

TITLE III: ADMINISTRATION

TITLE III: ADMINISTRATION

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CHAPTER 30: BOARD OF COMMISSIONERS AND ORDINANCES

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BOARD OF COMMISSIONERS

§ 30.01 MEETINGS.

The Board of Commissioners shall hold at least one regular meeting each month. The dates, time and location of the regular meetings of the Board of Commissioners shall be determined by resolution of the Board.

Editor's note:

For specifics concerning meetings, see Res. 2006-4, passed 3-27-2006

§ 30.02 COMMITTEES.

The Board of Commissioners may create those committees of the Board for special purposes as it deems best.

(1993 Code, § 2-27)

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§ 30.03 GRANTING OF FRANCHISES.

The Board of Commissioners shall have power to grant, upon reasonable terms, franchises for public utilities. These grants shall not exceed a period of 60 years unless renewed at the end of the period granted.

(1993 Code, § 2-28)

§ 30.04 COMPENSATION AND REIMBURSEMENT TO COMMISSIONERS AND MAYOR.

(A) Each member of the Board of Commissioners, excluding the Mayor, shall receive \$250 per month compensation in consideration of their public service. The Mayor shall receive \$500 per month compensation in consideration of his or her public service.

(B) Neither the Mayor nor any Commissioner will receive reimbursement for any individual expense associated with a meeting located within town limits. The Mayor and Commissioners will, however, be reimbursed for legitimate and reasonable expenses associated with any meeting, official town business or town function located outside town limits. The Mayor and any Commissioner should advise the Finance Officer of any anticipated expense before it is incurred, regardless of amount. Any reimbursable expense that is reasonably anticipated to exceed \$500 must be pre-approved by a majority vote of the Commissioners eligible to vote on the expense.

(C) For the purposes of this section, reimbursable expenses include the following:

(1) Automobile mileage, reimbursed at the current legal rate as designated by the current town policy;

(2) Transportation expenses such as airfare, train transportation, taxi/shuttle service and related expenses;

(3) Meals, reimbursed at a rate of not more than \$10 for breakfast, \$15 for lunch and \$20 for dinner;

(4) Lodging;

(5) Registration fees for conferences and related expenses;

(6) Parking; and

(7) Any other expense, upon prior approval by a majority vote of the Commissioners eligible to vote upon the expense.

(Res. 2005-2, passed 1-10-2005; Am. Ord. 14-10, passed 8-19-2014)

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ORDINANCES

§ 30.15 ONE SUBJECT.

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.
(1993 Code, § 2-46)

§ 30.16 OFFICIAL COPY.

A true copy of an ordinance, which has been duly enacted by the Board of Commissioners, signed by the Mayor, and attested to by the Town Clerk, shall be known as an official copy of an ordinance for the town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.
(1993 Code, § 2-47)

Charter References:

Board of Commissioners may pass ordinances, see § 2-8

Financial responsibilities of Board of Commissioners, see § 3-1

Power of town vested in Mayor and Commissioners, see § 2-1

§ 30.17 ORDINANCE BOOK.

The Town Clerk shall file a true copy of each ordinance, until it is codified in this code, in an ordinance book separate and apart from the Board of Commissioners' minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Clerk.
(1993 Code, § 2-48)

§ 30.18 DEFACING, DAMAGING ORDINANCES PROHIBITED.

No person shall tear or deface any of the town ordinances.
(1993 Code, § 2-49) Penalty, see § 10.99

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CHAPTER 31: OFFICERS AND EMPLOYEES

Section

Town Administrator

- 31.01 Term, compensation, hours and removal
- 31.02 Responsibilities; authority
- 31.03 Duties as Budget Officer
- 31.04 Appointment to boards, committees

Town Officers and Employees

- 31.15 Town Attorney
- 31.16 Finance Officer
- 31.17 Tax Collector
- 31.18 Town Clerk

In General

- 31.30 Code of conduct

TOWN ADMINISTRATOR

§ 31.01 TERM, COMPENSATION, HOURS AND REMOVAL.

(A) There is hereby established the position of Town Administrator. This subchapter outlines salary and remuneration, responsibilities and hours of work, defines authority and establishes the method for the hiring and firing of that individual.

