

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: TOWN COUNCIL

### Section

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#### **MEETINGS**

##### **§ 30.01 REGULAR AND SPECIAL MEETINGS.**

(A) The Town Council shall hold regular monthly meetings on the second Thursday of each month at 7:00 p.m. in the Town Hall unless otherwise designated by the Town Council.

(B) The Mayor, the Mayor Pro Tempore or any two members of the Town Council may at any time call a special Town Council meeting by signing written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Council member or left at his or her usual dwelling place at least six hours before the meeting. Only those items of

business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. A person or persons calling a special meeting of the Town Council shall also comply with notice requirements of G.S. Chapter 143, Article 33c.

(1) Special meetings may be held at any time when the Mayor and all members of the Town Council are present and consent thereto, or when those not present have signed a written waiver of notice.

(2) During any regular meeting or any duly-called special meeting, the Town Council may call or schedule a special meeting, provided the motion or resolution calling or scheduling any special meeting shall specify the time, place and purpose or purposes of the meeting and shall be adopted during and open session.

(C) Any regular or duly-called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the Town Council.

(G.S. § 160A-71(b))

(Prior Code, § 20.01)

### **§ 30.02 QUORUM.**

(A) A majority of the actual membership of the Town Council plus the Mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(G.S. § 160A-74)

(B) If a quorum shall fail to attend any regular or special meeting of the Town Council, or if for any reason the meeting shall fail to complete transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by the majority of the members present.

(Prior Code, § 20.02)

### **§ 30.03 PRESIDING OFFICER.**

Town Council meetings shall be public and the Mayor, if present, shall preside. In the absence of the Mayor, the Mayor Pro Tempore of the Town Council shall preside. In the absence of both, the Town Council may elect from its members a temporary Chairperson to preside in such absence.

(Prior Code, § 20.03)

***Statutory reference:***

*Presiding officer, see G.S. §§ 160A-69 and 160A-70*

**§ 30.04 RULES OF PROCEDURE.**

Except as otherwise provided by ordinance, the procedure of the Town Council shall be governed by the latest edition of *Robert's Rules of Order*.  
(Prior Code, § 20.04)

**§ 30.05 ORDER OF BUSINESS.**

(A) At all regular and special meeting of the Town Council, the following shall be the order of business:

- (1) Reading and approval of the minutes of the last regular and special meetings, if any, unless otherwise dispensed with by unanimous consent;
- (2) Reports of special committees;
- (3) Reports of officers;
- (4) Communications and petitions; and
- (5) Motions, resolutions and ordinances.

(B) If the Town Council directs any matter to be the special business of a future meeting, the same shall have precedence over all other business arising at the meeting. Any question discussed at a previous meeting and left open may be taken up at any time at any regular meeting at the request of a majority of the members present.  
(Prior Code, § 20.05)

**§ 30.06 MOTIONS HAVE PRECEDENCE.**

(A) When a question is under consideration, no motion shall be received, except as follows:

- (1) To lie on the table;
- (2) To postpone to a time certain;
- (3) To postpone indefinitely;
- (4) To refer to a committee;
- (5) To amend;

(6) To strike out or to insert; and

(7) To divide.

(B) Motions for any of these purposes shall have precedence in the order so named.  
(Prior Code, § 20.06)

### **§ 30.07 PREVIOUS QUESTION.**

The previous question may be called at any time by a majority of Council members present.  
(Prior Code, § 20.07)

### **§ 30.08 CALL FOR VOTE.**

Pursuant to G.S. § 160A-72, the ayes and nays upon any question shall be taken upon the request of any Council member.  
(Prior Code, § 20.08)

### **§ 30.09 MAYOR TO VOTE.**

The Mayor shall vote on all matters before the Town Council, pursuant to Chapter III of the Town Charter and G.S. § 160A-101(8).  
(Prior Code, § 20.09)

### **§ 30.10 MOTION TO ADJOURN.**

A motion to adjourn shall always be in order and shall be decided without debate.  
(Prior Code, § 20.10)

### **§ 30.11 COMMITTEES.**

The Mayor and Council members may create those committees of the Town Council for special purposes as they deem best.  
(Prior Code, § 20.11)

***ORDINANCES***

**§ 30.25 EFFECTIVE DATE.**

All ordinances shall be effective upon their adoption except ordinances specifying some other effective date or ordinance required by state law to become effective only after having met specific date requirements.

(Prior Code, § 20.20)

**§ 30.26 ORDINANCES CONFINED TO ONE SUBJECT.**

All ordinances shall be confined to one subject except budget ordinances, which shall be confined to the subject of budget matters.

(Prior Code, § 20.21)

**§ 30.27 OFFICIAL COPY.**

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

(Prior Code, § 20.22)



## CHAPTER 31: TOWN OFFICIALS

Section

### *General Provisions*

31.01 Bond

### *Town Officials*

31.15 Mayor  
31.16 Town Administrator  
31.17 Town Attorney  
31.18 Town Tax Collector  
31.19 Finance Officer  
31.20 Other officials

## **GENERAL PROVISIONS**

### **§ 31.01 BOND.**

The Town Administrator and other officers and employees required by the Town Council shall, before entering upon their duties, post bond in amounts specified by the Town Council. All bond premiums shall be paid from town funds. When two offices are combined, only one bond shall be required.

