

TITLE III: ADMINISTRATION

Chapter

30. BOARD OF COMMISSIONERS

31. OFFICERS AND EMPLOYEES

32. FINANCE AND PURCHASING

33. EMERGENCIES; PUBLIC SAFETY

34. TOWN POLICIES

CHAPTER 30: BOARD OF COMMISSIONERS

Section

Board of Commissioners

30.01 Regular meetings

Ordinances

30.15 Ordinances confined to one subject

30.16 Official copy

BOARD OF COMMISSIONERS

§ 30.01 REGULAR MEETINGS.

The Board shall meet the second Tuesday of each month at 6:30 p.m.
(Prior Code, § 2.1) (Motion at Board meeting, passed 7-8-2008)

Statutory reference:

Similar provisions, see G.S. § 160A-71

ORDINANCES

§ 30.15 ORDINANCES CONFINED TO ONE SUBJECT.

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.

(Prior Code, § 2.11)

§ 30.16 OFFICIAL COPY.

A true copy of an ordinance, which has been duly enacted by the Board, signed by the Mayor, and attested to by the Clerk, shall be known as an official copy of any ordinance for the town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

(Prior Code, § 2.12)

Statutory reference:

Similar provisions, see G.S. §§ 160A-76 through 160A-79

CHAPTER 31: OFFICERS AND EMPLOYEES

Section

- 31.01 Intoxicating beverages
- 31.02 Courtesy
- 31.03 Equipment
- 31.04 Complaints
- 31.05 Leaves of absence
- 31.06 Accidents
- 31.07 Discontinued employment

§ 31.01 INTOXICATING BEVERAGES.

No town employees shall use any intoxicating beverage or narcotic drug while on duty.
(Prior Code, § 2.21) (Ord. passed 1-3-1967)

§ 31.02 COURTESY.

All town employees shall be as courteous as possible to all citizens at all times.
(Prior Code, § 2.22) (Ord. passed 1-3-1967)

§ 31.03 EQUIPMENT.

(A) Town owned vehicles are never to be used at any time for personal use and shall not be driven at any time by any unauthorized person not employed by, or an official of, the town unless the operation thereof is done in connection with repairs being made on the vehicle.

(B) All major mechanical defects and failures of town equipment including motor vehicles, shall be reported to the Board at their regular monthly meeting together with all mileage each vehicle has been driven.

(C) Unauthorized persons shall not be carried as passengers in any vehicle owned by the town.
(Prior Code, § 2.23) (Ord. passed 1-3-1967)

§ 31.04 COMPLAINTS.

Any employee of the town having a complaint of any kind or nature shall bring the same before the Board for discussion at any of its regular meetings.
(Prior Code, § 2.24) (Ord. passed 1-3-1967)

§ 31.05 LEAVES OF ABSENCE.*(A) Holidays.*

- (1) The town observes the following as paid holidays each year:

New Year's Day	Labor Day
Martin Luther King	Veteran's Day
Easter Friday	Thanksgiving and Friday after
Memorial Day	Christmas (3 days)
Independence Day	

(2) Regular holidays which occur during a vacation, sick or other paid leave period of any officer or employee of the town shall not be charged as vacation sick or other paid leave.

(B) Vacation leave manner of accumulation.

- (1) Each full time employee shall earn annual leave at the following rates:

1st year:	1 week
2nd year to 9 years:	2 weeks
10th year to 19 years:	3 weeks
20 years:	4 weeks

(2) Part time paid employee of 22 hours per work week will receive 1/2 of the vacation schedule.

(C) *Vacation leave - maximum accumulation.* Annual leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee separates from service, pay for accumulated annual leave shall not exceed 10 days. On December 31 any employee with more than 10 days of accumulated leave shall have excess accumulation cancelled so that only 10 days are carried forward to January 1 of the next year.

(D) *Sick leave - manner of accumulation.*

(1) Each full-time and part-time paid 22-hour work week employee and probationary employee working the basic work week shall earn sick leave computed at the following rate:

<i>Days Earned</i>	<i>Each Year</i>
6 days:	For employment prior to April 9, 1991
12 days:	For employment after April 9, 1991

(2) Employees which retire will not be paid for sick leave but will be given credit for actual days of sick leave in relation to years of service towards retirement. Twenty days of sick leave accumulation equals to 1 month towards retirement.

(3) There is no maximum accumulation of sick leave.