(B) The title of the individual to be hired to effectively manage the affairs of the town will be the Town Administrator. This person will serve at the pleasure of the Board of Commissioners and may be removed from office by a majority vote of the Board. Reasons for dismissal may be treated as confidential and reasons for circumstances leading up to dismissal may remain confidential unless both parties agree to reveal that information or the information would be in the best interest of the public.

(C) Pay will be established based on qualifications of the individual. Additional compensation either in the form of travel allowances, deferred compensation and professional affiliation dues shall be paid at the discretion of the Board of Commissioners. Actual relocating expenses shall not exceed the amount as set by ordinance, and other incidentals shall be negotiable as is salary and will be the responsibility of the Town Administrator-elect and the Board of Commissioners.

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(D) The standard work week of 8:00 a.m. until 5:00 p.m. will be adhered to, but the Town Administrator must work those hours needed to accomplish the work required. The Town Administrator may assign certain requirements to key staff, but he or she may not delegate his or her overall responsibility for management of the town, its resources, personnel and financial investments.

(E) Upon the Town Administrator's removal from office, severance pay may be authorized with a maximum of 90 days' pay and allowances. During this interim period, the Mayor may appoint an individual to fill the vacancy of Town Administrator until a replacement is hired. Should an Acting Town Administrator, as set by the Board, be named, he or she shall have all rights, privileges and benefits of that position.

(1993 Code, § 2-81)

Charter Reference:

Board may appoint officers, see § 2-3

Town Administrator generally, see § 2-4

§ 31.02 RESPONSIBILITIES; AUTHORITY.

In establishing the position of Town Administrator, certain areas of responsibility and authority must and should be clearly defined as set out below:

(A) The Town Administrator reports to and is held directly accountable to the Board of Commissioners (as a unified political body);

(B) The Town Administrator's direct supervisor will be the Mayor, and, when questions and problems arise, they shall work directly with each other;

(C) The Town Administrator will receive a yearly personnel evaluation and job review by the full Board of Commissioners for the town within 30 days of his or her employment anniversary. During this review, the Board will make known areas of concern and express its satisfaction for or against the Town Administrator's job performance;

(D) The Town Administrator's salary may be adjusted accordingly as the Board of Commissioners deems necessary. Additional work or duties may be assigned as required with no consideration made for salary increases, should the Board so desire;

(E) All department heads, including the Town Clerk, will report directly to the Town Administrator and the Town Administrator shall be the individual charged with direct administrative responsibility to ensure that the town operates in a professional manner. It shall be the responsibility of the Town

Administrator to discipline, train and evaluate. Hiring and termination of department heads for any reason shall require prior Board approval;

(F) The Town Administrator shall hold department heads responsible for ensuring that each department is managed to promptly and efficiently complete regular and designated duties; and

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(G) The Town Administrator shall evaluate each department head of the town based on the job performance of the department and how well the department head has managed resources and personnel. This evaluation may be on the yearly anniversary date (30 days prior or 30 days thereafter) of employment of the individual department head to be evaluated on a fiscal year basis.
(1993 Code, § 2-82)

§ 31.03 DUTIES AS BUDGET OFFICER.

The Town Administrator shall be designated the Town Budget Officer and assigned the primary responsibility of compiling and programming the fiscal year operating budget for the town. Additionally, the Town Administrator shall be directly responsible to ensure that all funds and purchases or procurement of goods and services are acquired legally and within the laws as outlined by the state.
(1993 Code, § 2-83)

§ 31.04 APPOINTMENT TO BOARDS, COMMITTEES.

The Board of Commissioners may appoint the Town Administrator to boards and committees where the presence and appointment of the Town Administrator would be in the best interest of the town and its citizens. This includes, but is not limited to the Economic Development Council, Regional Council of Governments and Halifax Mayors and Managers Association.
(1993 Code, § 2-84)

TOWN OFFICERS AND EMPLOYEES

§ 31.15 TOWN ATTORNEY.

(A) An attorney shall be named as Town Attorney by the Board of Commissioners at the first meeting of the Board after its election and qualification, or as soon thereafter as possible.
(1993 Code, § 2-101)

(B) It shall be the duty of the Town Attorney to:

- (1) Prosecute for and defend suits against the town;
- (2) Advise the Mayor, Board of Commissioners or any other officer of the town in regard to matters connected with the town's business;
- (3) Attend meetings of the Board of Commissioners when requested to do so by it;
- (4) Draw those deeds, contracts, bonds, notes and other legal papers as may be required for the proper conduct of the town's business;

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(5) Draw all ordinances granting franchises; and

(6) Approve all ordinances as to form before their introduction.