(Prior Code, § 21.08)

## **TOWN OFFICIALS**

### **§ 31.15 MAYOR.**

It shall be the duty of the Mayor to cause all ordinances of the town to be enforced. It shall further be the duty of the Mayor, within 30 days or within a reasonable length of time after the close of each fiscal year, to require a report to the Town Council from the various departments or the town

government for the previous year and recommend such adjustments as he or she may see fit. The Mayor shall perform those other duties as the Town Council may from time to time require. The Mayor shall be the chief executive officer of the town.

(Prior Code, § 21.01)

### § 31.16 TOWN ADMINISTRATOR.

(A) The Town Administrator shall be appointed by and shall serve at the pleasure of the Town Council and receive that compensation as from time to time may be prescribed by the Town Council. The Town Administrator is to be appointed at the first meeting in December of each year.

(B) The Town Administrator shall attend all meetings of the Town Council and shall regularly and fairly record all of their proceedings in a book to be kept by him or her for that purpose. He or she shall also keep a well-bound book to be styled the code of ordinances, in which he or she shall fairly and correctly transcribe all ordinances which are enacted by the Town Council.

(C) It shall be the duty of the Town Administrator to keep true, accurate and just books of accounts of the dealings and transactions of the town, which books shall show at all time the true condition of the town, its resources and liabilities and the disposition and use of the monies coming under the control of the town.

(1) The Town Administrator shall keep or cause to be kept in a safe place all monies, records and accounts.

(2) The Town Administrator and Mayor shall disburse funds for the various purposes of the town.

(D) The Town Administrator shall perform those other duties as the Town Council may from time to time require.

(Prior Code, § 21.02)

***Statutory reference:***

*Establishment of office of City Clerk, see G.S. § 160A-171*

### § 31.17 TOWN ATTORNEY.

(A) The Town Council shall appoint a Town Attorney to serve at its pleasure and to be its legal advisor.

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

(1) Prosecute for and defend suits against the town;

- (2) Advise the Mayor, Town Council or any other officer of the town in regard to matter connected with the town's business;
- (3) Attend meeting of the Town Council when requested to do so by them;
- (4) Draw such deeds, contracts, bonds, notes and other legal papers as may be for the proper conduct of the town's business;
- (5) Draft all ordinances;
- (6) Approve all ordinances as to form before their introduction; and
- (7) Perform such other duties as may be assigned to him or her by state law or by the Town Council acting pursuant to state law.

(Prior Code, § 21.03)

**Statutory reference:**

*Town Attorney, see G.S. § 160A-173*

**§ 31.18 TOWN TAX COLLECTOR.**

(A) *Appointment and term.* The Town Council shall appoint a Tax Collector to serve for a term to be determined by the Town Council and until his or her successor has been appointed and qualified. The Town Council may remove the Tax Collector from office during his or her term for good cause after giving him or her notice in writing and an opportunity to appear and be heard at a public session of the Town Council. No hearing shall be required, however, if the Tax Collector is removed for failing to meet the prerequisites prescribed by G.S. § 105-352(b) for delivery of tax receipts. Unless otherwise provided by G.S. § 105-373, whenever any vacancy occurs in this office, the Town Council shall appoint a qualified person to serve as Tax Collector the period of the unexpired term.

(B) *Qualification.* The Town Council shall appoint as Tax Collector a person of character and integrity whose experience in business and collection work is satisfactory to the Town Council.

(C) *Bond.* No Tax Collector shall be allowed to begin his or her duties until he or she has furnished bond conditioned upon his or her honesty and faithful performance in an amount as the Town Council may prescribe. A Tax Collector shall not be permitted to collect any taxes not covered by his or her bond, nor shall a Tax Collector be permitted to continue collecting taxes after his or her bond has expired without renewal.

(D) *Compensation.* The compensation and expense allowances of the Tax Collector shall be fixed by the Town Council.

(E) *Alternative to separate office of Tax Collector.* Pursuant to Article VI, § 9 of the North Carolina Constitution, the office of Tax Collector is hereby declared to be an office that may be held concurrently with any appointive or elective office other than those hereinafter designated, and the Town Council may

appoint as Tax Collector any appointive or elective officer who meets the personal and bonding requirements established by this section. However, a member of the Town Council may not be appointed Tax Collector, nor may the duties of the office be conferred upon him or her. Further, the Town Administrator may not be appointed Tax Collector nor may the duties of the officer of Tax Collector be conferred upon him or her, except with the written permission of the state.

(F) *Oath.* Every Tax Collector shall take and subscribe the oath set out in G.S. § 105-349(g) and file it with the Town Administrator.

