

TITLE III: ADMINISTRATION

Chapter

- 30. MAYOR AND BOARD OF COMMISSIONERS**
- 31. OFFICERS AND EMPLOYEES**
- 32. POLICE DEPARTMENT**
- 33. FINANCE**
- 34. ECONOMIC DEVELOPMENT COUNCIL BY-LAWS**

CHAPTER 30: BOARD OF COMMISSIONERS

Section

General Provisions

- 30.01 Regular meetings
- 30.02 Special meetings
- 30.03 Quorum
- 30.04 Clerk to take minutes
- 30.05 Mayor to preside
- 30.06 Committees to be established by Board

Ordinances

- 30.15 Effective date
- 30.16 Ordinances to cover one subject
- 30.17 Official copy
- 30.18 Ordinances appropriating money

GENERAL PROVISIONS

§ 30.01 REGULAR MEETINGS.

Beginning with the month of November, 2000, the regular meetings of the Town Commissioners shall be held on the fourth Monday of each month at 7:00 p.m. at the Town Hall.
('82 Code, Art. A-I, § 1) (Ord. 00-4, passed 10-9-00)

§ 30.02 SPECIAL MEETINGS.

Special meetings of the Board may be held, after 24 hours' notice, upon the call of the Mayor or upon the request in writing of any two members of the Board of Commissioners. Notice of the time and purposes of said special meetings shall be posted at the Town Hall, and due notice shall be given to the Mayor and Board of Commissioners of the time and purposes of such meetings.

('82 Code, Art. A-I, § 2)

§ 30.03 QUORUM.

A majority of the members of the Board of Commissioners shall constitute a quorum and no official business of the town shall be transacted by the Board unless a quorum is present.

('82 Code, Art. A-I, § 3)

§ 30.04 CLERK TO TAKE MINUTES.

It shall be the duty of the Clerk to be present at all meetings of the said Town Board, and to keep in a book provided for that purpose a record of all the proceedings of the Board.

('82 Code, Art. A-I, § 4)

§ 30.05 MAYOR TO PRESIDE.

(A) The Mayor shall preside at all meetings of the Board and in his absence the Mayor Pro Tempore shall preside. ('82 Code, Art. A-I, § 5)

(B) The Mayor shall not vote on any question before the Board except in the case of a tie vote deadlocking a decision of the Board of Commissioners. ('82 Code, Art. A-I, § 6)

§ 30.06 COMMITTEES TO BE ESTABLISHED BY BOARD.

The Mayor and Commissioners may create such committees of the Board for special purposes as they deem best.

('82 Code, Art. A-I, § 7)

ORDINANCES

§ 30.15 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.

('82 Code, Art. A-II, § 1)

§ 30.16 ORDINANCES TO COVER ONE SUBJECT.

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

('82 Code, Art. A-II, § 2)

§ 30.17 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 incorporated in this code in the proper chapter.

('82 Code, Art. A-II, § 3)

§ 30.18 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.

('82 Code, Art. A-II, § 4)

CHAPTER 31: OFFICERS AND EMPLOYEES

Section

- 31.01 Mayor; powers and duties
- 31.02 Clerk-Treasurer; duties
- 31.03 Other officers and employees
- 31.04 Employees' bonds
- 31.05 Persons with disabilities encouraged for employment

Cross-reference:

General Ordinance Code Enforcement Officer, see §§ 32.30 through 32.36

Zoning and Subdivision Ordinance Code Enforcement Officer, see §§ 151.50 through 151.56

§ 31.01 MAYOR; POWERS AND DUTIES.

It shall be the duty of the Mayor to cause all ordinances of the town to be enforced, to attend and preside over all meetings of the Board. It shall further be the duty of the Mayor within 30 days after the close of each year to require a report to the Board of Commissioners from the various departments of the town government for the previous year and recommend such adjustments as he may see fit, and the Mayor shall perform such other duties as the Board may from time to time require. The Mayor shall be the chief executive officer of the town.

('82 Code, Art. A-III, § 1)

§ 31.02 CLERK-TREASURER; DUTIES.

(A) The Clerk and Treasurer shall be appointed by the Board.

(B) The Clerk and Treasurer shall attend all meetings of the Board of Commissioners and shall regularly and fairly record all of their proceedings in a book to be kept by him for that purpose. He shall also keep a well-bound book to be styled the Code of Ordinances, in which he shall fairly and correctly transcribe all ordinances which are enacted by the Board of Commissioners.

(C) It shall be the duty of the Clerk to keep true, accurate, and just books of accounts of the dealings and transactions of the town, which books shall show at all times 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.

(D) The Clerk-Treasurer shall keep or cause to be kept in a safe place all monies, records, and accounts.

(E) The Clerk-Treasurer shall disburse funds for the various purposes of the town only when appropriation for such purpose has been made in the annual budget and disbursement is authorized by the Board of Commissioners.

(F) The Clerk-Treasurer shall perform such other duties as the Board may from time to time require.

('82 Code, Art. A-III, § 2)

§ 31.03 OTHER OFFICERS AND EMPLOYEES.

Such other officers and employees that are deemed necessary shall be appointed by the Board of Commissioners. All officers and employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

('82 Code, Art. A-III, § 3)

§ 31.04 EMPLOYEES' BONDS.

The Clerk-Treasurer and other officers or employees required by the Board shall, before entering upon their duties, post bond in amounts specified by the Board. All bond premiums shall be paid from town funds, provided that when two officers are combined, such as Clerk and Treasurer, only one bond shall be required.