(1993 Code, § 2-102)

Charter Reference:

Town Attorney generally, see § 2-6

Statutory Reference:

City Attorney, see G.S. § 160A-173

§ 31.16 FINANCE OFFICER.

(A) A Finance Officer shall be appointed by the Board of Commissioners at the first meeting of the Board after its election and qualification, or as soon thereafter as possible.

(1993 Code, § 2-121)

(B) It shall be the duty of the Finance Officer to:

(1) Receive and faithfully keep moneys which he or she shall receive on behalf of the town;

(2) Keep an accurate account of all moneys deposited with him or her or by him or her and disbursed by him or her for the town;

(3) Supply the Board of Commissioners with any information as it may require of him or her relative to finances;

(4) Make a monthly report to the Board of Commissioners of all receipts and disbursements of funds of the town;

(5) Draw all orders on the town funds, subject to approval by the Board of Commissioners; and

(6) Do any other and further acts as the Board of Commissioners may require.

(1993 Code, § 2-122)

Charter Reference:

Town Treasurer and Finance Officer generally, see § 3-4

Statutory Reference:

Finance Officer, see G.S. §§ 159-24 et seq.

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§ 31.17 TAX COLLECTOR.

(A) A Tax Collector shall be appointed by the Board of Commissioners at the first meeting of the Board after its election and qualification, or as soon thereafter as possible. The Finance Officer may also be the Tax Collector.

(1993 Code, § 2-141)

(B) It shall be the duty of the Tax Collector to:

(1) Collect all taxes and assessments due the town, including license tax;

(2) Make an accounting to the Finance Officer at the end of each week;

(3) Pay over to the Finance Officer daily those moneys as are collected by him or her for the account of each separate fund according to the tax levy;

(4) Deliver a list of all unpaid taxes with the reason therefor as ascertainable to the Board of Commissioners;

(5) Supply the Mayor and Board of Commissioners with information as they may require of him or her relative to his or her department; and

(6) Make a monthly report to the Board of Commissioners, listing therein all funds collected by him or her.

(1993 Code, § 2-142)

§ 31.18 TOWN CLERK.

(A) The Board of Town Commissioners may employ a Clerk and, upon the recommendation by the Town Administrator, prescribe the term of office, duties and fix salary.

(B) The Clerk shall act as Secretary to the Board of Commissioners.

(Am. Ord. passed 7-19-2000)

IN GENERAL

§ 31.30 CODE OF CONDUCT.

(A) No employee, officer or agent of the Town of Enfield shall knowingly solicit or accept any form of gratuity from any person, firm or organization whereby gratuity shall in any way persuade or affect the outcome of the award of any contract of which any part is supported by federal funds.

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(B) No employee, officer or agent of the Town of Enfield shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. A conflict would arise when the employee, officer or agent, member of his or her immediate family, his or her partner or an organization which employs, or is about to employ, any of the above individuals, has a financial or other interest in the firm selected for award.

(C) No employee, officer or agent of the Town of Enfield shall solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.

(D) If any employee, officer or agent shall knowingly violate any of the provisions of this section, that employee, officer or agent will be subject to disciplinary measures as may be deemed appropriate by the Board of Commissioners including, but not limited to, suspension without pay, demotion or dismissal.

(E) If any contractor or his or her agent violates any provision of this section, the violation will constitute grounds for action deemed appropriate by the Board of Commissioners including, but not limited to, withdrawal from consideration of any proposal or bid submitted by a contractor, withdrawal of award or rescission of contract.

(F) This section shall become effective from and after its adoption by the Town of Enfield Board of Commissioners in an open meeting.
(Ord. passed 12-15-1993)

CHAPTER 32: TOWN ORGANIZATIONS

Section

Planning Board

- 32.01 Establishment; extraterritorial jurisdiction
- 32.02 Membership; terms; vacancies
- 32.03 Organization, rules, meetings and records
- 32.04 Compensation
- 32.05 Powers and duties
- 32.06 Annual report and budget request

PLANNING BOARD

§ 32.01 ESTABLISHMENT; EXTRATERRITORIAL JURISDICTION.

