

TITLE III: ADMINISTRATION

Chapter

30. BOARD OF COMMISSIONERS

31. TOWN OFFICIALS

32. BOARDS, COMMISSIONS AND DEPARTMENTS

33. FINANCE

34. TOWN POLICIES

CHAPTER 30: BOARD OF COMMISSIONERS

Section

General Provisions

- 30.01 Composition of Board
- 30.02 Oaths of office
- 30.03 Powers over ordinances, resolutions and employees
- 30.04 Mayor; duties

Meetings

- 30.15 Regular meetings; time and place
- 30.16 Special meetings; notice
- 30.17 Adjourned meetings
- 30.18 Presiding officer
- 30.19 Order of business
- 30.20 Rules of procedure
- 30.21 Quorum
- 30.22 Previous questions; motions having precedence
- 30.23 Motion to adjourn
- 30.24 Committee designation
- 30.25 Ballot elections
- 30.26 Resignation of members; vacancies
- 30.27 Mayoral vote; Mayor Pro Tempore

Ordinances

- 30.40 Effective date
- 30.41 Ordinances confined to one subject
- 30.42 Official copy
- 30.43 Ordinance books
- 30.44 Ordinances appropriating money

GENERAL PROVISIONS

§ 30.01 COMPOSITION OF BOARD.

The governing body shall consist of the Mayor and Board of Commissioners of four members, who shall be elected in accordance with the general laws of the state applicable to municipal elections.
(77 Code, § 2-1001)

§ 30.02 OATHS OF OFFICE.

The Mayor and each commissioner-elect shall before entering upon the duties of his or her office take and subscribe, before some person lawfully entitled to administer oaths, an oath of affirmation to support the constitution of the United States, the constitution of the state and the laws made pursuant thereto; and to faithfully perform the duties of their office which oath or affirmation shall be entered up on the minutes of the Board subscribed as aforesaid and attested by the officer administering the same. ('77 Code, § 2-1002)

§ 30.03 POWERS OVER ORDINANCES, RESOLUTIONS AND EMPLOYEES.

(A) The Board shall have power to pass ordinances, resolutions or bylaws, for the better government of the town, not inconsistent with the charter or laws of the land. ('77 Code, § 2-1003)

(B) The Board shall have power to prescribe the duties and fix the compensation and bonds all employees of the town. ('77 Code, § 2-1004)

§ 30.04 MAYOR; DUTIES.

(A) The Mayor shall be the chief executive of the town. ('77 Code, § 2-1005)

(B) It shall be the duty of the Mayor to:

- (1) Keep himself or herself informed as to the town's business;
- (2) Preside over the meetings of the Board;
- (3) Appoint committees and outline their powers and duties, as the Board may direct;
- (4) Make recommendations as he or she deems necessary or expedient to the Board; and
- (5) Appear on behalf of the town at public occasions.
('77 Code, § 2-1006)

MEETINGS

§ 30.15 REGULAR MEETINGS; TIME AND PLACE.

There shall be a regular meeting of the Board at the Town Hall, on the fourth Monday in each month, at 7:00 p.m., unless another place, date or time shall be designated, in which case, each member of the Board shall be so notified.

('77 Code, § 2-1011)

§ 30.16 SPECIAL MEETINGS; NOTICE

Special meetings of the Board may be held, after a 24-hour notice, upon the call of the Mayor or upon the request in writing of any two members of the Board. Notice of the time and purposes of special meetings shall be posted at the Town Hall, and due notice shall be given to the Mayor and Board of the time and purposes of the meetings. ('77 Code, § 2-1012)*Statutory reference: Special meeting requirements, G.S. § 160A-71*

§ 30.17 ADJOURNED MEETINGS.

If a quorum shall fail to attend any regular or special meeting of the Board, or if for any reason the meeting shall fail to complete the transaction of the business before the meeting, the meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present. ('77 Code, § 2-1013)

§ 30.18 PRESIDING OFFICER.

The Mayor, when present, shall preside at all meetings of the Board. In case of the absence of the Mayor, the Mayor Pro Tempore shall preside, and in the absence of both, some member of the Board may be designated by the members present as presiding officer for that meeting. ('77 Code, § 2-1014)

Statutory reference:

For provisions concerning the Mayor presiding over meetings, see G.S. § 160A-69

§ 30.19 ORDER OF BUSINESS.

(A) The order of business at all regular meetings of the Board shall be as follows:

- (1) Reading of minutes of last meeting;
- (2) Corrections, if any, made in same;
- (3) Reports of committees;
- (4) Unfinished business;

- (5) Reading any communication by the Town Clerk; and
- (6) New business.

(B) If the Board directs any matter to be the special business of a future meeting, the same shall have precedence over all other business at the meeting.

(C) No proposition shall be entertained by the Mayor until it has been seconded, and every proposition shall, when required by the Mayor or any member, be reduced to writing.
(‘77 Code, § 2-1015)

§ 30.20 RULES OF PROCEDURE.

Except as otherwise provided by this code or by ordinance, the procedure of the Board shall be governed by Robert's Rules of Order.
(‘77 Code, § 2-1016)

§ 30.21 QUORUM.

A majority of the total members of the Board shall constitute a quorum, and no official business of the town shall be transacted by the Board unless a quorum is present.
(‘77 Code, § 2-1017)

Statutory reference:

For provisions concerning the majority of governing body membership constituting a quorum, see G.S. § 160A-74

§ 30.22 PREVIOUS QUESTIONS; MOTIONS HAVING PRECEDENCE.

(A) The previous question may be called at any time by a majority of the members of the Board present. The “ayes” and “nays” may be called for by any member. (‘77 Code, § 2-1018)

- (B) (1) When a question is under consideration, no motion shall be received, except as follows:
- (a) To lay on the table;
 - (b) To postpone to a certain time;
 - (c) To postpone indefinitely;
 - (d) To refer to a committee;
 - (e) To amend;
 - (f) To strike out or insert; or
 - (g) To divide.

(2) Motions for any of these purposes shall have precedence in the order named.
(‘77 Code, § 2-1019)

§ 30.23 MOTION TO ADJOURN.

A motion to adjourn shall always be in order and shall be decided without debate.
(‘77 Code, § 2-1020)

§ 30.24 COMMITTEE DESIGNATION.

All committees shall, unless otherwise ordered, be appointed by the Mayor. All reports of committees shall be in writing, and committee members shall receive the compensation for extra and special service as the Board may designate.
(‘77 Code, § 2-1021)

§ 30.25 BALLOT ELECTIONS.

