. Likewise, no person shall be hired or assigned to work under the administrative influence or supervision of a relative, nor shall any employee's relative be hired without prior approval of the Town Board. This policy refers specifically to a spouse and to the brother, sister, parent or child of either the employee or of the spouse.

ARTICLE 3. PERSONNEL ACTIONS

Section 1. Merit Pay Raise:

A merit pay raise is an award made when the quality of an employee's performance is worthy of special recognition and when the salary of an employee is advanced from one step to the next higher step within the same assigned Salary Grade.

Following, successful completion of an employee's probationary period, the quality of his or her performance shall continue to be reviewed and appropriate instruction and counsel shall be provided in methods for improving job performance.

Merit salary increases, shall not be awarded automatically. When an employee's productivity, attitude, attendance or work quality need to be improved, the department head shall deny a merit salary increase and the employee shall be given verbal and written notice where improvement needs to be made.

An employee will usually be considered for a merit salary increase once each year subject to the quality of work performed, the availability of funds, recommendation of the department head and approval by the Mayor.

Performance Evaluation, as described in Article 4, Section 4 shall be used to review work progress and to form one basis for consideration in awarding a merit salary increase.

Section 2. Promotion:

A promotion is defined as a move from one position class to another that is assigned to a higher Salary Grade.

It shall be the policy of the Town to seek qualified applicants for vacant positions giving first consideration to promoting nom among those already employed by, the Town and across departmental lines. In the absence of current employees as qualified candidates for, promotion, vacancies shall be filled by recruiting from outside the Town workforce.

Employees shall be considered for promotion on the basis of job related experience, skill, knowledge and ability; and on the basis of a review of the quality of past performance and general suitability for the higher level position. Factors shall not be considered in

judging eligibility for promotion that are not job related such as political preference, religion; age, sex, color and race.

Promoted employees shall be required to successfully complete a probationary period of employment in the new position as described in Article 2, Section 4.

When the promotional qualifications of two or more employees are judged to be equal, the one the longest service with the Town shall be promoted: However; an employee is normally expected to have served one year or more in his or her current position before being considered for promotion.

A department head's recommendation to promote an employee shall be reviewed and approved by the Mayor.

Section 3. Transfer:

A transfer is defined as a lateral move from one department, division or work unit to another without change in position class or salary grade.

It is the policy of the Town to transfer employees temporarily or permanently from one department to another when doing so will serve the Town's best interest. This policy permits maximum utilization of manpower during unanticipated emergency situations, during peak workloads, and for shifting help to where it is needed most.

A transfer to an authorized vacancy may also be arranged upon mutual agreement of all interested administrative officials and the employee.

Section 4. Demotion:

A demotion is defined as a move from one position class to another in an authorized vacancy which is assigned to a lower Salary Grade. The Town may find it appropriate to demote an employee as a result of unusual circumstances such as:

- (a) When an employee becomes partially disabled, yet able to perform in a lower level position with less stringent physical demands that will not jeopardize his or her safety or welfare or that of his or her co-workers.
- (b) When an employee is not satisfied with, or not able to meet the requirements of his or her position.
- (c) When a promoted employee fails to satisfactorily complete the probationary period as provided in Article 2, Section 4.
- (d) When a demotion is determined to be suitable penalty for misconduct.

Section 5. Resignation:

Resignation is defined as voluntary termination of employment by an employee whereby advanced notice is given to his supervisor of his intention to resign. An administrative, professional, technical or supervisory employee should give written notice of his or her intention to resign two weeks in advance of the effective date. A craftsman, equipment operator, skilled and semi-skilled laborer may give verbal notice of his or her intention to resign one week in advance of the effective date. An employee who fails to give advance notice of his or her intention to leave their job as provided by this section shall forfeit terminal pay for accrued vacation; and, failure to comply with this requirement shall all so be cause for denying future re-employment except that deviation from the provisions of this section may be authorized by the Mayor.

Section 6. Suspension:

Suspension is defined as an action taken by the Town whereby pay is discontinued while an employee is temporarily relieved of all duties and responsibilities. Suspension shall be used to allow time for the investigation hearing or trial of an employee against whom an allegation of wrong doing has been made. If the allegation proves false the employee may be reinstated without loss of compensation, except that the amount of compensation without loss of compensation, except that the amount of compensation shall not exceed the equivalent of pay earned during 13 weeks of employment.