(G) *General duties of the Tax Collector.* The Tax Collector shall perform those duties set forth in G.S. § 105-350.  
(Prior Code, § 21.04)

### **§ 31.19 FINANCE OFFICER.**

The Town Administrator shall fulfill the duties of the Finance Officer, as set forth in G.S. § 159-24.  
(Prior Code, § 21.06)

### **§ 31.20 OTHER OFFICIALS.**

Those other officer and employees that are deemed necessary shall be appointed by the Town Council. All officers and employees shall serve at the pleasure of the Town Council.  
(Prior Code, § 21.07)

## CHAPTER 32: DEPARTMENTS, BOARDS AND COMMISSIONS

### Section

#### *Beautification Commission*

- 32.01 Establishment; members
- 32.02 Compensation
- 32.03 Powers and duties

#### *Board of Adjustment*

- 32.15 Creation; members
- 32.16 Organization; officers; meetings
- 32.17 Power and duties

#### *Building Inspection Department*

- 32.30 Establishment

#### *Planning Board*

- 32.45 Creation
- 32.46 Membership; term; removal
- 32.47 Organization and rules
- 32.48 Duties and powers

### ***BEAUTIFICATION COMMISSION***

#### **§ 32.01 ESTABLISHMENT; MEMBERS.**

(A) By virtue of the authority granted by G.S. §§ 160A-451 et seq., a commission is hereby created to be known as the Green Level Beautification Commission.

(B) The Beautification Commission shall consist of seven members to be appointed by the Town Council. The members shall be residents of the area of the town's planning and zoning jurisdiction at the time of their appointment. Initially, the Town Council shall appoint three members to serve for a

term of two years and two members to serve for a term of one year. Thereafter, the Town Council shall make interim appointments to fill vacancies for expired portions of terms of members of the Beautification Commission. The Town Council shall give appropriate priority in the appointments with a view to maintaining on the beautification a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a related field. Membership on the Beautification Commission is declared to be an office that may be held concurrently with any other elective or appointive office.

(Prior Code, § 22.001)

### § 32.02 COMPENSATION.

Members of the Beautification Commission may be reimbursed for actual expenses incidental to the performance of their duties within the limits of any funds available to the Beautification Commission, but shall otherwise serve without pay.

(Prior Code, § 22.002)

### § 32.03 POWERS AND DUTIES.

(A) *General powers and duties.* The Beautification Commission, upon its appointment, shall make careful study of the visual problems, make any plans and carry out any programs that will, in accordance with the powers herein granted, enhance and improve the visual quality and aesthetic characteristics of the town. To this end, the Town Council may confer upon the Beautification Commission the following powers and duties:

(1) Initiate, promote and assist in the implementation of programs of general community beautification in the town;

(2) Seek to coordinate the activities of individuals, agencies and organizations, public and private, whose plans, activities and programs bear upon the appearance of the town;

(3) Provide leadership and guidance in matters of area or community design and appearance to individuals, public and private organizations and agencies;

(4) Make studies of the visual characteristics and problems of the town, including surveys and inventories of an appropriate nature, and recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;

(5) Prepare both general and specific plans for the improved appearance of the town. These plans may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of the town or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces and public and private buildings and projects; and

(6) Participate in any way deemed appropriate by the Town Council and specified in this subchapter in the implementation of its plans. To this end, the Town Council includes in this section the following powers:

(a) To request from the proper officials of any public agency or body, including agencies of the state and its political subdivisions, its plans for public buildings, facilities or projects to be located within the town or its area of planning and zoning jurisdiction of the town or county;

(b) To review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency or to the Town Council. All plans shall be reviewed by the Beautification Commission in a prompt and expeditious manner, and all recommendations of the Beautification Commission with regard to any public project shall be made in writing. Copies of the recommendations shall be transmitted promptly to the Town Council and to the appropriate agency;

(c) To formulate and recommend to the Town Council the adoption or amendment of ordinances, including zoning regulating the use of property, that will in the opinion of the Beautification Commission serve to enhance the appearance of the town and surrounding areas;

(d) To direct the attention of town or county officials to needed enforcement of any ordinance that may in any way affect the appearance of the town or county;

(e) To seek voluntary adherence to the standard and policies of its plans;

(f) To enter, in the performance of its official duties and at reasonable time, upon private lands and make examinations or surveys;

(g) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public those studies and reports as will in the opinion of the Beautification Commission advance the cause of improved town appearance; and

(h) To conduct public meetings and hearings, giving reasonable notice to the public thereof.

(G.S. § 160A-452)

(B) *Receipt and expenditure of funds.* The Beautification Commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in the addition to any sums appropriated for its use by the Town Council. All sums appropriated by the Town Council to further the work and purposes of the Beautification Commission are deemed to be for a public purpose.

(G.S. § 160A-455)

(C) *Staff or technical services.* The Beautification Commission may recommend to the Town Council suitable arrangements for the procurement or provision of staff or technical services for the Beautification Commission, and the Town Council may appropriate that amount as it deems necessary

to carry out the purposes for which the Beautification Commission was created. The Beautification Commission may establish an advisory council or other committees.

(G.S. § 160A-453)

(D) *Annual report.* The Beautification Commission shall, no later than April 15 of each year, submit to the Town Council a written report of its activities, a statement of its expenditures to date for the current fiscal year, and its requested budget for the next fiscal year. All accounts and funds of the Beautification Commission shall be administered substantially in accordance with the requirements of the Municipal Fiscal Control Act.