All elections by the Board shall be by ballot, if required by any two members present.
(‘77 Code, § 2-1022)

§ 30.26 RESIGNATION OF MEMBERS; VACANCIES.

- (A) Resignation of any member of the Board shall be in writing and the resignation shall be on the table until the next regular meeting unless considered by unanimous consent. (‘77 Code, § 2-1023)
- (B) Any vacancy caused by the death, resignation or disqualification of a member of the Board shall be filled by a majority vote of the Board. (‘77 Code, § 2-1026)
- (C) If any member of the Board shall move his or her residence from the town, his or her office shall at once be declared vacant and shall be filled as provided in division (B). (‘77 Code, § 2-1027)
Statutory reference:
Vacancies in elective office, G.S. § 160A-63

§ 30.27 MAYORAL VOTE; MAYOR PRO TEMPORE.

- (A) *When Mayor may vote.* When there is an equal division of the Board upon any question, or in the election of officers, the Mayor may vote to break a tie, but shall have no vote under any other circumstances. (‘77 Code, § 2-1024)
- (B) *Mayor Pro Tempore.* At the first meeting after their election the Board shall select one of their number

to act as Mayor Pro Tempore during his or her term of office, and he or she shall, in case of sickness or absence of the Mayor, perform all duties of the Mayor, and shall be compensated for his or her services as prescribed by the Board. ('77 Code, § 2-1025)

ORDINANCES

§ 30.40 EFFECTIVE DATE.

All ordinances shall be effective after the ratification thereof, except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.

('77 Code, § 2-1031)

§ 30.41 ORDINANCES CONFINED TO ONE SUBJECT.

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

('77 Code, § 2-1032)

§ 30.42 OFFICIAL COPY.

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

('77 Code, § 2-1033)

§ 30.43 ORDINANCE BOOK.

The 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's minute book. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Clerk.

('77 Code, § 2-1034)

Statutory reference:

For provisions concerning pleading and proving ordinances, see G.S. § 160A-79

For provisions concerning similar requirements on the ordinance book, see G.S. § 160A-78

§ 30.44 ORDINANCES APPROPRIATING MONEY.

No appropriation ordinance or an ordinance to alter or repeal an appropriation ordinance shall be enacted at any meeting other than a regular meeting, except by a unanimous vote of the entire Board.
(77 Code, § 2-1035)

CHAPTER 31: TOWN OFFICIALS

Section

- 31.01 Election procedure
- 31.02 Town Manager
- 31.03 Town employees

§ 31.01 ELECTION PROCEDURE.

(A) *County to conduct elections.* The town shall have the Surry County Board of Elections conduct all of its elections in accordance with Article 23, Chapter 163 of the North Carolina General Statutes. ('77 Code, § 2-8001)

(B) *Method of election.* The regular municipal elections of the town shall be decided in accordance with the non-partisan plurality method of election. ('77 Code, § 2-8002)

(C) *Filing fees.* The filing fee for elections for the office of Mayor or Commissioner in the town shall be determined by the Surry County Board of Elections. ('77 Code, § 2-8003) (Am. Ord. 195, passed 4-24-95; Am. Ord. passed 5-24-99)

§ 31.02 TOWN MANAGER.

(A) The Board shall appoint an officer whose title shall be Town Manager. He or she shall be chosen solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office as outlined in this section. ('77 Code, § 2-2001)

(B) The Manager shall be the chief administrative officer and the head of the administrative branch of the town government. ('77 Code, § 2-2002)

(C) The Manager need not be a resident of the town during his or her tenure of office. ('77 Code, § 2-2003)

(D) No person elected to membership on the Board shall, subsequent to an election, be eligible for appointment as Manager until one year has elapsed following the expiration of the term for which he or she was elected. ('77 Code, § 2-2004)

(E) The Manager shall be appointed for an indefinite term, but may be removed by a majority vote of the Board. At least 30 days before the removal may become effective, the Manager shall be furnished with a formal statement in the form of a resolution passed by a majority vote of the members of the Board, stating the Board's intention to remove him or her and the reasons therefor. The Manager may reply in writing to the resolution. If

so requested by the Manager, the Board shall fix a time for a public hearing upon the question of his or her removal and the final resolution removing the Manager shall not be adopted until the public hearing has been held. Upon passage of a resolution stating the Board's intention to remove the Manager, the Board may suspend him or her from duty, but his or her pay shall continue until the removal shall become effective as herein described. ('77 Code, § 2-2005)

(F) (1) The Manager shall be responsible to the Board for the proper administration of all affairs of the town placed in his or her charge, and to that end, subject to the provisions of the charter and except as otherwise provided in this code or by ordinance resolution, he or she shall have the power to appoint and remove all officers and employees in the administrative service of the town.

(2) The Manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in the department or office. Appointments made by, or under the authority of, the Manager shall be on the basis of executive and administrative ability, and of the training and experience of the appointees in the work which they are to perform.

(3) Subject to the town's personnel policies, all appointments shall be without definite term, except provisional, temporary or emergency service.
(('77 Code, § 2-2006)

(G) Subject to the provisions of town's pay and classification plan and recommended personnel policy dated January, 1995, any officer or employee to whom the Manager, or a head of a department or office may appoint a successor, may be removed by the Manager or other appointing officer at any time. Subject to the provisions of the document referenced above, the decision of the Manager, or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body or court whatsoever. ('77 Code, § 2-2007)
(Am. Ord. passed 5-24-99)

(H) Neither the Board nor any of its committees or members shall direct or request the appointment of any person to, or his or her removal from, office by the Manager or any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the town. Except for the purpose of inquiry, the Board and its members shall deal with the administrative service solely through the Manager and neither the Board nor any member thereof shall give orders to any subordinate of the Manager either publicly or privately. ('77 Code, § 2-2008)

§ 31.03 TOWN EMPLOYEES.