Compensation shall not exceed the equivalent of pay earned during 13 weeks of employment. Suspension shall also be used as a disciplinary action to penalize an employee for misconduct, insubordination, or to correct poor work habits. Disciplinary suspensions shall be without pay and the duration of disciplinary suspensions shall vary with the seriousness of the offense.

Section 7. Dismissal:

Dismissal is defined as an action taken by the Town Board whereby the employee is immediately relieved of all-duties and responsibilities and discharged from the employment of the Town.

Section 8. Layoff:

Layoff is defined as a separation from employment because of an organizational change, lack of work, lock of funds or other reasons that reflects no discredit upon the employee.

Before an employee is subject to a layoff, the Town shall first make every reasonable effort to retain the employee through transfer or to make the necessary work for reduction through normal attention.

When a layoff cannot be avoided, the Town shall base the decision on the relative quality of performance and give consideration to seniority in the Town service only when the work related qualifications and abilities are relatively equal.

Section 9. Reinstatement:

Reinstatement is defined as an action taken by the Town whereby a former Employee, who had been laid off or otherwise left the service in good standing, is re-employed upon approval by the Mayor.

The recommended salary level and extension of benefits for a reinstated employee are likewise subject to prior approval by the Mayor.

ARTICLE 4. CONDITIONS OF EMPLOYMENT

Section 1. Responsibility of the Employee:

An employee of the Town shall be expected to:

- report to work on time and remain on the job until the end of their work shift.
- perform duties to the best of his or her ability and contribute a full day's work for a full day's pay
- work well with other employees and to accept additional assignments during peak workloads and emergency situations
- request prior approval before faking leave of absence and before leaving the work site
- refrain from spreading rumors or engaging in other activities which have a disruptive influence on morale or work progress

Section 2. Responsibility of the Department Head:

A department head shall meet his or her responsibilities as directed by the Mayor, being guided by the Town Charter and ordinances. Department heads and their subordinate supervisors shall meet their responsibilities by:

- dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities
- developing and motivating employees to reach their fullest potential through continued education and training
- making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements
- keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work
- making every effort to resolve employee problems and grievances and advising employees of their rights and privileges

Section 3. Attendance:

Because Town services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee which may influence his or her future eligibility for a merit pay increase or for promotion.

In accordance with Article 5, Section 3 -Sick Leave, the employee shall be required to call his or her supervisor in advance to advise him or her when illness prevents reporting to work, and when the employee expects to be late for work because of unusual and unavoidable circumstances.

If an employee is away from his or her job for two consecutive work days without notice, it shall be assumed that the employee has resigned and forfeited any claim to terminal pay for accumulated vacation.

Section 4. Performance Evaluation:

A supervisor may evaluate performance beginning with the employee's first day on the job. Through open communications from his or her supervisor, the employee shall obtain a clear understanding of what is expected of his or her job performance and what are his or her strong points and weak points. An employee may expect to continue serving the Town without a reduction in pay for as long as funds are available and he or she continues to fulfill the basic performance requirements of the assigned position.

In accordance with the Town's employee performance evaluation policies, a formal evaluation may be completed for an employee upon completion of his or her probationary periods and at least once each year thereafter. The Town's performance evaluation program provides for appraising the employee's work.

The most important advantage to the Town's system for appraising the quality of job performance, is that the process brings the employee and the supervisor together to discuss problems, questions, and work progress or lack of progress.

Section 5. Outside Employment:

The Town has no intention of attempting to regulate what an employee does during his or her own time away from the job as long as off-duty activities do not represent a conflict of interest or reflect discredit on the Town. To avoid possible conflict of interest, the employees outside employment shall be reported to and approved by the Mayor, through the department head. An employee is cautioned not to engage in outside activities that are so exhausting that one's physical and mental abilities are consistently impaired to the extent that his or her Town service is adversely affected.

Section 6. Political Activity:

The Town encourages employees to exercise their civic responsibility in support of good government at all levels by voting for the political candidates and issues of their choice.