(G.S. § 160A-454)

(Prior Code, § 22.003)

### ***BOARD OF ADJUSTMENT***

#### **§ 32.15 CREATION; MEMBERS.**

(A) There shall be and is hereby created a Board of Adjustment consisting of five members.

(B) Five members shall be citizens and residents of the town and shall be appointed by the Town Council; other members shall be citizens and residents of the area lying outside the corporate limits of the town but within the town's planning area and shall be appointed in accordance with G.S. § 160A-362.

(C) The term of office of the members of the Board of Adjustment shall be for overlapping terms of three years. Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after the vacancy occurs by the proper board making the appointment. Such appointment shall be for the unexpired term, or for a longer term up to three years if needed to prevent the termination of four or more terms in the same year. Members of the Board of Adjustment may be removed for cause by the Town Council upon written charges and after public hearing.

(Prior Code, § 22.015)

#### **§ 32.16 ORGANIZATION; OFFICERS; MEETINGS.**

The Board of Adjustment shall elect a Chairperson and a Vice-Chairperson, each of whom shall serve for one year or until he or she is reelected or his or her successor is elected. The Board of Adjustment shall appoint a Secretary who may be an officer or an employee of the town. It shall adopt rules for the conduct of its business. Meetings shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in his or her absence, the Vice-Chairperson may administer oaths and compel the attendance of witnesses by subpoena. All

meetings of the Board of Adjustment shall be open to the public. The Secretary shall keep minutes of the proceedings, showing the vote, indicating this fact. The Board of Adjustment shall keep records of the examinations and other official actions, all of which shall be filed immediately in the office of the Board of Adjustment and shall be public record.

(Prior Code, § 22.016)

### § 32.17 POWER AND DUTIES.

(A) (1) The Board of Adjustment shall have the following powers and duties:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning regulations;

(b) To authorize upon appeal in specific cases those variances from the terms of the zoning regulations as will not be contrary to the public interest, where, owing to special condition, a literal enforcement of the provisions of the zoning regulations will, in an individual case, result in unnecessary hardship, so that the spirit of the zoning regulations shall be observed, public safety and welfare secured, and substantial justice done. No variance shall be granted unless the Board of Adjustment finds that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2. The application of the zoning regulations to this particular piece of property would create an unnecessary hardship;

3. Such conditions are peculiar to the particular piece of property involved;

4. Relief if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations;

5. The variance is not a request to permit a use of land, building or structure that is prohibited by the zoning regulations in the district in which the property is located; and

6. The condition for which the variance is sought did not arise from an action of the property owner.

(2) The Board of Adjustment may impose reasonable conditions upon any variance it grants. These conditions shall be in furtherance of the objectives of the particular regulation from which the variance is granted.

(B) In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provision of the zoning regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by the Zoning Enforcement Officer from whom the appeal is taken, and may issue or direct the issuance of a permit. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of an administrative official charged with the enforcement of the zoning regulations, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the zoning regulations.

(C) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the town affect by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within not more than 60 days by filing with the Zoning Enforcement Officer a notice of appeal specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party in interest may appear in person or by agent or attorney.

(D) An appeal stays all legal proceedings furtherance of the action appealed from unless the Zoning Enforcement Officer from whom the appeal was taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustments or by a court of record on application.

(E) Any person or persons, jointly or individually aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department, board or bureau of the town shall have recourse to the courts as provided by law.

(Prior Code, § 22.017)

### ***BUILDING INSPECTION DEPARTMENT***

#### **§ 32.30 ESTABLISHMENT.**

Building Code enforcement is contracted with the County Inspections Department.  
(Prior Code, § 22.030)

***PLANNING BOARD*****§ 32.45 CREATION.**

A Town Planning Board is hereby created under authority of G.S. §§ 160A-361 and 160A-387. (Prior Code, § 22.060)

**§ 32.46 MEMBERSHIP; TERM; REMOVAL.**

(A) The members of the Planning Board shall be appointed by the Town Council and the County Board of Commissioners. Five members of the Planning Board shall be citizens and residents of the town and shall be appointed by the Town Council; any other members shall be citizens and residents of the area lying outside the corporate limits of the town but within the town planning area and shall be appointed in accordance with G.S. § 160A-362. All members of the Planning Board may participate in and vote on all issues before the Planning Board. The term of office of the members of the Planning Board shall be for overlapping terms of three years. Vacancies occurring for any reason other than expiration of term shall be filled as soon as is reasonably possible after the vacancy occurs by the proper board making the appointment. Such appointment shall be for the unexpired term, or for a longer term up to three years if needed to prevent the termination of four or more terms in the same year.

(B) Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. The Mayor shall file a written statement of reasons for such removal. (Prior Code, § 22.061)

**§ 32.47 ORGANIZATION AND RULES.**

(A) The Planning Board shall elect a Chairperson from among the appointed members and create and fill such other offices as it may determine. The term of office for the Chairperson shall be as determined by the Planning Board as a whole.