For information on town personnel duties, refer to the pay and classification plan and recommended personnel policy, dated January, 1995.
(Am. Ord. passed 5-24-99)

CHAPTER 32: BOARDS, COMMISSIONS AND DEPARTMENTS

Section

Planning Board

- 32.01 Authority and enactment
- 32.02 Composition and terms
- 32.03 Filling vacancies
- 32.04 Appointment of officers and employees
- 32.05 Meetings
- 32.06 Powers and duties
- 32.07 Rules and records
- 32.08 Annual report and budget request

Library Board of Trustees

- 32.20 Operation and support
- 32.21 Endowment of fund designated
- 32.22 Operation of fund
- 32.23 Administration of business affairs
- 32.24 Honorary trustees
- 32.25 Election of officers

Appearance Commission

- 32.40 Authority and enactment
- 32.41 Rules and records
- 32.42 Procurement of staff and technical services; funding
- 32.43 Compensation

Police Department

- 32.55 Organization; composition
- 32.56 Police Chief; appointment and duties
- 32.57 Uniforms
- 32.58 Interference with officers; resistance
- 32.59 Duties of officers
- 32.60 Special officers
- 32.61 Auxiliary police
- 32.62 Oath of office

Fire Department

- 32.75 Organization
- 32.76 Fire Chief; duties
- 32.77 Authority at fires; regulations
- 32.78 Assistant Chief
- 32.79 Requirements for fire fighters
- 32.80 Compensation
- 32.81 Practice drills
- 32.82 Interference with officers or apparatus
- 32.83 Right of way to responding officers
- 32.84 Driving over fire hose
- 32.85 False alarms

Cross-reference:

Fire Prevention; Fire Limits, see Chapter 93

Statutory reference:

*For provisions concerning fire protection
outside town limits and jurisdiction, see G.S.
§ 160A-293*

PLANNING BOARD

§ 32.01 AUTHORITY AND ENACTMENT.

Pursuant to the authority granted by the General Assembly of North Carolina in G.S. § 160A-361, the Planning Board, hereinafter referred to as the Planning and Zoning Board, is created in and for the town.
(‘77 Code, § 2-7001)

§ 32.02 COMPOSITION AND TERMS.

The Planning and Zoning Board shall consist of seven members and the term of office of each member shall be three years.
(‘77 Code, § 2-7002)

§ 32.03 FILLING VACANCIES.

Vacancies occurring on the Planning and Zoning Board for reasons other than expiration of terms shall be filled by the Board as they occur for the period of the unexpired terms.
(‘77 Code, § 2-7003)

§ 32.04 APPOINTMENT OF OFFICERS AND EMPLOYEES.

(A) The Mayor shall appoint a chairman of the Planning and Zoning Board and the Board shall elect a vice-chairman and create and fill other offices as it may determine. The term of the chairman and other offices shall be one year, with eligibility for reappointment. (‘77 Code, § 2-7004)

(B) The Planning and Zoning Board is authorized to appoint committees and employees, authorize the

expenditures, as it may see fit, to limitations of funds provided for the Planning and Zoning Board by the Town Board. ('77 Code, § 2-7005)

§ 32.05 MEETINGS.

(A) The Planning and Zoning Board shall call basis and all of its meetings shall be open to the public. There shall be a quorum of the members of three members for the purpose of taking any official action required by this subchapter. ('77 Code, § 2-7006)

(B) Faithful attendance at the meetings of the Planning and Zoning Board is considered a prerequisite for the maintenance of members of the Board. ('77 Code, § 2-7007)

§ 32.06 POWERS AND DUTIES.

(A) It shall be the function and duty of the Planning and Zoning Board to comprehensive surveys and studies of conditions and probable future development to prepare plans for physical, social and economic growth as will best promote the public health, morals, convenience or the general welfare as well as efficiency and economy in the development of the town. In general, the Planning and Zoning Board shall have the power and duty to:

- (1) Acquire and maintain in current form, basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- (2) Prepare and from time to time amend and revise a comprehensive and coordinated plan for the physical development of the area;
- (3) Establish principles and policies for guiding action in the development of the area;
- (4) Prepare and recommend to the Town Board ordinances promoting orderly development in accordance with the comprehensive plan;
- (5) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area; and
- (6) Keep the Town Board and the general public informed and advised as to these matters.
(('77 Code, § 2-7008)

(B) The Planning and Zoning Board may initiate, from time to time, proposals for amendment of the zoning chapter, based upon its studies and the comprehensive plan. In addition, it shall review and make recommendations to the Town Board concerning all proposed amendments to the zoning chapter. ('77 Code, § 2-7009)

§ 32.07 RULES AND RECORDS.

The Planning and Zoning Board shall adopt rules for the transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record.

('77 Code, § 2-7010)

§ 32.08 ANNUAL REPORT AND BUDGET REQUEST.

The Planning and Zoning Board shall, annually, submit to the Town Board a written report of its activities and 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.

('77 Code, § 2-7011)

LIBRARY BOARD OF TRUSTEES

§ 32.20 OPERATION AND SUPPORT.

The town, in consideration of the conveyance of the library to the municipality and the establishment of The Charles H. Stone Memorial Library Endowment Fund, shall through its duly elected officials maintain, operate and support, in perpetuity, The Charles H. Stone Memorial Library with public funds in accordance with the laws of North Carolina, particularly the North Carolina Constitution, G.S. §§ 153A-261 *et seq.* and all amendments thereto, now or hereafter.

('77 Code, § 2-7021) (Ord. passed 2-21-72)

§ 32.21 ENDOWMENT OF FUND DESIGNATED.

The town, through its duly elected officials, shall preserve, in perpetuity, the \$25,000 gift of Mrs. Clara McKay Stone and other contributions as hereafter may be made hereto, to be known and designated as The Charles H. Stone Memorial Library Endowment Fund.

('77 Code, § 2-7022) (Ord. passed 2-21-72)

§ 32.22 OPERATION OF FUND.

(A) The income only from the fund shall be expended, and the annual income shall be divided into two equal parts and administered separately as the “Operation and Maintenance Account” and the “Special Purpose Account,” as follows:

(1) *Operation and Maintenance Account.*

(a) Funds in this account may be used for the maintenance and repair of the library building and for the purchase of needed additional equipment, such as shelving, etc., or for the replacement of obsolete equipment. No funds from this account shall be expended for salaries or other expenditures normally required and incident to the operation of the library in a manner sufficient to meet the ordinary and usual demands of the community for library services, for which expenses the town is obligated upon the conveyance of the library property to the municipality.

(b) Funds in this account may be accumulated for not more than three years for purposes of the capital expenditure associated with the maintenance and replacement of the roof or the purchase of a new heating plant. Any funds not spent within three years shall be returned to the town and added to principal.

(2) *Special Purposes Account.* Funds in this account may be applied to the purchase of special equipment, such as audio-visual aids, a micro-filming machine or copier, fixtures and improvements not ordinarily associated with the routine operation and maintenance of the library, or for the acquisition of rare or special collections of books, works of art or artifacts. Funds in this account may be accumulated for not more than three years for acquisitions in excess of available income in any one year. Any funds not spent within three years shall be returned to the town and added to principal.

(B) The Board of Trustees of the library will have the exclusive right to determine all expenditures of income from the fund, and the town shall have the full power and authority to invest and reinvest the fund as allowed by the laws of North Carolina for trust funds.