There shall be a Planning Board for the town, and its extraterritorial jurisdiction, when a jurisdiction is adopted, established under the authority of the General Statutes of the state.
(1993 Code, § 2-176)

§ 32.02 MEMBERSHIP; TERMS; VACANCIES.

A) The Planning Board shall consist of seven members, which shall consist of residents of the Town and the extraterritorial jurisdiction proportionate to their population as provided in G.S. § 160D-307. The in-town members shall be appointed by the Board of Commissioners. The extraterritorial members shall be appointed by the County Board of Commissioners in accordance with G.S. § 160D-307.

B) Members shall be appointed to staggered two-year terms. Terms shall expire on June 30. Members shall serve until the expiration of their terms or until their successors have been appointed.

(C) Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the Board of Commissioners for in-town members, and by the County Board of Commissioners for extraterritorial members.

(D) Faithful attendance at the meetings of the Planning Board is considered a prerequisite for the maintenance of membership on the Board. Unexcused absence from three consecutive meetings shall be deemed adequate reason for termination of membership on the Planning Board by the Board of Commissioners.

(1993 Code, § 2-177)

§ 32.03 ORGANIZATION, RULES, MEETINGS AND RECORDS.

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The Planning Board shall elect a Chairperson and may create and fill any other offices as it may deem necessary. The term of officers shall be one year or until successors have been elected and installed, with eligibility for reelection. Vacancies in officers' positions prior to expiration of terms shall be filled for the period of the unexpired term by the Planning Board. The Planning Board shall adopt rules for the transaction of its business and shall keep a record of meeting minutes, its members' attendance and its resolutions, discussions, findings and recommendations, which record shall be a public record. The Planning Board shall hold at least one meeting monthly unless there is no business to be discussed or acted upon, and all of its meetings shall be in accordance with G.S. §§ 143-318.9 *et seq.* A quorum shall consist of four members for the purpose of taking any official action required by this section.

(1993 Code, § 2-178)

Charter Reference:

Planning and regulation of development, see Ch. VII

§ 32.04 COMPENSATION.

Compensation for participation on the Planning Board shall be set by the Board of Commissioners. Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation; and the Planning Board may, by formal and affirmative vote, pay the reasonable traveling expenses incidental to attendance, within the Planning Board's budget and with concurrence of the Board of Commissioners.

(1993 Code, § 2-179)

§ 32.05 POWERS AND DUTIES.

(A) It shall be the function and duty of the Planning Board to make comprehensive surveys and studies of existing conditions and probable future developments and prepare those plans for physical, social and economic development as will best promote the public health, safety, morals, conveniences or the general welfare as well as efficiency and economy in the development of the town. The Planning Board shall have the powers and duties given it by the General Statutes and the Board of Commissioners, including the power to:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and recommend for adoption plans for achieving objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

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(5) Advise the legislative body concerning the use and amendment of means for carrying out plans;

(6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;

(7) Perform any other related duties that the Board of Commissioners may direct;

(8) Conduct those public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of a development plan for the town; and

(9) Promote public interest in and an understanding of its recommendation, and to that end it may publish and distribute copies of its recommendations and may employ any other means of publicity and education as it may deem necessary.

(B) The Planning Board shall have no power to incur any debt or obligation of the town nor shall it have any power to make any expenditure of funds of the town, unless those funds are specially provided for in the budget of the town and appropriation made for those purposes by the Board of Commissioners, or unless the incurring of any other obligation is otherwise approved by the Board of Commissioners.
(1993 Code, § 2-180)

§ 32.06 ANNUAL REPORT AND BUDGET REQUEST.

The Planning Board shall annually submit to the Board of Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year and its requested budget of funds needed for operation during the ensuing fiscal year. Requested budget information shall also be submitted to the Budget Officer. The Planning Board is authorized to appoint committees and to authorize expenditures within its approved budget as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of Commissioners.
(1993 Code, § 2-181)

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CHAPTER 33: CIVIL EMERGENCIES

Section

- 33.01 Authority of Mayor
- 33.02 Establishment of curfew
- 33.03 Duty of Chief of Police to enforce curfew
- 33.04 Violation of curfew

§ 33.01 AUTHORITY OF MAYOR.