(B) The Planning Board shall hold meetings as required or necessary and shall be called by the Chairperson and such meetings shall be open to the public. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. (Prior Code, § 22.062)

**§ 32.48 DUTIES AND POWERS.**

(A) It shall be the function and duty of the Planning Board to make and adopt a suggested master plan for the physical development of the municipality or modify parts of this plan as the Planning Board and Town Council may deem best. The master plan, with the accompanying maps, plats, charts and

descriptive matter, may show the Planning Board's recommendations for the development of the territory, including, among other things, the general location, character and extent of streets, viaducts, bridges, waterways, waterfronts parks, boulevards, parkways, playgrounds, squares, aviation fields and other public ways, grounds and open spaces; the general location of public buildings and other public property; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals may also be part of the master plan. The Planning Board shall also prepare and submit to the Town Council for its consideration and possible adoption a zoning ordinance for control of height, area, location and use of buildings and premises in the area. The Planning Board may from time to time recommend amendments, extensions or additions to the master plan.

(1) In the preparation of the master plan, modified plan, or parts thereof, the Planning Board shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality, with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, property and general welfare, as well as efficiency and economy in the process of development, including among other things adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

(2) Before the adoption by the Planning Board of the master plan or any such plan, amendment, extension or addition, the Planning Board shall hold at least one public hearing thereon. The Planning Board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report, and may employ other means of publicity and education as it may determine. Members of the Planning Board, when duly authorized by the Planning Board, may attend city planning conferences or meetings of city planning institutes or hearing upon pending city planning legislation, and the Planning Board may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to this attendance. All officers and employees of the town shall render such reasonable assistance and any such information to the Planning Board as may be requested by the Planning Board for its work.

(B) The Planning Board shall from time to time, and at least annually, submit reports in writing to the Town Council giving information regarding the condition of the town, any plans or proposals for development of the town, and estimates of the cost thereof. These reports shall contain any other recommendation the Planning Board feels should have immediate attention.

(C) The Planning Board may contract with city planners, engineers, architects and other consultants for those services it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for this purpose by the Town Council. No indebtedness for which the

town shall be liable shall be contracted by the Planning Board unless an appropriation is made by the Town Council for these purposes and then only to the extent of the appropriation.

(Prior Code, § 22.063)

***Cross-reference:***

*Zoning, see Ch. 153*



## **CHAPTER 33: PERSONNEL POLICY**

### Section

33.01 Adopted by reference

### **§ 33.01 ADOPTED BY REFERENCE.**

The town's employee handbook revised 4-1-2017 is hereby adopted by reference and incorporated herein as if set out in full.



## CHAPTER 34: TOWN POLICIES

### Section

#### *Affirmative Action Plan*

- 34.01 Goals of plan
- 34.02 Equal Employment Opportunity Officer
- 34.03 Responsibility of departments
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- 34.06 Training
- 34.07 Compensation
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- 34.25 State of emergency; restrictions authorized
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  - 34.27 Evacuation
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  - 34.34 Superseding and amendatory proclamations
  - 34.35 Termination of proclamation
  - 34.36 In case of absence or disability of Mayor
  - 34.37 Validity
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- Appendix B: Sample proclamation terminating a state of emergency in the Town of Green Level

***AFFIRMATIVE ACTION PLAN*****§ 34.01 GOALS OF PLAN.**

(A) Immediate action should be taken to assure that salaries and benefits are the same for all employees who perform substantially similar work. In addition, neither age, sex, race, religion, national origin or physical handicap shall be a factor in placing employees in jobs with different pay levels or opportunities for advancement.

(B) Long-range goals should also be established to eliminate employment discrimination and the effects of past discrimination. Annual targets should be set based upon anticipated turnover, expansion or contraction, availability of qualified person, and similar considerations which targets shall be aimed at increasing the numbers of employees in the groups identified as under-represented in each major job description.

(Prior Code, § 24.01)

**§ 34.02 EQUAL EMPLOYMENT OPPORTUNITY OFFICER.**

(A) The Equal Employment Opportunity Officer has the responsibility for developing procedures to implement this plan and to audit and evaluate the success of these procedures.

(B) The duties of the Equal Opportunity Officer are to:

- (1) Implement and communicate the plan;
- (2) Periodically review the plan, placing special emphasis on the results achieved;
- (3) Review and investigate rumors or complaints of discrimination from other employees;
- (4) Aid in preparing job descriptions for each position and distribute the descriptions to employees upon hiring; and
- (5) Post his or her name, location, hours and phone number in one or more public areas.

(C) The Equal Employment Opportunity Officer shall continually monitor progress being made in meeting the objectives of this plan. When appropriate, periodic revisions in the annual affirmative action plan shall be made.

(D) The Equal Employment Opportunity Officer shall prepare and submit reports to the State Equal Employment Opportunity Commission and to all other appropriate governmental agencies having responsibility for the affirmative action performance of the town.

(E) The Equal Employment Opportunity Officer shall conduct a census of the town employees by job class and submit an assessment of the current utilization patterns for women and minorities.  
(Prior Code, § 24.02)

**§ 34.03 RESPONSIBILITY OF DEPARTMENTS.**

(A) Department heads and supervisors shall be responsible for helping to meet the goals of the policy. Every department head is very important to program success. Performance in meeting affirmative action objectives shall be the responsibility of each department head.