(’77 Code, § 2-7023) (Ord. passed 2-21-72)

§ 32.23 ADMINISTRATION OF BUSINESS AFFAIRS.

(A) The administration of the functions and business affairs of the library, including all decisions regarding the application of income from the endowment fund, shall be vested in the Board of Trustees, consisting of six persons appointed by the Board of Commissioners to serve three years, two for two years and two for one year. Thereafter, all appointments shall be for three years. Vacancies on the Board of Trustees created by the death, resignation or removal of a trustee for just cause shall be filled by the Board of Commissioners appointing a person to fill the unexpired term of the trustee creating the vacancy. No person shall be allowed to serve as a trustee more than two terms, including the remainder of an unexpired term in the case of a person appointed to fill a vacancy, without the lapse of at least one year between the termination of his or her prior terms and the commencement of a new term. (’77 Code, § 2-7024) (Ord. passed 2-21-72)

(B) No person shall be allowed to serve as a trustee more than two consecutive terms without the lapse of at least one year between the termination of his or her prior term and the commencement of a new term. A person who is appointed to fill a vacancies of an unexpired term may complete that unexpired term may complete that unexpired term and then, in addition, serve the two consecutive terms set forth in this section. (Ord. 198, passed - -)

Editor’s note:

The town contracts with the Northwest Regional Library for the operation of library service.

Copies of the current contract are available for

public inspection in the office of the Town

Manager

§ 32.24 HONORARY TRUSTEES.

In addition to the six active trustees, the Commissioners may, in their discretion and in recognition of dedicated service to the affairs of The Charles H. Stone Memorial Library, also appoint honorary trustees as they deem appropriate. The honorary trustees shall be entitled to attend and take part in meetings of the Board of Trustees, but shall have no voting rights.
(’77 Code, § 2-2025) (Ord. passed 2-21-72)

§ 32.25 ELECTION OF OFFICERS.

The Board of Trustees shall once a year, at a time, designated by the members, elect from their members a chairman, vice-chairman and secretary-treasurer.
(’77 Code, § 2-2026) (Ord. passed 2-21-72)

APPEARANCE COMMISSION

§ 32.40 AUTHORITY AND ENACTMENT.

(A) There is hereby created the Appearance Commission to be composed of seven members who shall either reside within the town limits or the planning and zoning jurisdiction of the town. All members shall be appointed by the Board of Commissioners and shall serve for a term of three years, and serve until their successors are appointed and qualified. Vacancies occurring for reasons other than the expiration of term shall be filled as they occur by the Town Board for the period of the unexpired term.

(B) The Commission shall, with reference to the town, have and exercise all those powers and duties

conferred by G.S. § 160A-452.
(‘77 Code, § 2-7031) (Ord. 140, passed 2-29-88)

§ 32.41 RULES AND RECORDS.

The Appearance Commission shall adopt rules for the transaction of business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be of public record.
(‘77 Code, § 2-7032) (Ord. 140, passed 2-29-88)

§ 32.42 PROCUREMENT OF STAFF AND TECHNICAL SERVICES; FUNDING.

(A) The Appearance Commission may recommend to the Board of Commissioners suitable arrangements for the procurement or provision of staff or technical services for the Commission, and the Board of Commissioners may appropriate an amount as it deems necessary to carry out the purposes for which it was created. The Commission may establish an advisory council or other committees.

(B) The Commission shall, no later than April 15 of each year, submit to the Board of Commissioners 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 Commission shall be administered substantially in accordance with the requirements of the Municipal Fiscal Control Act.

(C) The Commission may receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in addition to any sums appropriated for its use by the Board of Commissioners. It may accept and disburse these funds for any purpose within the scope of its authority or herein specified. All sums appropriated by the town to further the work and purposes of the commission are deemed to be for a public purpose.
(‘77 Code, § 2-7033) (Ord. 140, passed 2-29-88)

§ 32.43 COMPENSATION.

All members of the Commission shall serve without compensation.
(‘77 Code, § 2-7034) (Ord. 140, passed 2-29-88)

POLICE DEPARTMENT

§ 32.55 ORGANIZATION; COMPOSITION.

The Police Department of the town shall consist of a chief and as many police officers as the Board shall

from time to time determine. The Mayor and Board may select as many special police officers as they deem necessary for special purposes. The Chief of Police shall be appointed by the Manager. ('77 Code, § 3-1001)

§ 32.56 POLICE CHIEF; APPOINTMENT AND DUTIES.

(A) The Chief of Police, subject to the Manager, shall have charge of the police force and as such shall assign the duties to the police officers as he or she thinks best for the good order of the town and shall be responsible to the Manager in seeing that the police officers faithfully perform their duties. ('77 Code, § 3-1002)

(B) The Chief of Police shall be appointed by the Manager. ('77 Code, § 3-1003)

(C) (1) The Chief shall have control over the Police Department under the supervision and direction of the Manager. The Chief shall keep the Manager informed of the Department's activities and make reports that the Board or the Manager may from time to time require, and shall perform other duties as may be required of him or her by the Manager.

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

- (a) Preserve the peace by suppression of disturbances and apprehension of all offenders; and
- (b) Assign duties as he or she deems best to police officers of the town.
(('77 Code, § 3-1004)

(D) The Chief of Police or any police officer of town shall have authority, if resisted in execution of their lawful duties, to summon sufficient number of officers to aid them in enforcing the law. It shall be unlawful for any person summoned to refuse to assist the Chief of Police or other officer. ('77 Code, § 3-1005)
Penalty, see § 10.99

Cross-reference:

Interference with officers; resistance, see § 32.58

§ 32.57 UNIFORMS.

(A) The Chief of Police and other police officers shall, when on duty, wear uniforms as prescribed by the Board, and shall keep the uniform in a neat condition, and it shall be the duty of the Chief of Police to see that the force presents a neat and respectable appearance. 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. ('77 Code, § 3-1007)

(B) If and when any member of the Police Department of the town, for any reason, is leaving the Police Department, he or she shall return to the town the uniforms, badges, blackjacks, handcuffs and all other

equipment that has been furnished to him or her by the town. ('77 Code, § 3-1008)

§ 32.58 INTERFERENCE WITH OFFICERS; RESISTANCE.

(A) It shall be unlawful to interfere with, hamper, molest, resist or hinder a police officer in the discharge of his or her duty. ('77 Code, § 3-1006)

(B) No person shall resist the police while in the discharge of their duty, by force, words or threats, or any attempt to excite others to resistance, or in any other manner obstruct them in the performance of their duty. ('77 Code, § 3-1011)

Penalty, see § 10.99

§ 32.59 DUTIES OF OFFICERS.