(E) *Compensation time.* All full time employees shall be allowed “comp” time when they work outside of their normal work schedule by taking paid time off from their regular schedule to compensate for the work done outside of their schedule. Comp time shall only be allowed if other personnel are available to perform the employee’s duties during the period of time the employee takes time off. No comp time shall accumulate or carry over from year to year.
(Am. Ord. passed 9-10-2002; Am. Ord. passed 2-14-2006; Motion at Board meeting, passed 8-8-2006)

§ 31.06 ACCIDENTS.

Any employee involved in an accident of any kind or nature shall report the same immediately to his or her department head or to the Mayor. If the accident involves town equipment, the same shall not be moved until at least 1 town official has arrived at the scene and made a preliminary investigation of the same.

(Prior Code, § 2.26) (Ord. passed 1-3-1967)

§ 31.07 DISCONTINUED EMPLOYMENT.

Any town employee shall notify the Board 2 weeks in advance should he or she desire to discontinue employment. The Board shall likewise give an employee 2-weeks' notice unless it is of an emergency nature.

(Prior Code, § 2.27) (Ord. passed 1-3-1967)

Statutory reference:

Similar provisions, see G.S. §§ 160A-164

CHAPTER 32: FINANCE AND PURCHASING

Section

32.01 Purchasing

§ 32.01 PURCHASING.

(A) In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall be valid unless it bears on its face the certificate of the Finance Officer as follows:

“Provision for the payment of this check has been made by an appropriation duly made, pursuant to the Local Government Budget and Fiscal Control Act.”

(B) No contract, agreement or purchase order shall be valid unless it bears the Finance Officer's certificate as follows:

“Provision for the payment of moneys to fall due under this agreement has been made by appropriation duly authorized, as required by the Local Government Budget and Fiscal Control Act.”

(Prior Code, § 2.31)

CHAPTER 33: EMERGENCIES; PUBLIC SAFETY

Section

Police Department

- 33.01 Organization
- 33.02 Authority of Chief of Police
- 33.03 Duties of police
- 33.04 Authority to summon aid; interference with police
- 33.05 Uniforms

Auxiliary Police Force

- 33.15 Division established
- 33.16 Chief of Police to control; appointments and removals
- 33.17 Duties
- 33.18 Identification
- 33.19 Carrying and custody of firearms
- 33.20 Law enforcement powers
- 33.21 Power of arrest

Emergencies

- 33.35 State of emergency; curfew authorized
- 33.36 Form and content of proclamations

- 33.99 Penalty

POLICE DEPARTMENT

§ 33.01 ORGANIZATION.

The Police Department of the town shall consist of a Chief and as many more police officers as the Mayor and Board shall from time to time determine.

(Prior Code, § 3.1)

§ 33.02 AUTHORITY OF CHIEF OF POLICE.

The Chief of Police shall have the charge of the police force and as such shall assign duties to police officers as he or she thinks best for the good order of the town; and he or she shall be responsible to the Board in seeing that the police officers faithfully perform their duties.

(Prior Code, § 3.2)

§ 33.03 DUTIES OF POLICE.

(A) Any such officer shall be on call 24 hours daily to aid in any emergency or help in any other capacity as he or she may be called upon by any of the town officials deemed necessary by them such as directing traffic for funerals or upon such other occasions as from time to time may arise.

(B) It shall also be the duty of a police officer upon coming on duty at night to check the front and rear doors of each business establishment in the town.

(C) All police officers shall appear in court as witnesses in all cases prosecuted by them.

(D) It shall further be the duty of any police officer to collect privilege licenses and auto license tag fees if requested by the Town Clerk and authorized by the Board.

(E) It is expected that all police officers both while on duty and off duty shall conduct themselves in a gentlemanly manner and shall, as far as possible, maintain good public relations with the citizens of the town.

(F) Any police shall be entitled to 1 night off each week provided the same is taken on either Monday, Tuesday or Wednesday nights; however, in this connection the officer shall notify the Mayor or Police Commissioner beforehand each week, of the night he or she expects to take off. If such police officer requires another night of the week off, a police officer shall be required to get a replacement that must first be authorized by the Mayor and hire such replacement at his or her own expense. Police Department schedule is at the Chief's discretion.

(Prior Code, § 3.3) (Ord. passed 1-3-1967)

§ 33.04 AUTHORITY TO SUMMON AID; INTERFERENCE WITH POLICE.