(A) The Mayor shall have the authority and is given the authority to declare a state of emergency within the town at any time that he or she deems that an emergency exists and that the declaration is necessary for the protection of life and property and in order to preserve the public peace.
(1993 Code, § 26-26)

(B) At any time during the period that a state of emergency has been declared as provided in division (A) above, the Mayor shall have the authority to restrict:

- (1) The hours of operation of any office, business establishment or other place from which people may travel or congregate;
- (2) The possession, transportation, sale, purchase and consumption of alcoholic beverages;
- (3) The possession, transportation, sale, purchase, storage and use of dangerous weapons and substances and gasoline; and
- (4) Other activities or place other conditions that may be necessary to maintain order and protect lives or property during the state of emergency.
(Am. Ord. passed 10-20-2003)

§ 33.02 ESTABLISHMENT OF CURFEW.

At any time during the period that a state of emergency has been declared as provided in § 33.01(A) above, the Mayor shall have the authority to establish a curfew for any hours that he or she deems necessary.
(1993 Code, § 26-27)

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§ 33.03 DUTY OF CHIEF OF POLICE TO ENFORCE CURFEW.

When a state of emergency has been declared as set out in this chapter, and when a curfew for certain hours has been established as set out in this chapter, it shall be the duty and responsibility of the Chief of Police of the town to enforce the curfew as fully and as completely as he or she would enforce any law or ordinance of the town.

(1993 Code, § 26-28)

§ 33.04 VIOLATION OF CURFEW.

No person shall appear on the streets of the town during the period that a curfew exists. Each time that a person appears on the streets of the town during the period of curfew shall constitute a new and separate offense.

(1993 Code, § 26-29) Penalty, see § 10.99

Statutory Reference:

Municipal authority to enact ordinances regarding states of emergency, see G.S. §§ 14-288.1 et seq.

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CHAPTER 34: POLICE DEPARTMENT

Section

In General

- 34.01 Chief of Police
- 34.02 General supervision
- 34.03 Assignment of duties
- 34.04 Duties of police officers
- 34.05 Compensation of police officers
- 34.06 Uniforms
- 34.07 Right to enter, arrest or investigate
- 34.08 Confinement
- 34.09 Authority to summon assistance

Auxiliary Police Division

- 34.20 Established
- 34.21 Authority of Chief of Police; appointments; removals; oath; training
- 34.22 Duties
- 34.23 Identification
- 34.24 Firearms
- 34.25 Law enforcement powers
- 34.26 Power of arrest

IN GENERAL

§ 34.01 CHIEF OF POLICE.

(A) Upon recommendation by the Town Administrator a Chief of Police shall be appointed by the Board of Commissioners at the first meeting of the Board after its election and qualification, or as soon thereafter as possible.

(B) It shall be the duty of the Chief of Police to:

- (1) Supervise, subject to the Town Administrator, the Police Department;
- (2) Preserve the peace by suppression of all disturbances and apprehension of all offenders;
- (3) Serve all processes and precepts that may be issued to him or her;

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(4) Assign those duties as he or she deems best to the police officers of the town;

(5) Do any other and further duties as the Town Administrator may assign; and

(6) Make a monthly report to the Town Administrator and Board, concerning the activities of his or her department.

(1993 Code, § 54-1)

§ 34.02 GENERAL SUPERVISION.

The Chief of Police shall have general control of the Police Department and may at any time for cause suspend from duty any member of the police force.

(1993 Code, § 54-2)

§ 34.03 ASSIGNMENT OF DUTIES.

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

(1993 Code, § 54-3)

§ 34.04 DUTIES OF POLICE OFFICERS.