An employee may join or affiliate with political organizations, may attend political meetings and may advocate and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and of the United States of America.

However, an employee shall not:

- (a) Engage in political activity while on duty.
- (b) be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, promotion or tenure of office.
- (c) use town-owned supplies, equipment or facilities to display political slogans, posters or stickers or for any other political purpose.
- (d) solicit or act as custodian of funds for political or partisan purposes.
- (e) and shall not, be a candidate for, or hold political office.

Any violation of these provisions shall be deemed improper conduct and result in discharge or disciplinary action.

Section 7. Solicitations:

Except for the United Fund and the Blood Donor Program,. no employee shall solicit pledges or contributions or promote sales for any cause during working hours.

Section 8. Gift and Favors:

The conduct of an employee in Town service shall be free from influence arising from gifts, favors or special privileges. It is the obligation of an employee to refuse personal gifts, favors or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal or financial advantage because of his or her position with the Town.

Section 9. Conduct:

An employee is expected to conduct himself or herself both on and off the job, so as to reflect credit on the Town and on fellow employees. The following are examples of unacceptable behavior:

- reporting for work in an intoxicated or drugged condition
- use of intoxicants while on the job
- infamous or disgraceful conduct on or off the job
- gross inefficiency, insubordination or refusal to perform assigned duties
dishonesty, theft or falsification
- engaging in scheme for personal profit in connection with official duty or town property
- conviction of a felony
- insufficient regard for work rules and regulations
- repeated failure to satisfy legitimate claims by creditors

A Town employee who is guilty of any of the above infractions may be reprimanded, demoted, suspended or dismissed, depending upon the Town Council judgment of the severity of the infraction.

Department heads shall be responsible for counseling employees about their problems. A letter shall be sent to an offending employee which will describe the misconduct and state the disciplinary action to be taken. If the employee feels the disciplinary action is unwarranted, the employee may file an appeal in accordance with the Town's grievance procedure.

Section 10. Use of Town Supplies and Equipment:

Town equipment, materials, tools and supplies shall not be available for personal use nor be removed for Town property except in the conduct of official Town business.

Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he or she would care for their own. Such vehicles are to be used exclusively for official Town business, except that by special approval of the Mayor, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back to work.

No individual shall operate or ride in a Town vehicle except as is required for the conduct of official Town business.

Section 11. Safety

All employees shall be responsible for personal safety. Department heads and supervisors shall share the responsibility for:

- providing safe work procedures and environments;
- implementing safety policies and programs;
- informing and training employees in safe work habits;
- detecting and correcting unsafe practices and conditions;
- investigating accidents and preparing accident reports;

- encourage employees to report unsafe conditions and to submit practical safety suggestions.

Likewise each Town employee is responsible for:

- developing and maintaining safe work, habits;
- promptly reporting all accidents and injuries;
- pointing out dangerous practices and working conditions;
- assisting with investigations of accidents;
- taking proper care of safety equipment;
- wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets, and long hair around moving machinery;
- knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Section 12 Hours of Work:

Many of the services performed by Town employees are essential and some must be provided day and night, every day of the year. Therefore, Town employees may be required to work changing shifts and the number of hours per day may differ:

Weekly hours of work shall be as follows:

<u>Employee Group</u>	<u>Hours per Week</u>
Town Clerk	Determined by Board of Commissioners
Maintenance and other	40

Section 13 The Grievance Procedure:

In establishing or enacting the following procedure, it is the intent of the Town Board to establish an informal process by which the desires and wishes of each and every employee of the Town may be accommodated, in so far as possible. It is not the intent of the Board in enacting this provision to establish any legal procedure for the determination of rights, nor to create any legal rights or procedural rights which do not otherwise exist simply by reason of the facts of employment.

The grievance procedure is designed to insure an employee or group of employees fair, impartial and prompt consideration of a problem or dissatisfaction without fear of reprisal. The procedure also encourages employees at all levels to express themselves

regarding conditions of work. The grievance procedure is intended to promote better understanding of policies, practices and procedure to instill confidence in employees that fair and impartial treatment will be received; and develop in supervisors a continuing sense of responsibility for maintaining effective working relationship with subordinate employees.