(B) The heads of various departments in the jurisdiction will be responsible for:

(1) Analyzing their work force relative to utilization of minorities and women;

(2) Actively promoting a positive climate in the departments concerning affirmative action; and

(3) Counseling and giving special help to women and minority employees, particularly with regard to promotional opportunities within the departments.  
(Prior Code, § 24.03)

**§ 34.04 INTERNAL COMMUNICATION OF PLAN.**

(A) Special meetings shall be held quarterly with supervisory personnel to discuss progress and problems relative to the program.

(B) Required equal opportunity posters and an employer policy statement regarding the program shall be posted in places where employees normally expect to find such notices.

(C) Every employee shall be informed of the Equal Employment Opportunity Officer to whom questions can be directed and whose counsel may be sought regarding the program.

(D) Every employee shall also be personally informed of the existence and operation of the internal grievance procedure set up under § 34.10 of this plan for handling complaints of discrimination.

(E) The actions of every employee are important to achieving the plan's objectives.  
(Prior Code, § 24.04)

**§ 34.05 RECRUITING AND SELECTION PROCESS.**

(A) All employment advertisements shall contain the words "an equal opportunity/affirmative action employer".

(B) All recruiting announcements will contain the following statement: “The Town of Green Level, North Carolina, is an affirmative action/equal opportunity employer. We are dedicated to a policy of nondiscrimination in employment on the basis of race, color, religion, sex, marital status, national origin, age or mental or physical disability.”

(C) Employment application forms shall contain the following clause: “The Town of Green Level, North Carolina, is an equal opportunity employer and shall not discriminate against an employee or applicant for employment because of race, color, religion, sex, age, marital status, national origin or mental or physical disability unless based upon a bona fide occupational qualification. If you believe you have been discriminated against, you should notify the jurisdiction’s Equal Opportunity Commission or the State Civil Rights Division, Bureau of Labor.”

(D) Application blanks and employer records shall be reviewed and revised to ensure all questions not related to job performance or which operate to the detriment of minorities and women are eliminated.

(E) Other selection criteria such as physical or education requirements shall be reviewed and revised to ensure job-relatedness. Specifically, this includes, but is not limited to, height and weight requirements, educational degrees, years of work experience and the like.

(F) All criteria used in selection shall be the minimum necessary for the job or job class for which the individual is hired. Only where promotion to higher jobs or job classes is expected within a reasonable period of time shall criteria for the higher job be used and then only when it is unfeasible for the town, through training programs, to prepare the individual for promotion in that time period.

(G) Interviews or oral boards shall be carefully structured to seek only information that is job-related. Action taken as a result of the interviews shall be specifically recorded on this form and focused on job-related factors only. All interviewers shall be carefully selected and instructed. When possible, minority or women interviewers shall be utilized.

(H) Required equal employment opportunity notices, along with information regarding the town’s affirmative action plan, shall be conspicuously displayed in all offices where test and interviews are conducted. In addition, an equal employment opportunity clause such as the referred to in division © above shall be included on all application blanks and employee records.  
(Prior Code, § 24.05)

#### **§ 34.06 TRAINING.**

(A) Whenever the jurisdiction sponsors any training activity, special attention and consideration shall be given to securing the participation of minorities and women.

(B) Work schedules of minorities and women employees shall be adjusted so as to permit their participation in training programs.

(C) Where lack of resources restricts training opportunities that can be offered, the town shall seek the cooperation of other agencies in requesting local educational institutions to set up training programs so as to increase the numbers of qualified women and minorities in the labor force.  
(Prior Code, § 24.06)

**§ 34.07 COMPENSATION.**

(A) Pay rates shall be equalized where jobs require substantially equal skill, effort and responsibility.

(B) All fringe benefit programs shall be reviewed and revised where necessary to assure that they are equally available to every employee. Particular attention shall be paid to the availability of fringe benefits to female employees, especially in areas such as disability leave for childbirth, retirement systems and insurance programs.

(C) Working conditions shall be reviewed to ensure that for each job or job classification substantially similar conditions prevail. Specifically, this will include review of work schedules, opportunities or overtime work, scheduling of vacations and other similar item.  
(Prior Code, § 24.07)

**§ 34.08 PROMOTION.**

(A) Selection for promotion shall conform to all practices outlined in § 34.05.

(B) No applicant shall be denied a promotion or job assignment on the basis of sex or any other prohibited criteria. Applicants shall be given a trial on the job to prove their capability if they are otherwise eligible for promotion or assignments. The same policy shall be adhered to in layoff and recall decisions.  
(Prior Code, § 24.08)

**§ 34.09 LABOR CONTRACTS.**

A nondiscrimination clause shall be written into all labor contracts. It shall state substantially that: "It is mutually agreed that there shall be no discrimination because of race, color, religion, sex, age, marital status, national origin or mental or physical disability unless based upon a bona fide occupational qualification. Union and management representatives shall work cooperatively to assure the achievement of equal employment opportunity. Any employee who fails to cooperate toward this end shall be subject to disciplinary action. Furthermore, employees who feel they have been discriminated against shall be encouraged to use the grievance procedure set up under this contract prior to seeking relief through other channels".  
(Prior Code, § 24.09)

**§ 34.10 GRIEVANCE PROCEDURE.**

(A) An applicant or employee who feels that he or she has been discriminated against because of race, color, religion, sex, national origin, marital status, age or physical handicap or because due process has been denied them, may file a complaint with the Equal Employment Opportunity Officer. Any such complaint must be filed with 30 calendar days of the alleged incident of discrimination.