It shall be the duty of the police officers to:

(A) Especially preserve public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and public places;

(B) Protect the rights of persons and property;

(C) Guard the public health;

(D) Preserve order at elections and all public meetings and assemblages;

(E) Regulate the movements of traffic in the streets, bridges, parks, public squares and highways;

(F) Provide appropriate police attendance at fires;

(G) Carefully observe and inspect all places of public amusement, all places of business having license to carry on that business and to suppress and restrain all unlawful and disorderly conduct or practices therein;

(H) Enforce penalties for the violation of laws and ordinances in the town;

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- (I) Arrest all persons guilty of violating any law or ordinance;
- (J) Prevent, as far as possible, any injury to property and buildings, streets and sidewalks;
- (K) Report to the Chief of Police any repairs needed by any public property;
- (L) Serve all processes issued to them;

(M) Summon as many persons as may be necessary to assist them in the duties as set out in this section; and

(N) Perform any and all other duties that may be assigned to them by the Chief of Police.
(1993 Code, § 54-4)

Statutory Reference:

Powers and duties of police officers, see G.S. § 160A-285

§ 34.05 COMPENSATION OF POLICE OFFICERS.

The police officers shall receive as compensation those sums as specified by the position classification plan and salary schedule.

(1993 Code, § 54-5)

§ 34.06 UNIFORMS.

Police Department officers shall, when on duty, wear those uniforms as shall be prescribed by the Board of Commissioners, and shall keep the same in a neat condition. Upon discharge, resignation or dismissal, the officers shall surrender those uniforms when the same shall have been purchased by the town for their use. It shall be the duty of the Chief of Police to see that the force presents a neat and respectable appearance; provided, any member of the police force designated or employed for emergency, limited or special duty, or anyone working generally as detective or doing detective work, need not be clad in a uniform unless specially directed by the Chief of Police to wear a uniform. The Chief of Police may, from time to time, wear civilian clothes.

(1993 Code, § 54-6)

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§ 34.07 RIGHT TO ENTER, ARREST OR INVESTIGATE.

The police shall have power to enter the enclosure and house of any person without warrant when they have probable cause to believe that a felony or other infamous crime has been or is about to be committed, for the apprehension of that person so offending, and, if necessary, summon members of the community pursuant to G.S. § 15A-405 to aid them; and all persons so summoned shall have like authority to enter and arrest.

(1993 Code, § 54-7)

§ 34.08 CONFINEMENT.

When any person is arrested by a police officer for the violation of any town ordinance, state or federal law, it shall be the duty of the arresting officer to take immediately the accused before an appropriate court officer and if bail is not allowed or if the accused is unable to post the required bail, be taken to and confined at an appropriate facility.

(1993 Code, § 54-8)

§ 34.09 AUTHORITY TO SUMMON ASSISTANCE.

The Chief of Police or any police officer shall have authority, if resisted in the execution of his or her lawful duties, to summon a sufficient number of persons to aid him or her in enforcing the law; and it shall be unlawful for any person so summoned to refuse to assist the Chief of Police or other officer.

(1993 Code, § 54-9)

AUXILIARY POLICE DIVISION

§ 34.20 ESTABLISHED.

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

(1993 Code, § 54-31)

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§ 34.21 AUTHORITY OF CHIEF OF POLICE; APPOINTMENTS; REMOVALS; OATH; TRAINING.

(A) The Auxiliary Police Division shall be under the direct control of the Chief of Police, acting under the general supervision of the Town Administrator. 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 an Auxiliary Police Chief, a Sergeant and two Patrol Supervisors (PO11), and all other members shall have the rank of patrol officer. The Chief of Police shall appoint all officers of the Auxiliary Police Division. 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.

(1993 Code, § 54-32)

Statutory Reference:

Auxiliary law enforcement personnel, see G.S. §§ 160A-282 et seq.

§ 34.22 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 Town Administrator.

(1993 Code, § 54-33)

§ 34.23 IDENTIFICATION.

An identification card and 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.

(1993 Code, § 54-34)

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§ 34.24 FIREARMS.

No member of the Auxiliary Police Division shall while on duty carry or use any firearm.
(1993 Code, § 54-35)

§ 34.25 LAW ENFORCEMENT POWERS.

No member of the Auxiliary Police Division shall enforce, nor attempt to enforce, any law except when performing auxiliary duties, and only when immediately accompanied by one or more regular police officers, who have requested assistance.
(1993 Code, § 54-36)

§ 34.26 POWER OF ARREST.

Members of the Auxiliary Police Division shall have only the powers of arrest of a private citizen; provided, however, that the Chief of Police may make it the duty of any members of the Auxiliary Police Division, while on active duty, to lend physical aid to any regular police officer in making any lawful arrest.