The police officers shall have authority to arrest all persons for violation of the law of the state or ordinances of the town and to execute anywhere in the town any warrant or process. If resisted in the discharge of their official duties, they shall have authority to summon and deputize a sufficient number

to aid in enforcing the law. They shall have authority to enter the enclosure or building of any person, without warrant, and search automobiles when they have good reason to believe that any law of the state or ordinance of the town is being violated therein. Any person summoned or deputized to assist a police officer in the discharge of his or her duty shall for the time being, have like authority as the police officer. Any person or persons offering to interfere or hinder an officer in the discharge of his or her duty, shall be found guilty of a misdemeanor and fined not less than \$25 or more than \$50 or serve 10 days in jail at the discretion of the court.

(Prior Code § 3.4) (Ord. passed 4-18-1935)

§ 33.05 UNIFORMS.

All police officers shall wear uniforms as shall be provided by the town and shall keep such uniforms in a neat and clean condition, and shall surrender all uniforms and equipment upon leaving the police service of the town if such uniforms and equipment were furnished by the town.

(Prior Code, § 3.5)

AUXILIARY POLICE FORCE

§ 33.15 DIVISION ESTABLISHED.

There is hereby established within the Town Police Department, as a division thereof, an Auxiliary Police Division. The Auxiliary Police Division shall be a volunteer organization, composed of as many members as may from time to time be determined by the Board.

(Prior Code, § 3.11)

§ 33.16 CHIEF OF POLICE TO CONTROL; APPOINTMENTS AND REMOVALS.

(A) The Auxiliary Police Division shall be under the direct control of the Chief of Police, acting under the general supervision of the Board. All appointments and removals of members of the Auxiliary Police Division shall be made in the same manner and under the same policies and procedures as may from time to time be established for appointment and removal of regular police officers.

(B) The Auxiliary Police Division shall have no commanding officer, nor any officers, and all members shall bear the rank of patrol officer. Each member of the Auxiliary Police Division shall take the oath of office of a regular police officer. The Chief of Police shall provide for adequate training of members of the Auxiliary Police Division, and of candidates for membership.

(Prior Code, § 3.12)

§ 33.17 DUTIES.

(A) The duties of the Auxiliary Police Division, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist the regular members of the Police Department in the enforcement of law and the maintenance of peace and order when called to active duty by the Chief of Police. The Chief shall by order establish rules and regulations to govern the Auxiliary Police Division, to fix the specific duties of its members, and to provide for the maintenance of discipline. Members of the Auxiliary Police Division shall obey the instructions of regular police officers in carrying out their duties.

(B) The Chief may prescribe other duties than those mentioned herein to be performed by the Auxiliary Police Division, with approval of the Board.
(Prior Code, § 3.13)

§ 33.18 IDENTIFICATION.

An identification card and such other insignia or evidence of identity as the Chief may prescribe shall be issued to each member of the Auxiliary Police Division, who must carry the card and other identification at all times while on duty, and who must surrender them upon the termination of his or her membership.
(Prior Code, § 3.14)

§ 33.19 CARRYING AND CUSTODY OF FIREARMS.

No member of the Auxiliary Police Division shall, while on duty, carry or use any firearm except upon the express order of the Chief of Police, and all official firearms shall be kept in custody of the Police Department except when issued to a member of the Auxiliary Division for use on active duty while accompanied by and under the supervision of 1 or more regular police officers.
(Prior Code, § 3.15)

§ 33.20 LAW ENFORCEMENT POWERS.

No member or members of the Auxiliary Police Division shall enforce, nor attempt to enforce, any law except when called to active duty, and except when immediately accompanied by 1 or more regular police officers.
(Prior Code, § 3.16)

§ 33.21 POWER OF ARREST.

Members of the Auxiliary Police Division shall, while undergoing official training and while performing duties on behalf of the town, pursuant to orders or instructions of the Chief of Police of the town, be entitled to all powers of arrest, privileges and immunities afforded by law to regularly employed police officers.

(Prior Code, § 3.17)

Statutory reference:

Similar provisions, see G.S. § 160A-283

EMERGENCIES

§ 33.35 STATE OF EMERGENCY; CURFEW AUTHORIZED.

(A) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.

(B) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or threatening damage to or destruction of property, the Mayor of the town is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized.

(C) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether State or Federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the town.

(D) The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Board.

(E) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;

(3) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;

(4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;

(5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof; and/or

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(F) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

(G) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this subchapter. (Prior Code, § 2.41) Penalty, see § 33.99

§ 33.36 FORM AND CONTENT OF PROCLAMATIONS.