(B) The Equal Employment Opportunity Officer will be responsible for conducting fair and impartial investigation and making findings of fact as to all interested parties. The Equal Employment Opportunity Officer shall then make a recommendation to an impartial panel which shall be responsible for a final determination of the matter. Should the complainant so request in writing, an appeal in the form of a hearing shall be granted. The Equal Employment Opportunity Officer shall be responsible for convening and establishing fair hearing procedures.

(Prior Code, § 24.10)

**§ 34.11 TERMINATION.**

Employees shall be terminated only for just cause or of their own volition. Exit interviews will be conducted in the case of voluntary resignations of minorities and women to see if any factors under the town's control are responsible. A written record of any such factors disclosed shall be made.

(Prior Code, § 24.11)

***EMERGENCY MANAGEMENT*****§ 34.25 STATE OF EMERGENCY; RESTRICTIONS AUTHORIZED.**

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

(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 any part thereof or threatening damages to or destruction of property, the Mayor of the town is authorized and empowered under G.S. § 166A-19.22 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) In the line of succession of authority to proclaim a state of emergency, the Mayor shall be the first line authority; in his or her absence, the Mayor Pro Tempore shall be next in the line of authority; in the absence of both the Mayor and Mayor Pro Tempore, then the next succeeding senior Council

member shall be next in the line of authority; and in the event of the absence of the Mayor, Mayor Pro Tempore and the next succeeding senior Council member then the next or second succeeding senior Council member shall have the authority to proclaim a state of emergency; and finally, in the absence of the Mayor, Mayor Pro Tempore, the next succeeding senior Council member and the next or second senior Council member, then the third succeeding senior Council member shall have authority to proclaim a state of emergency. For simplification throughout this subchapter, the foregoing line of succession will be stated as follows: the Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council.

(D) The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council 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 town and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firefighters and other public employees, rescue squad members, doctors, nurses, employees of hospitals or 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 person 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.

(Prior Code, § 25.01) (Ord. passed 3-9-1995)

#### **§ 34.26 PROCLAMATION IMPOSING PROHIBITIONS AND RESTRICTIONS.**

(A) The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council by proclamation may impose the prohibitions and restrictions specified in §§ 34.27 through 34.32 of this subchapter in the manner described in those sections. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council may impose as many of those specified prohibitions and restrictions as he or she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety and property. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council shall recite his or her findings in the proclamation.

(B) The proclamation shall be in writing. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the Town Hall. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

(Prior Code, § 25.02) (Ord. passed 3-9-1995)

**§ 34.27 EVACUATION.**

The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council may direct and compel the evacuation of all or part of the population of the town, to prescribe routes, modes of transportation and destination in connection with evacuation; and to control egress an of persons within the area, and the occupancy of premises therein. Details of the evacuation plan can be found in the Town Emergency Response Plan, Hurricane Plan and Disaster Plan.

(Prior Code, § 25.03) (Ord. passed 3-9-1995; Ord. passed 9-8-2016)

**§ 34.28 CURFEW.**

(A) The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council finds necessary for the preservation of the public health, safety and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council by proclamation removes the curfew.

(Prior Code, § 25.04) (Ord. passed 3-9-1995) Penalty, see § 34.99

**§ 34.29 RESTRICTIONS ON POSSESSION, CONSUMPTION OR TRANSFER OF ALCOHOLIC BEVERAGES.**

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the area of the town described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of alcoholic beverage control stores as well as by anyone within the geographical area described.

(Prior Code, § 25.05) (Ord. passed 3-9-1995) Penalty, see § 34.99

**§ 34.30 RESTRICTIONS ON POSSESSION, TRANSPORTATION AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES.**

(A) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council may exempt from some or all of the restrictions classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is

necessary to the preservation of the public's health, safety or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) ***DANGEROUS WEAPON OR SUBSTANCE*** means:

(1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S. § 14-288.8, gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property;

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicated that there is some probability that such instrument or substance will be so used; or

(3) Any part of ingredient of any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.

(C) If imposed, the restrictions shall apply throughout the jurisdiction of the town or such part thereof as designed in the proclamation.

(Prior Code, § 25.06) (Ord. passed 3-9-1995) Penalty, see § 34.99

### **§ 34.31 RESTRICTIONS ON ACCESS TO AREAS.**

(A) The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

(B) Areas to which access is denied or restricted shall be designated by the Sheriff and his or her subordinates or other authorized law enforcement officer when directed in the proclamation to do so by the Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council. When acting under this authority, the Sheriff and his or her subordinates or other authorized law enforcement officer may restrict or deny access to any area, street, highway or location within the town if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

(Prior Code, § 25.07) (Ord. passed 3-9-1995) Penalty, see § 34.99

### **§ 34.32 ADDITIONAL PROHIBITIONS AND RESTRICTIONS.**

(A) Movements of people in public places;

(B) The operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and

(C) Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation.