(1993 Code, § 54-37)

Statutory Reference:

Detention of offenders by private persons, see G.S. § 15A-404

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CHAPTER 35: FINANCE

Section

- 35.01 Disbursement of funds
- 35.02 Purchasing
- 35.03 Advertising for proposals
- 35.04 Certain contracts shall be in writing, secured
- 35.05 Finance Commissioner
- 35.06 Disposal of personal property owned by the town

§ 35.01 DISBURSEMENT OF FUNDS.

No money will be disbursed from the town treasury except as provided for in the annual budget or in the case of an extreme emergency.
(1993 Code, § 2-201)

§ 35.02 PURCHASING.

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

(B) Except in exigent circumstances:

(1) Any contract in which the amount involved is \$1,000 or more requires prior approval by the Board of Commissioners;

(2) Any contract in which the amount involved is \$500 or more but less than \$1,000 requires prior approval by the Town Administrator; and

(3) Any contract in which the amount involved is less than \$500 requires prior approval by the respective department head.

(C) Any town employee purchasing goods without a purchase order will be held responsible for the cost of same.

(1993 Code, § 2-202)

Charter Reference:

Financial provisions, see Ch. III

Statutory Reference:

Local Budget and Fiscal Control Act, see G.S. §§ 159-7 et seq.

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§ 35.03 ADVERTISING FOR PROPOSALS.

All contracts for construction or repair work; or purchase of apparatus, supplies, materials or equipment, shall be let under the provisions of G.S. § 143-129. No bill or contract shall be divided for the purpose of evading any provision of this chapter.
(1993 Code, § 2-203)

§ 35.04 CERTAIN CONTRACTS SHALL BE IN WRITING, SECURED.

All contracts made by any department, board or commission shall be in writing, and no contract shall be deemed to have been made or executed until signed by the officer authorized by law to sign that contract, approved by the Board of Commissioners. Any contract made as aforesaid may be required to be accompanied by a bond with sureties, or by a deposit of money, certified check or other security for the faithful performance thereof, satisfactory to the Board, of officials having the matter in charge; and those bonds or other securities shall be deposited with the Finance Officer until the contract has been carried out in all respects. No contract shall be altered except by a written agreement of the contractor, the sureties on his or her bond and the officer, department or board making the contract, with the approval of the Board of Commissioners.
(1993 Code, § 2-204)

§ 35.05 FINANCE COMMISSIONER.

(A) The Finance Commissioner shall be selected by the Board of Commissioners.

(B) The Finance Commissioner shall have signature authority on all checks, orders and other financial instruments requiring same.

(C) The Finance Commissioner will be bonded in an amount as the Board of Commissioners determines to be of sufficient coverage to protect the town against any misuse or misappropriation of town funds.
(1993 Code, § 2-205)

§ 35.06 DISPOSAL OF PERSONAL PROPERTY OWNED BY THE TOWN.

(A) *Property valued at less than \$5,000.*

(1) The Town Administrator or his or her designee is authorized to dispose of personal property owned by the town that is valued at less than \$5,000 for any one item or group of similar items, to set the property's fair market value and to convey title to the property to the town. Prior to disposition, the Town Administrator or designee must determine that the property is no longer necessary or desirable for town use. The Town Administrator or designee shall choose a method of disposal designed to obtain a fair market value for the property in the most efficient and economical manner possible. The disposal of the property may be achieved through public or private exchange or sale. No

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prior notice of the proposed sale or exchange is required.

(2) The Town Administrator or designee shall report the sales to the Board of Commissioners at its next regularly scheduled meeting. The reports shall generally describe the property sold or exchanged, to whom it was sold or with whom it was exchanged and the amount of money or other consideration received for each sale or exchange.

(B) *Property valued at \$5,000 or more.* Personal property valued at \$5,000 or more for any one item or group of similar items may be disposed of as outlined in G.S. Chapter 160A, Article 12.
(Res. 2005-13, passed 9-12-2005)

TITLE III: ADMINISTRATION

CHAPTER 36: POLICIES

Section

36.01 Personnel policy

§ 36.01 PERSONNEL POLICY.

The town shall maintain a personnel policy governing town employees. The personnel policy may be amended by resolution of the Board of Commissioners but shall not be deemed incorporated as part of the Code of Ordinances.