The proclamation for the declaration of a state of emergency and the imposition of specific prohibitions and restrictions shall take substantially the form set out by the town. (Prior Code, § 2.42)

§ 33.99 PENALTY.

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

(B) The violation of any provision of §§ 33.35 *et seq.*, or of any provision of any restriction imposed by any proclamation authorized by §§ 33.35 *et seq.*, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(Prior Code, § 2.43)

Statutory reference:

Similar provisions, see G.S. § 14-288.12

CHAPTER 34: TOWN POLICIES

Section

- 34.01 Riding in town-owned vehicles
- 34.02 Personnel policy adopted by reference
- 34.03 Disposing of personal property
- 34.04 Purchasing certain apparatus

§ 34.01 RIDING IN TOWN-OWNED VEHICLES.

It is the policy of the Town of Newton Grove that no employee shall ride outside the passenger compartment of a vehicle. All individuals in town-owned vehicles must be seated inside the passenger compartment, wearing seatbelts. There will be no exceptions to this policy. This policy will be rigorously enforced. Failure to comply may result in disciplinary action.

(Ord. passed 11-13-2002)

§ 34.02 PERSONNEL POLICY ADOPTED BY REFERENCE.

The town's personnel policy is hereby adopted and incorporated by reference as if fully set out herein.

§ 34.03 DISPOSING OF PERSONAL PROPERTY.

(A) The designated official is hereby authorized to dispose of any surplus personal property owned by the town of whenever he or she determines, in his or her discretion, that:

- (1) The item or group of items has a fair market value of less than \$5,000;
- (2) The property is no longer necessary for the conduct of public business; and

(3) Sound property management principles and financial considerations indicate that the interests of the town would best be served by disposing of the property.

Newton Grove - Administration

(B) The designated official may dispose of any such surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. §§ 160A-265 *et seq.* The sale may be public or private, and with or without notice and minimum waiting period.

(C) The surplus property shall be sold to the party who tenders the highest offer, or exchanged for any property or services useful to the town if greater value may be obtained in that manner, and the designated official is hereby authorized to execute and deliver any applicable title documents. If no offers are received within a reasonable time, the designated official may retain the property, obtain any reasonably available salvage value, or cause it to be disposed of as waste material. No surplus property may be donated to any individual or organization except by resolution of the governing body.

(D) The designated official shall keep a record of all property sold under authority of this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(E) This section is enacted pursuant to the provisions of G.S. § 160A-266(c).
(Ord. passed - -)

§ 34.04 PURCHASING CERTAIN APPARATUS.

(A) *Grant of authority.* Subject to the restrictions and conditions hereinafter provided, when purchasing apparatus, supplies, materials or equipment for use by the town, in addition to such authority as may be provided by law and/or otherwise delegated by the governing body, the designated official shall have the authority to:

- (1) Prepare, or cause to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefor;
- (2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;
- (3) Advertise, or otherwise secure bids, for such item(s), if required under applicable law;
- (4) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the items and the sale of trade-in property;
- (5) Reject bids;
- (6) Readvertise to receive bids;
- (7) Waive bid bond or deposit requirements;

- (8) Waive performance and payment bond requirements; and
- (9) Execute and deliver the purchase contract(s).

(B) *Report.* At the first meeting of the governing body following the award of any contract(s) pursuant to this section, the designated official shall submit a report to the governing body summarizing the bids received and the contract(s) awarded. The report shall be included in the minutes of the meeting at which it is received.

(C) *Extent of authority.* Except in cases of sole source purchases and cases of purchases from established contracts pursuant to G.S. § 143-129(g) , unless otherwise provided by law, the provisions of this section shall apply to the purchase of all apparatus, supplies, materials or equipment required for use by the town.

(D) *No limitation of other authority.* The provisions of this section are not intended to limit, restrict or revoke, in any manner, authority otherwise granted and/or delegated to the designated official by statute, law or action of the governing body.

(E) *Appropriation required.* No purchase shall be made by the designated official under authority of this section unless an appropriation for such purpose has been authorized in the annual budget, or by supplemental appropriation or budget appropriation amendment duly adopted by the governing body.

(F) *Application of general statutes.* In acting pursuant to the authority delegated by this section, the (designated official) shall comply with the requirements of G.S. Ch. 143, as from time to time amended, modified, supplemented, revised, or superseded, to the same extent as would have otherwise applied to the governing body.

(G) *Authority.* This chapter is enacted pursuant to the provisions of G.S. § 143-129(a).
(Ord. passed - -)