It shall be the duty of the police officers of the town 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 vehicles and teams in the streets, bridges, parks, public squares and highways;
- (F) Arrest all street mendicants and beggars;
- (G) Provide proper police attendance at fires;
- (H) Carefully observe and inspect all places of public amusement, all places of business having license to carry on the business and to suppress and restrain all unlawful and disorderly conduct or practices therein;
- (I) Enforce penalties for the violation of state and federal laws, the provisions of this code and other ordinances of the town;
- (J) Arrest all persons guilty of violating any law or any provision of this code or other ordinance;
- (K) Prevent as far as possible any injury to property and buildings, streets and sidewalks;
- (L) Report to the Chief of Police any repairs needed to any public property;
- (M) Execute and make due return of all civil and criminal process that may be legally directed to them;

- (N) Summon as many persons as may be necessary to assist them in the duties herein outlined; and
- (O) Perform any other duties that may be assigned to them either by the Mayor, the Board, the Manager or the Chief of Police in accordance with the town pay and classification plan and recommended personnel policy, dated January, 1995.
(’77 Code, § 3-1009) (Am. Ord. 187, passed 11-22-93; Am. Ord. passed 5-24-99)

Statutory reference:

For provisions concerning the appointment and duties of officers, see G.S. §§ 160A-281 and 160A-285

§ 32.60 SPECIAL OFFICERS.

The Mayor shall have power, when he or she deems it necessary, to employ as many special police officers as are necessary to preserve the peace.

(’77 Code, § 3-1010)

§ 32.61 AUXILIARY POLICE.

The Police Department of the town shall also consist of an auxiliary department made up of volunteer members. While undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the Chief of Police of the town, auxiliary police officers shall be entitled to all powers, privileges and immunities afforded by law to regularly employed police officers, including benefits under the North Carolina Workmen’s Compensation Act. This section is adopted pursuant to G.S. 160A-282.

(’77 Code, § 3-1021) (Ord. 9, passed 12-13-72)

Statutory reference:

For provisions concerning auxiliary officers holding concurring offices, see G.S. § 160A-284

For provisions concerning the auxiliary police force, see G.S. § 160A-282

§ 32.62 OATH OF OFFICE.

Each person appointed or employed as Chief of Police, police officer or auxiliary officer shall take and subscribe the oath of office required by G.S. 160A-284 which shall be filed with the Town Clerk. ('77 Code, § 3-1012)

FIRE DEPARTMENT

§ 32.75 ORGANIZATION.

The Fire Department shall consist of a chief, assistant chief, and not less than 20 nor more than 30 fire fighters (voluntary, part or full time) in accordance with the following restrictions:

(A) The Town Manager shall appoint the Fire Chief and Assistant Chief. Upon acceptance of their appointment, they will both be subject to all personnel rules, policies, regulations and ordinances as the Board of Commissioners may adopt.

(B) A secretary responsible for keeping a record of all proceedings of the Department shall be elected from the membership each June and shall take office in July.

(C) Any member of the Department may submit a qualified person for membership consideration to a membership committee consisting of the Town Manager and two members of the Department. The Fire Chief shall appoint the two members from the Department for an annual term beginning in July. The membership committee shall submit the name with their recommendation at the next meeting. If a majority of the members present at this meeting vote in favor of the nomination by a show of hands, the person's name shall be submitted to the Town Manager for approval.

(D) Only members of the Department whose name appear on the certified roster submitted to the North Carolina fire fighters' pension fund are eligible to vote on departmental decisions.

(E) A new member of the Department shall not attend any fires or emergency calls until he or she is notified by the Town Manager in writing that his or her name has been submitted to the North Carolina fire fighters' pension fund and not until he or she has been issued all of the proper equipment.

(F) Members of the Department must live within a reasonable responding distance of the town corporate limits. All members of the Department are eligible to hold any office within the Department.

(G) Only members of the Department whose name appears on the certified roster submitted to the North Carolina fire fighters' pension fund shall attend fires, emergency calls or participate in departmental training exercises.

(H) The Department with the assistance of the Town Manager shall from time to time adopt its own rules of operation governing the Department subject to the approval of the Town Board. ('77 Code, § 3-2001) (Ord. 100, passed 9-24-84; Am. Ord. 190, passed 3-28-94)

§ 32.76 FIRE CHIEF; DUTIES.

(A) It shall be the duty of the Chief to:

- (1) Supervise and direct the extinguishing of fires;
- (2) Preserve and keep safe all equipment of the Fire Department;
- (3) Compel when necessary all officers of the town or other persons to aid in the extinguishing of fires;
- (4) Enforce all provisions of this code and other rules and ordinances relative to fire prevention;
- (5) Perform the duties assigned to the Fire Inspector;
- (6) Inspect all equipment of the Fire Department and report all needed repairs to the Manager;
- (7) Report all violations of any fire prevention ordinances;
- (8) Annually report to the Board the names, residences and occupations of all fire fighters, the number and locality of fires which have occurred during the year, the causes thereof if they can be ascertained, name of the owner and value of the property destroyed, insurance coverage, and other matters pertaining to the Fire Department, its organization and operation as he or she deems best;
- (9) Report each suspension by him or her of a member of the Fire Department within 48 hours of the action;
- (10) Provide proper training and discipline of the members of the Department and may suspend any member for refusal or neglect to obey orders pending final action by the Town Manager; and
- (11) Do other and further things necessary for the proper and efficient operation of his or her Department and for the prevention of fire.
(*77 Code, § 3-2002)

(B) Duties as Fire Inspector.

- (1) The Chief is to assure the functions of the Fire Inspector. As such, he, she or his or her designated agent, shall have authority to enter any and all premises, at a reasonable time, for purposes of inspection.
- (2) He or she shall make annual inspections of all structures located within the fire district.
- (3) He or she shall, upon receipt of a complaint forthwith investigate.

(4) He or she shall investigate the causes of fires and shall keep records of his or her findings as to origin, location, owner, extent of damage and injury, and amount of insurance carried. The findings must be reported to the North Carolina Insurance Commissioner at regular intervals.

(5) He or she shall cause the removal of fire hazards by serving proper orders to the owner or agent of premises in question, the orders to state a reasonable time limit. Failure to comply with the order shall be considered a misdemeanor.

('77 Code, § 3-2003)

Statutory reference:

For provisions concerning the duties of a fire chief, see G.S. § 160A-292

§ 32.77 AUTHORITY AT FIRES; REGULATIONS.