All employees, including supervisors and department heads, are expected to discuss their problems and misunderstandings with their superiors. Open two-way communication is a proven factor in reducing and resolving grievances.

When an employee feels the need to resolve a work related problems, dissatisfaction or complaint, the following procedure is available:

Step (1) – Informal Discussion with Immediate Supervisor:

An employee (or group) who feels he has a grievance shall first discuss his problem with his immediate supervisor. The employee (or group) must tell the supervisor about his grievance as soon as possible but not later than five (5) workdays following the incident or action that caused or revealed the problem. It is a supervisory responsibility to encourage the subordinate to talk openly about his problem so as to promote understanding. Most misunderstandings will be clarified and resolved during this free exchange of viewpoints. However, if the employee (or group) still feels his grievance is not resolve, he may proceed to the next step of this procedure.

Step (2) - Appeal to Department Head:

An employee (or group) may request a hearing with the department head to appeal an unresolved grievance. Such a request must be received by the department head in writing from the employee no later than ten (10) workdays following the event that caused or revealed the grievance.

The department head shall promptly notify the employee (or group) and immediate supervisor of a date and time for the meeting which will be no later than fifteen (15) workdays after the problem causing event. The employee may choose one fellow employee to attend the hearing to help him present his case; and the immediate supervisor shall attend to explain his position.

The department head will open the meeting by encouraging an informal discussion of the problem and will explore possible solutions with those in attendance. Every effort shall be made during this discussion to resolve the grievance to the satisfaction of all concerned. However, if the grievance cannot be resolved through this discussion, the parties will prepare written reports on the issues. These reports shall be promptly submitted to the Mayor for further consideration through the next step.

Step (3) -Appeal to the Town Board:

The Town Board shall review the written reports and may request additional information and documentation. The Town Board shall notify all concerned of a time and date for a meeting to discuss facts about the grievance to take place as soon as possible but not later

than twenty-five (25) workdays after the problem causing event, or, the Town Board may elect to refer the reports and documents to a special grievance committee, for investigation and recommendation.

The special grievance committee shall include three classified City employees, one will be appointed by the Town Board; and one fellow employee appointed by the offended employee (or group). The third member of the special grievance committee, who will act as chairman, shall be appointed by the first two appointees. If requested by the Town Board, the Committee shall meet with all parties concerned not later than twenty-five (25) workdays after the problem causing event. At this meeting, the grievance committee shall review the grievance report and other documentation, make further investigations, if necessary, and promptly refer the Committee recommendation to the Town Board.

Whether or not the Town Board elects to engage a special grievance Committee, he shall furnish written notice to the employee, the immediate supervisor and the Department Head of his ruling. This notice shall be made not later than thirty (30) workdays from the original date of the event that caused or revealed the problem.

The decision rendered by the Town Board shall be final. Any deviation from the above policy and procedure shall be subject to approval by the Manager.

ARTICLE 5. LEAVE OF ABSENCE

Section 1. Holidays

The Town shall observe the following as official holidays. When a holiday falls on Saturday or Sunday, the following Monday shall be observed;

New Year's Day
Easter Monday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day-plus 2 additional days

If an employee is engaged in shift work and if the regular work schedule required one to work on a holiday, the employee shall receive a subsequent day-off as compensation for the holiday worked; likewise, if a holiday falls on one's scheduled day-off, the employee shall receive an-additional day-off.

An employee who must work on a holiday, who would normally be expected to observe the day-off, shall receive holiday. Holiday pay is equal to two times hourly rate of pay.

Section 2: Vacation Leave

<u>Length of Service</u>	<u>Vacation Leave</u>
1 through 5 years	5 workdays
6 through 10 years	10 workdays
11 years and longer	15 workdays

The maximum number of unused vacation days that may be carried over from one calendar year to the next is five. For pay purposes, a vacation day is equal to a regular workday except that a vacation day equals twelve hours for firefighting personnel who are assigned to duty on 24-hour shifts.

Persons who are hired on or before the 15th of the month earn vacation time for that month; and those hired after the 15th of the month begin earning vacation on the first of the following month. A new employee will work and accrue vacation for one year before he is eligible to take paid vacation.