(Prior Code, § 25.08) (Ord. passed 3-9-1995)

#### **§ 34.33 REMOVAL OF PROHIBITIONS AND RESTRICTIONS.**

The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council shall by proclamation terminate the entire declaration of emergency or remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Town Council.

(Prior Code, § 25.09) (Ord. passed 3-9-1995)

#### **§ 34.34 SUPERSEDING AND AMENDATORY PROCLAMATIONS.**

The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council in his or her discretion may invoke the restrictions authorized by this subchapter in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in § 34.26.

(Prior Code, § 25.10) (Ord. passed 3-9-1995)

#### **§ 34.35 TERMINATION OF PROCLAMATION.**

Any proclamation issued under this subchapter shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in § 34.26 for proclamations.

(Prior Code, § 25.11) (Ord. passed 3-9-1995)

#### **§ 34.36 IN CASE OF ABSENCE OR DISABILITY OF MAYOR.**

In case of the absence or disability of the Mayor, the Mayor Pro Tempore or such other person as may be designated by the Town Council, shall have and exercise all of the powers herein given the Mayor.

(Prior Code, § 25.12) (Ord. passed 3-9-1995)

#### **§ 34.37 VALIDITY.**

If any section, division, sentence, clause or phrase of this subchapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this subchapter. The Town Council hereby declares that it would have passed this subchapter and each section, division, clause and

phrase thereof, irrespective of the fact than any one or more sections, divisions, sentences, clauses or phrases be declared invalid.

(Prior Code, § 25.16) (Ord. passed 3-9-1995)

**§ 34.99 PENALTY.**

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person violating any prohibitions or restriction imposed by a proclamation authorized by §§ 34.25 through 34.37 shall be guilty of a misdemeanor, punishable upon conviction by a fine of \$300 to \$500 or imprisonment not exceeding 30 days, as provided by G.S. § 14-4.

(Prior Code, § 25.13)

(Ord. passed 3-9-1995)



**APPENDIX A: SAMPLE PROCLAMATION OF A STATE OF EMERGENCY  
IN THE TOWN OF GREEN LEVEL**

§ 1. Pursuant to Chapter 34 of the Green Level Code of Ordinances and G.S. Chapter 166A and Chapter 14, Article 36A, I have determined that a State of Emergency as defined in Chapter 34 of the Green Level Code of Ordinances exists in the Town of Green Level.

§ 2. I, therefore, proclaim the existence of a State of Emergency in the Town of Green Level.

§ 3. I hereby order all law enforcement officers and employees and all other emergency management personnel subject to my control to cooperate in the enforcement and implementation of the provisions of the town's emergency management ordinances which are set forth below.

§ 4. Evacuation: I have determined that, in the best interest of public safety and protection, it is necessary to evacuate the civilian population from the \_\_\_\_\_ areas of the Town of Green Level. Citizens are free to use any type of transportation, but they are to use only \_\_\_\_\_ in leaving the endangered areas of the town. Evacuation is to occur as soon as possible. Further proclamation concerning evacuation will be issued as needed.

§ 5. Curfew: unless a sworn law enforcement officer, or a member of the emergency management program on official duty, every person located within \_\_\_\_\_ of \_\_\_\_\_ is to be inside a house or dwelling from the hours of \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

§ 6. No alcoholic beverages: there shall be no sale, consumption, transportation, or possession of alcoholic beverages during the state of emergency in the Town of Green Level, except possession or consumption is allowed on a person's own premises.

§ 7. No firearms, ammunition or explosives: during the state of emergency, there shall be no sale or purchase of any type of firearm, ammunition or any possession of such items along with any type of explosive off the owner's own premises.

§ 8. Execution of the emergency plan: all civilians and emergency management personnel are ordered to comply with the Alamance County Emergency Operations Plan.

§ 9. This proclamation shall become effective immediately.

**Green Level - Administration**

Proclaimed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

The Mayor, Mayor Pro Tempore or next succeeding senior member of the Town Council.  
(Prior Code, Ch. 25)

**APPENDIX B: SAMPLE PROCLAMATION TERMINATING A STATE  
OF EMERGENCY IN THE TOWN OF GREEN LEVEL**

§ 1. On \_\_\_\_\_, at \_\_\_\_ (am/pm), I determined and proclaimed a local State of Emergency for the Town of Green Level.

§ 2. On \_\_\_\_\_, at \_\_\_\_ (am/pm), I ordered the evacuation of all civilians from the area, imposed a curfew, prohibited alcoholic beverages, firearms, ammunition, and explosives, and ordered the execution of the emergency response plan.

§ 3. I have determined that a State of Emergency no longer exists in the Town of Green Level.

§ 4. I, thereby, terminate the proclamation of a local State of Emergency and all of the restrictions and orders therein.

§ 5. This proclamation is effective immediately. Proclaimed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ (am/pm).

\_\_\_\_\_  
Mayor, Town of Green Level