(A) The Chief or his or her designated agent shall be the officer in command at the scene of a fire and his or her commands shall be promptly obeyed.

(B) The officer in command shall have authority to summon aid and no citizen so summoned may refuse to help in extinguishing the fire or in protecting exposed property.

(C) During the continuance of a fire, the Manager, the Fire Chief, his or her assistant or the Mayor shall have authority to call upon any citizen to render assistance in pulling down or demolishing any building or in removing goods or furniture from a building on fire or in danger of fire, but not without the consent of the officer of the Fire Department or the Police Department who may be in charge.

(D) It shall be unlawful to congregate on the streets or alleys near a fire in a manner which would interfere with the activities of the Fire Department.

(E) In the event of an alarm of fire, the apparatus of the Fire Department responding to it shall have the right-of-way in and upon all streets, lanes, alleys and other public ways.

(F) The drivers of vehicles, upon the approach of fire apparatus shall immediately bring their vehicle to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicle until the apparatus has passed.

('77 Code, § 3-2004) Penalty, see § 10.99

§ 32.78 ASSISTANT CHIEF.

In the absence or disability of the Chief, the Assistant Chief shall perform all the functions and exercise all of the authority of the Chief.

('77 Code, § 3-2005)

§ 32.79 REQUIREMENTS FOR FIRE FIGHTERS.

(A) The Chief, the Assistant Chief, and all fire fighters shall not be less than 18 nor more than 60 years of age and able-bodied. Any fire fighter who joined the North Carolina pension fund prior to January 1, 1974, on becoming 60 years old, can be granted one-year extensions upon passing a physical examination and approved by the Town Board until they have completed 20 years contributions to the pension fund. ('77 Code, § 3-2006)

(B) Any fire fighter that does not attend a minimum of 36 hours of drills and training in each calendar year shall be dismissed from the Department. If a fire fighter misses three consecutive fires and cannot show justifiable cause to the Fire Chief, the fire fighter shall be dismissed from the Department. ('77 Code, § 3-2007) (Am. Ord. 120, passed 8-26-85) (Ord. 100, passed 9-24-84)

§ 32.80 COMPENSATION.

The members and officers of the Fire Department shall be compensated as approved by the Board of Commissioners in the annual budget. Effective October 1, 1984, the town of Pilot Mountain will pay the North Carolina pension fund dues of all fire fighters that will be able to have 20 years of service prior to their 60th birthday. All members that are currently participating in the pension fund shall be reimbursed for their first year's dues. Members will become eligible for these changes upon receipt of an executed request for refund of pension fund dues. All refunds of pension fund dues become the property of the town. ('77 Code, § 3-2008) (Ord. 100, passed 9-24-84)

§ 32.81 PRACTICE DRILLS.

It shall be the duty of the Chief, when weather permits, to hold a monthly practice drill of at least one-hour duration for the Fire Department and to give the fire fighters instruction in approved methods of fire fighting and fire prevention. ('77 Code, § 3-2009)

§ 32.82 INTERFERENCE WITH OFFICERS OR APPARATUS.

(A) No person shall interfere with a fireman in the discharge of his or her duty, or hinder him or her in the performance of that duty; nor shall any person other than members of the Fire Department loiter about any fire station, or change, handle or meddle in any manner with any fire engine or any other fire apparatus. ('77 Code, § 3-2010)

(B) No person other than a bona fide member of the Fire Department shall mount any fire engine or apparatus before it leaves the station or while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of the equipment. ('77 Code, § 3-2011)

(C) No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes or other apparatus connected therewith. ('77 Code, § 3-2012)
Penalty, see § 10.99

§ 32.83 RIGHT OF WAY TO RESPONDING OFFICERS.

(A) In the event of an alarm of fire the apparatus of the Fire Department responding to it, and fire fighters driving their own cars responding to it, shall have the right of way in and upon all streets, lanes, alleys, squares and railroad crossings. ('77 Code, § 3-2013)

(B) The drivers of vehicles, upon the approach of fire apparatus, shall immediately bring their vehicles to a stop on the right hand side of the street in the direction in which they are facing and shall not move their vehicle until the apparatus has passed. ('77 Code, § 3-2014)

(C) It shall be unlawful for any person, after being forbidden by an officer of the town, to ride or to drive a vehicle through any street, alley or square on which the fire department is assembled for active service during the progress of a fire. ('77 Code, § 3-2015)

(D) It shall be unlawful to follow any fire apparatus which is responding to a call, by automobile or any other vehicle, unless it is used for transporting fire fighters to the scene of fire, at a distance closer than one city block, or to pass the apparatus or to park within the same block in which the fire is in progress. ('77 Code, § 3-2016)

Penalty, see § 10.99

§ 32.84 DRIVING OVER FIRE HOSE.

No vehicle shall be driven over any hose of the Fire Department when laid down on any street or driveway to be used at any fire, without the consent of the Fire Department officer in command. ('77 Code, § 3-2017) Penalty, see § 10.99

§ 32.85 FALSE ALARMS.

It shall be unlawful for any person to give or cause to be given any false alarm of fire. ('77 Code, § 3-2018) Penalty, see § 10.99

CHAPTER 33: FINANCE

Section

Purchasing Procedures

- 33.01 Purchasing approval required
- 33.02 Purchasing agent; procedures
- 33.03 Disbursement of funds

PURCHASING PROCEDURES

§ 33.01 PURCHASING APPROVAL REQUIRED.

(A) In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the town shall be valid unless it bears on its face the certificate of the purchasing agent as follows: “This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act, G.S. §§ 159-7 *et seq.*”

(B) No contract, agreement or purchase order shall be valid unless it bears the purchasing agent's certificate as follows: “This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act, G.S. §§ 159-7 *et seq.*”
(‘77 Code, § 2-4001)

§ 33.02 PURCHASING AGENT; PROCEDURES.

- (A) The Manager shall serve as purchasing agent and as such, shall:
- (1) Make all purchases of material, equipment and supplies authorized by the Board at the most favorable price for the town and shall see that the material, equipment and supplies delivered are correct in number or amount and comply with the standards and specifications agreed to at the time of purchase;
 - (2) Establish sets of standards and specifications to control purchases by the town;
 - (3) Prepare and publish specifications and notices to bidders;
 - (4) Advise the Board as to anticipated needs for purchases and make purchases in advance of needs as authorized by the Board;
 - (5) Store material, equipment and supplies in advance of actual need;

(6) Keep records of all purchases made by him or her and of the destination or ultimate use of the material, equipment and supplies; and

(7) Cause to be kept an inventory of all municipal property in his or her custody and of all municipal property in the custody of the other officers and employees of the town.