An employee continues to accumulate vacation while on vacation and sick leave and an employee must be on pay status more than 15 days of the month in order to earn vacation for that month.

An employee is not authorized to use vacation that is accrued by another employee.

An individual who leave the Town before completing six months in full time classified employment is not eligible to be paid for an accrued vacation; and permanent employee will forfeit accrued vacation pay if he fails to give prior notice of his intention to resign. However, for other circumstances of separation, an employee is entitled to be paid For accrued vacation as of the date of his departure. Vacation time may be taken as earned by a permanent employee when mutually convenient for the town and the Employee therefore, vacation requests and scheduling are subject to approval by the department head.

Section 3: Sick Leave and Maternity Leave

Sick leave with pay is accumulated to the credit of each probationary and permanent employee at the rate of one-half day for each calendar month of service. An employee is placed on leave without pay when the number of sick leave days taken exceeds the number of sick leave days accumulated.

For pay purposes, a sick leave day is equal to a regular workday except that a sick leave day equals twelve hours for firefighting personnel who are assigned to duty on 24-hour shifts.

A pregnant employee may prefer six: months of absence. However, pregnancies differ, and depending upon the physician's advice and in consultation with her department head.

an employee n may alter the duration of her maternity leave. Any combination of accumulated sick leave, vacation and leave without pay, maybe used to cover absence required for child birth. The Town will reinstate the employee without loss of seniority or benefits when she returns to work within six months after pregnancy is terminated.

Persons who are hired on or before the 15th of the month earn sick leave for the Month and those hired after the 15th of the month begin earning sick leave on the first of the following month.

An employee continues to accumulate sick leave while on vacation and sick leave, and an employee must be on pay status-for more than 15 days in the month in order to Earn sick leave for the month.

When personal illness extends beyond accrued sick leave, a charge will be made against vacation time and then leave without pay.

Sick leave is not to be abused and will be granted with pay only when the employee:

- (a) Calls his supervisor to give the amount of advance notice that the supervisor requires.
- (b) Tells his supervisor the nature and expected duration of the illness.
- (c) Keeps his supervisor informed, daily if necessary, of the status of the illness.

If the employee fails to notify the department head of the illness and fails to tell the department head when a return to work might be expected, the employee will be placed on leave without pay until the absence is explained. The department head has the authority to require proof of illness in whatever form that will meet his approval by the Mayor.

An employee will not work at the same time he is on paid sick leave, nor will one employee give any of his accrued sick leave to another, without approval of the Town Manager. If sick leave is not used, it shall accrue to the employee's account to a maximum of 12 days while he or she is in the employ of the Town.

An employee who is eligible for retirement who remains absent from work for more than sixty consecutive workdays because of sickness or injury shall file application for disability, early, or service retirement, or show evidence to the satisfaction of the department head that his disability is not permanent.

To claim paid sick leave under false pretenses is considered a flagrant abuse of a valuable benefit and a serious violation of Town policy that would be ground for dismissal. No employee shall be paid for unused sick leave.

Section 4: Workman's compensation

Town employees are protected by the North Carolina Workman's Compensation Act in the event of a job related injury or illness. Payments are made for medical expenses and partial payment is made for salary for time lost from the job in accordance with provisions of the Act.

No charge is made against sick leave or vacation unless the disability continues beyond six months. After that time, charges may be made against sick leave, vacation, and then leave without pay.

To protect his or her interest under the law~ the employee has responsibility for promptly reporting all injuries resulting from on-the-job accidents in accordance with the North Carolina Workmen's Compensation Act.

Such reports shall be made on North Carolina Industrial Commission Form No. 9. The department head shall provide all necessary assistance in completing appropriate accident reports.

Section 5: Civil Leave

An employee called for jury duty, or as a court witness for the federal or state government or a subdivision thereof, by subpoena shall be entitled to leave without pay for such duty and the job of the employee shall not be in jeopardy.

Section 6: Military Leave

An employee who is a member of an Armed Forces Reserve organization or the National Guard shall be granted two (2) calendar weeks of leave with pay per calendar year for required military training. While on military leave, benefits will accrue as though present for duty. The leave is not charged as annual leave.

Section 7: Rest Periods

The Town makes no attempt to define or regulate a policy for rest periods or coffee breaks that can be uniformly applied for employees in all departments and divisions. Because there are numerous variations in working schedules and conditions, a department head and/or supervisor may establish an appropriate rest period policy that will best serve the Town's interest. It must be recognized that there may be circumstances which make designated rest periods or coffee breaks impossible; and therefore the department head will address the question accordingly.

If it is feasible, however a department head may provide two ten-minute rest periods per day within the building or at the job site. Rest periods are not accumulative or mandatory. Urgent Town business is always expected to take precedent over a coffee break.

Section 8: Leave Without Pay

To maintain interest in retirement and to continue life and health insurance coverage, the Town provides authorized leave without pay is available only if it is firmly established that the employee intends to return to the position from which he has taken leave. Leave without pay may include employees on:

- (1) Military leave
- (2) Leave for maternity after all paid leave has been exhausted
- (3) Leave for sickness- after all paid leave has been exhausted
- (4) Suspensions
- (5) Educational leave
- (6) Other approved temporary absences

Authorized leave without pay' may be extended for three month intervals for up to a year, subject to the Mayor. In absence of an extension of leave without pay, the employee's services will be terminated.

If on leave without pay for more than fifteen days in a month, an employee will not Accrue sick leave or vacation leave for that month.

Section 9: Sympathy Leave

Sympathy Leave is an authorized paid absence from work granted when a death occurs in an employee's immediate family. Immediate family members are the employee's spouse, parents, parents-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, brothers, sisters, children, and members of the same household.

All regular, full time employees are eligible upon hire for Sympathy Leave. Eligible employees may be granted up to three (3) days of Sympathy Leave for the death of an immediate family member and one (1) day for any other relatives. Employees maintain their regular pay and benefits while absent from work on an approved Sympathy Leave. Employees should request Sympathy Leave from their immediate supervisor by informing him or her of the death and number of days requested.

Under special circumstances, an employee may require more than the three-day Sympathy Leave period. An employee may request additional time off from his or her supervisor. The additional time off must be charged to Vacation Leave, or taken as Unpaid Time Off.

An absence from work in the event of the death of a person who is not an immediate family member or relative will be charged to the employee's Vacation Leave, or taken as

Unpaid Time Off. Employees must request such absences from their immediate supervisor.

ARTICLE 6. FRINGE BENEFITS

Section 1: Retirement and Death Benefits

The Town and employee contribute in the cost of the retirement plans which employees are required to join. Information about benefits and the systems are available in printed brochures circulated to employees. Under the North Carolina Law Enforcement Officers' Benefit and Retirement System and the North Carolina Local Government Employees' Retirement System, the Town provides death benefits at no cost to the employee, full and part time.

Section 2: Social Security

Social Security is federal government insurance to provide an employee with income in his senior years. Disability and death benefits are also provided by Social Security.

The cost for Social Security is paid through an automatic payroll tax. The Town matches the money that is deducted from the employee's payroll check for payment into the Social Security Trust Fund.

VOLUNTEER Firemen elected NOT to be covered by Social Security.

ARTICLE 7: CLASSIFICATION AND PAY

Section 1: Pay Day

Pay day falls on Wednesdays for all employees. Should a regular pay day fall on a holiday; pay checks shall be issued on the workday that precedes the holiday. Employees should be instructed to always examine paychecks for correctness and payroll deductions shall be explained.

Section 2: Overtime Compensation

The Town divides employees into two groups for overtime pay purposes. One group is identified as salary employees and the other group is hourly paid employees. Some salary employees may be expected to work overtime without additional compensation. Other salary employees who are not normally paid for overtime work may receive compensatory time off at the rate of one hour off for each hour overtime worked.

An hourly paid employee shall be paid at one and one-half times his regular rate for hours worked in excess of forty per week.

No employee shall work overtime except as authorized by the Mayor; and the Mayor's approval is required for any variances from the policy.