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

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

('77 Code, § 2-4002)

§ 33.03 DISBURSEMENT OF FUNDS.

No money shall be disbursed from the town treasury, except on order of the Board in session unless the disbursement has been provided for in the annual budget, except in the case of an extreme emergency.

('77 Code, § 2-4003)

CHAPTER 34: TOWN POLICIES

Section

General Provisions

- 34.01 Public speaking; permit

Emergency and Rescue

- 34.10 State of emergency; proclamation
34.11 Application of restrictions; terminations
34.12 Unlawful activities
34.13 Extension or repeal of proclamation
34.14 Violations

Infectious Disease Exposure Control

- 34.25 Purpose
34.26 Definitions
34.27 General precautions
34.28 First aid and CPR precautions
34.29 Spills; handling of deceased
34.30 Decontamination and clean-up procedures
34.31 Testing procedure
34.32 Reporting and documentation
34.33 Disclosure of confidential information
34.34 Obligation to perform duties

Personnel

- 34.45 Policies adopted by reference

GENERAL PROVISIONS

§ 34.01 PUBLIC SPEAKING; PERMIT.

(A) Any person or organization desiring to conduct a meeting or to engage in public speaking on the public streets, sidewalks or parks in the town must obtain a permit from the Chief of Police. The Chief of Police cannot deny a permit.

(B) The purpose of obtaining the permit is to allow the Chief of Police to be aware of activity in the town

and to provide for public safety for all persons involved.

(C) The permit will indicate the name and approximate date, time and place.

(D) Due to the close proximity of business establishments located in the central business district and considering the heavy volume of vehicle and pedestrian traffic, the use of equipment designed to amplify the voice or musical instruments in the central business district is prohibited.
(Ord. 207, passed 10-26-98) Penalty, see § 10.99

EMERGENCY AND RESCUE

§ 34.10 STATE OF EMERGENCY; PROCLAMATION.

(A) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property. ('77 Code, § 3-3001)

(B) In the event of an existing or threaten the state of emergency endangering the lives, safety, health and welfare of the people within the town, or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of the state of emergency, and, in order to more effectively protect the lives and property for people within the town, to place in effect any or all of the restrictions hereinafter authorized. ('77 Code, § 3-3002)

§ 34.11 APPLICATION OF RESTRICTIONS; TERMINATIONS.

(A) The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of the restrictions to any area specifically designated or described within the corporate limits of the town and to specific hours of the day or night; and to exempt from all or any part of the restrictions law enforcement officers, fire fighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities, on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town. ('77 Code, § 3-3003)

(B) The Mayor shall proclaim the end of the state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the governing body. ('77 Code, § 3-3004)

§ 34.12 UNLAWFUL ACTIVITIES.

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

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

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

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

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

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

(F) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment and any other places of public assembly.
(‘77 Code, § 3-3005)

§ 34.13 EXTENSION OR REPEAL OF PROCLAMATION.

Any proclamation may be extended, altered or repealed in any particular period during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.
(‘77 Code, § 3-3006)

§ 34.14 VIOLATIONS.

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.
(‘77 Code, § 3-3007)

INFECTIOUS DISEASE EXPOSURE CONTROL**§ 34.25 PURPOSE.**

The purpose of this chapter is to increase awareness and provide guidelines and precautions to be taken when encountering victims or suspected carriers of an infectious disease in an effort to prevent exposure or decrease potential risk should an exposure occur.

(‘77 Code, § 3-4001) (Ord. 176, passed - -)

Cross-reference:

Health and Safety, see Chapter 94

§ 34.26 DEFINITIONS.

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

BLIND SEARCH. Any method of searching places, vehicles or prisoners that causes the employee to blindly insert his or her hands into a place that cannot be seen, that is, clothing, pockets, beneath car seats, beneath furniture and the like.

BODY FLUIDS. Fluids such as blood, semen, vaginal secretions or any other fluid that may be contaminated with blood, such as saliva, urine or feces.

EXPOSURE. Occurs when the blood or body fluids of any individual have come into contact with any open wound or mucous membrane of an employee.

INFECTIOUS DISEASE. Any disease that is easily transmitted from one person to another by exposure to contaminated body fluids, exhalations and the like. Those infectious diseases of most common concern to today's public safety employees include, but are not limited to:

(1) **AIDS.** A combination of opportunistic infections by the depletion of the body's immune system by the human immunodeficiency virus. It is transmitted by exposure to the blood, semen or vaginal secretions of any **AIDS** carrier.

(2) **HEPATITIS B.** A viral inflammation of the liver that can be life threatening. It is transmitted by exposure to any of the body fluids of an infected individual and is considered to be highly contagious.

(3) **HIV.** An acronym for human immunodeficiency virus. It is a virus which attaches to certain blood cells and alters the body's immune system. **HIV** can be completely symptomatic or can develop into end stage AIDS. It is transmitted by exposure to the blood, semen or vaginal secretions of an HIV-infected individual.

(4) **MENINGOCOCCAL MENINGITIS.** A bacterial infection that attacks the lining of the brain and spinal cord. The disease can be treated effectively with medication. However, if left untreated, the disease can be fatal within 24 hours, it is transmitted by exposure in airborne spores and/or body fluids of the carrier. It is highly contagious; however, is also extremely rare.

(5) **TUBERCULOSIS.** An infectious disease, that can attack various body tissues but most commonly, attacks the lungs. It is transmitted by exposure to airborne spores that are exhaled by an infected individual. **TUBERCULOSIS** is considered to be highly contagious.

KNOWN CARRIER. Any person whom the employee knows from his or her own experience or any person who voluntarily states that he or she is a carrier of an infectious disease will be regarded as a **KNOWN CARRIER**.

SIGNIFICANT EXPOSURE. When the blood or body fluids of a known carrier of AIDS, HIV or

Hepatitis B has come into contact with any open wound or mucous membrane. Any contact with any carrier of active tuberculosis or meningococcal meningitis is considered a **SIGNIFICANT EXPOSURE**. ('77 Code, § 3-4002) (Ord. 176, passed - -)

§ 34.27 GENERAL PRECAUTIONS.

(A) All body fluid spills will be regarded as a potential source of exposure to an infectious disease.

(B) The best known precaution against infectious disease is good personal hygiene, primarily, hand washing with soap and hot water. Prepackage towelettes of 70% alcohol are an acceptable substitute for soap and hot water.