ARTICLE 8. SEXUAL HARASSMENT POLICY

Section 1. Purpose:

To communicate to all employees that the Town of Powellsville will not tolerate verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile environment.

Section 2. Policy:

It shall be the policy of the Town of Powellsville to prohibit all forms of harassment, and most specifically sexual harassment. The Town will not tolerate sexual harassment of any of its employees and will take immediate positive steps to stop it when it occurs.

Section 3. Definition:

A. Sexual Harassment:

Sexual Harassment is by definition unwelcome conduct which affects employment decision, makes the job environment hostile, distracting, or unreasonably interferes with work performance; such conduct includes but is not limited to the following actions:

1. Making either explicit or implied job threats or promises in return for submission to sexual favors.
2. Making inappropriate sex-oriented comments on appearance.
3. Any unwelcome physical contact that may be construed reasonably to present a threat to the affected employee.
4. Telling sexually-oriented stories that would be reasonably construed as offensive and embarrassing.
5. Displaying sexually explicit or pornographic material in a manner that would be reasonably construed as offensive.
6. Sexual assaults on the job by supervisors, fellow employees, or non-employees.

B. Employees Covered:

All employees of the Town of Powellsville including full-time and part-time employees regardless of whether permanent or temporary classification, and who are subject to the authority of the Town Mayor.

C. Exclusions:

"Employees" not covered by this policy are those who are not subject to the authority of the town Mayor; that is, contracted employees, independent contractors, etc.. Any alleged violation of this policy by the aforementioned against any Town employee related to his/her employment~ shall be reported to the Mayor for appropriate action, and the case

of any alleged violation by an elected official, report shall be to the remainder of elected officials.

D. Procedures:

(1) Making Sexual Harassment Complaints:

Any employee who believes that the actions or words of a fellow employee constitute unwelcome harassment has a responsibility to report or complaint as soon as possible to the Mayor. In the event the complaint is against the Mayor the employee shall make complaint to the other elected officials

(2) When making the complaint, the employee should be prepared to provide the following information:

- a. Employee's name, department and position title;
- b. The name of the person or persons committing the sexual harassment, including their title;
- c. The specific nature of the sexual harassment, how long it has gone on, and any employment actions (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken as a result of the harassment, or any other threats made as a result of the harassment;
- d. Witnesses to harassment, if available;
- e. Whether the harassment was previously reported, and if so, to whom.

(3) Investigation of Complaints:

a. All alleged incidents of sexual harassment shall be investigated. The Mayor may personally investigate the alleged harassment or he/she may designate an appropriate individual to investigate the incident. b. All complaints of harassment shall be investigated promptly and as impartial and confidential a manner as possible.

E. Disciplinary Actions:

(1) Based upon the investigation of the alleged sexual harassment, the Mayor shall, within a reasonable time, determine whether the conduct of the person against whom the complaint of sexual harassment has been made constitutes sexual harassment.

(2) If the Mayor determines that the complaint of sexual harassment is founded, he/she shall conduct a hearing to consider all evidence and provide both parties the opportunity to provide information to substantiate their claims.

(3) If after conducting a hearing with the effected parties and determining that sexual harassment has occurred, the Mayor shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his/her authority.

(4) The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination on the level of disciplinary action shall be made on a case-by-case basis.

(5) In all cases, and regardless of the outcome of the complaint, there will be no retaliation of any kind against the person making the complaint, witnesses or any other person connected with the investigation of the complaint of sexual harassment.

F. Follow-Up Actions:

In all cases, the individual making the complaint and the employee against whom the complaint has been made will be notified of the Mayor's findings and conclusions.

G. Sexual Harassment by Non-Employees:

In cases of sexual harassment committed by a non-employee against a Town employee in the workplace, the Mayor shall take all lawful steps to insure that the sexual harassment is brought to an immediate end.

H. Obligation of Employees:

- a. Employees are obligated to report instances of sexual harassment.
- b. Employees are obligated to cooperate in every investigation of sexual harassment, including but not necessarily limited to, coming forward with evidence, both favorable and unfavorable, to a person accused of sexual harassment, fully and truthfully making a written report of verbally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.
- c. Employees are obligated to refrain from filing bad faith complaints of sexual harassment.