(C) Latex gloves shall be worn by all personnel when coming into contact with any body fluid spill.

(D) Personnel should be extremely careful anytime there is a risk of a body fluid being splashed into the face, that is, spurting arterial bleeding, and the like.

(E) Personnel who have open wounds or skin lesions shall bandage those wounds securely prior to the beginning of their shift. Bandages that become wet or soiled will be changed immediately. ('77 Code, § 3-4003) (Ord. 176, passed - -)

§ 34.28 FIRST AID AND CPR PRECAUTIONS.

(A) Latex gloves should be worn by all personnel who administer first aid or CPR.

(B) When initiating CPR or mouth-to-mouth resuscitation, a pocket mask should be used if at all possible. Employees should use extreme caution in administering mouth-to-mouth resuscitation without the use of a pocket mask.

(C) In the event of massive arterial bleeding, combative bleeding suspects, or other circumstances in which blood or other body fluids may be splashed about, all personnel will adhere to the decontamination procedures outlined in § 34.30.

('77 Code, § 3-4004) (Ord. 176, passed - -)

§ 34.29 SPILLS; HANDLING OF DECEASED.

(A) All body fluids spills will be regarded as potentially infectious.

(B) Latex gloves will be worn whenever contact with body fluid spills is necessary or likely.

(C) Employees may be called upon by the medical examiner or emergency services for assistance in the removal of injured or deceased persons. Employees may provide assistance when requested, however, they will first consult with emergency personnel about the appropriate precautions and will adhere to those precautions in addition to the guidelines set forth in this chapter.

(D) Employees will adhere to the decontamination procedures set out in § 34.30 of this policy after dealing with body fluid spills, injured or deceased persons.
(‘77 Code, § 3-4005) (Ord. 176, passed - -)

§ 34.30 DECONTAMINATION AND CLEAN-UP PROCEDURES.

(A) The most effective method of personal clean-up is washing with soap and hot water, even after wearing latex gloves. Pre-packaged towelettes of 70% isopropyl alcohol are an acceptable substitute when soap and hot water are not available.

(B) Employees should clean equipment with a freshly mixed solution of 1 part household bleach and ten parts water applied with a spray bottle to the equipment. Any equipment that may be damaged by bleach may be cleaned with a mixture of one part Pinesol and ten parts water. Lysol aerosol spray is also an effective virucidal against most infectious diseases. Latex gloves should be worn during the decontamination of equipment.

(C) Clothing that becomes stained with body fluids will be changed immediately. Clothing can be decontaminated through normal laundering or dry cleaning.

(D) In the event that a body fluid spill occurs within a city vehicle:

(1) The employee should immediately contact his or her supervisor and advise him or her of the contamination.

(2) The employee should then take the vehicle to a designated location for assistance in the decontamination of the vehicle.
(‘77 Code, § 3-4006) (Ord. 176, passed - -)

§ 34.31 TESTING PROCEDURE.

(A) In the event that an employee reasonably believes that he or she has been exposed to an infectious disease, the employee will transport the suspected carrier to the nearest hospital and notify his or her supervisor to meet him or her there.

(B) The responding supervisor will interview the suspected carrier and request him or her to submit to any infectious disease testing recommended by the attending physician. The supervisor will specifically request the suspected carrier to submit to testing of Hepatitis-B and Human Immunodeficiency Virus.

(C) If the suspected carrier submits to the test procedure, the supervisor will make every effort to secure a signed consent to release medical information from him or her.

(D) If the suspected carrier submits to the test procedure and the tests prove negative, the involved employee will not be required to undergo testing.

(E) If the suspected carrier submits to the test procedure and the tests prove positive or the suspected carrier refuses to sign a consent to release medical information form:

(1) The supervisor will direct the employee to immediately submit to any infectious disease testing recommended by the attending physician. The supervisor will specifically request the physician to test for Hepatitis-B and Human Immunodeficiency Virus, in addition to any other test the physician recommends.

(2) The physician may recommend the employee be re-tested at 30-day, three-month, six-month, nine-month, 12-months, 15-months and 18-month intervals for Human Immunodeficiency Virus. If so, the supervisor will direct the employee to comply with that recommendation.

(3) The supervisor and the employee will consult with the department head, the Town Manager and the Town Attorney about any legal means available for testing the suspected carrier and/or obtaining the results of those tests.

('77 Code, § 3-4007) (Ord. 176, passed - -)

§ 34.32 REPORTING AND DOCUMENTATION.

(A) In the event an employee has reasonable grounds to believe that he or she has received an exposure or significant exposure of his or her blood stream or mucous membrane to a body fluid spill or has had any contact whatsoever with a known carrier of active tuberculosis or meningococcal meningitis, he or she will immediately notify his or her supervisor.

(B) A supervisor receiving a notice will immediately confirm that the employee has made every effort to decontaminate himself or herself, as outlined in this policy.

(C) The supervisor will then treat the exposure or significant exposure as an employee injury and will report exposure as directed in the town policy. A full report of all circumstances involved in the exposure shall be forwarded to the department head.

(D) The supervisor will direct the employee to seek consultation at the Northern Hospital of Surry County.

(E) The exposed employee shall document in full detail all available facts pertaining to the exposure. Information should include the name, address, race, sex and date of birth, where the person might be found and why the employee suspects the person is a carrier of an infectious disease. The employee shall forward this information to their department head.

(F) Employees who learn that he or she is the carrier of an infectious disease, whether acquired on or off duty, shall immediately notify their department head and the Town Manager by confidential memorandum. The department head and the Town Manager will then be responsible, developing an appropriate plan of action for the employee.

('77 Code, § 3-4008) (Ord. 176, passed - -)

§ 34.33 DISCLOSURE OF CONFIDENTIAL INFORMATION.

In accordance with G.S. § 130A-143, all information and records that identify a person who has the AIDS

virus infection or who has or may have a disease or condition required to be reported pursuant to the provisions of this policy shall be strictly confidential. This information shall not be released to anyone without prior written approval. ('77 Code, § 3-4009) (Ord. 176, passed - -)

§ 34.34 OBLIGATION TO PERFORM DUTIES.

Fear of contracting a communicable disease does not free the town employees from the obligation to perform their duties.
(’77 Code, § 3-4010) (Ord. 176, passed - -)

PERSONNEL

§ 34.45 POLICIES ADOPTED BY REFERENCE.

(A) For information on town personnel duties, refer to the town pay and classification plan and recommended personnel policy, dated January, 1995. (Ord. passed 5-24-99)

(B) The policies, as may be revised from time to time, are adopted by reference and shall be treated as if set out fully herein.