('82 Code, Art. A-III, § 4)

§ 31.05 PERSONS WITH DISABILITIES ENCOURAGED FOR EMPLOYMENT.

(A) It shall be the policy of this town to give positive emphasis to the recruitment, evaluation, and employment of physically handicapped persons in town government.

(B) All agencies and departments of the town are instructed to implement this policy.
(Ord. passed - -)

CHAPTER 32: POLICE DEPARTMENT

Section

General Provisions

- 32.01 Organization
- 32.02 Authority of Board of Commissioners
- 32.03 Chief of Police
- 32.04 Duties of police
- 32.05 Uniforms

Ordinance Code Enforcement Officer

- 32.30 Appointment
- 32.31 Citations
- 32.32 Training; response to complaints
- 32.33 Investigation; action
- 32.34 Report upon request
- 32.35 Town officials and employees
- 32.36 Appeals

Cross-reference:

Zoning and Subdivision Ordinance Code Enforcement Officer, see §§ 151.50 through 151.56

GENERAL PROVISIONS

§ 32.01 ORGANIZATION.

The Police Department of the town shall consist of a Chief and as many police officers as the Board of Commissioners shall from time to time determine and elect and as many special police officers as the Mayor and Board may deem necessary to appoint for special purposes.

('82 Code, Ch. B, § 1)

§ 32.02 AUTHORITY OF BOARD OF COMMISSIONERS.

The Board of Commissioners shall have general supervision over the Police Department. The Board may suspend, for cause, any member of the Police Department until the next regular meeting at which time final disposition shall be made.

('82 Code, Ch. B, § 2)

§ 32.03 CHIEF OF POLICE.

The Chief shall have control over the Police Department under the supervision of the Board of Commissioners. The Chief shall keep the Board informed of the Department's activities and make such reports that the Board may from time to time require, and he shall perform such other duties as may be required of him by the Board.

('82 Code, Ch. B, § 5)

§ 32.04 DUTIES OF POLICE.

The Police Department shall carry out all orders of the Board, enforce all laws and ordinances of the town and the State of North Carolina, and shall at all times preserve the peace, protect the property and the safety of the citizens of Broadway.

('82 Code, Ch. B, § 4)

§ 32.05 UNIFORMS.

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

('82 Code, Ch. B, § 3)

ORDINANCE CODE ENFORCEMENT OFFICER**§ 32.30 APPOINTMENT.**

The Mayor shall recommend and the Town Board of Commissioners shall appoint an Ordinance Code Enforcement Officer to enforce all provisions of the Town Ordinance Code. Said Ordinance Code Enforcement Officer shall be a uniformed member of the Town Police Department but shall not be the Chief of Police.

(Ord. passed - -)

§ 32.31 CITATIONS.

(A) The Ordinance Code Enforcement Officer shall issue citations for code violations. Such citations shall be on proper forms adopted by the Town Board of Commissioners.

(B) Said citation shall:

- (1) Cite the specific code violation;
- (2) State the specific actions required to correct the code violation;
- (3) State the time allowed to correct the code violation; and
- (4) State the penalty for noncompliance.

(Ord. passed - -)

§ 32.32 TRAINING; RESPONSE TO COMPLAINTS.

(A) The Ordinance Code Enforcement Officer shall receive proper training in identifying code violations and shall as part of normal patrol duties note violations and issue citations.

(B) The Ordinance Code Enforcement Officer shall respond to citizen complaints of code violations. Such complaints may or may not be anonymous but will always be confidential. The Ordinance Code Enforcement Officer shall not reveal to any person the name of the person making the complaint. Town officials shall not question the Ordinance Code Enforcement Officer about the source of any complaint.

(Ord. passed - -)

§ 32.33 INVESTIGATION; ACTION.

The Ordinance Code Enforcement Officer shall investigate and determine the validity of any complaint and shall take action based on that determination.

(Ord. passed - -)

§ 32.34 REPORT UPON REQUEST.

If requested, the Ordinance Code Enforcement Officer shall report back to the person who raised the complaint after his investigation is complete. This response shall be in a timely manner and shall include the finding of the Ordinance Code Enforcement Officer and any action taken.

(Ord. passed - -)

§ 32.35 TOWN OFFICIALS AND EMPLOYEES.

Any complaint received by any elected town official or town employee shall be forwarded to the Ordinance Code Enforcement Officer. No town official or town employee (except the Ordinance Code Enforcement Officer) shall investigate, comment on the merits of, or respond in any manner to a complaint. Any town official who investigates, comments on the merits of, or responds in any manner to a complaint must refrain from hearing or voting on any appeal that might arise from said complaint. (Ord. passed - -)

§ 32.36 APPEALS.

All appeals must go directly to the Town Board, except in those cases where the state General Statutes dictate a specific appeal process. The appeal must be made with 14 calendar days of the issuance of the citation. Upon notification of an appeal, the Town Board shall have seven work days to meet to hear the appeal. The Board must rule within five work days after the appeal hearing and must inform the appellant in writing of its findings.

(Ord. passed - -)

CHAPTER 33: FINANCE

Section

33.01 Disbursement of funds

§ 33.01 DISBURSEMENT OF FUNDS.

No money shall be disbursed from the town treasury except on order of the Board in sessions and then only if the item for which the disbursement is made has been provided for in the annual budget except in the case of an extreme emergency.

('82 Code, Art. A-IV, § 1)

CHAPTER 34: ECONOMIC DEVELOPMENT COUNCIL BY-LAWS

Section

General Provisions

- 34.01 Name
- 34.02 Offices
- 34.03 Fiscal year
- 34.04 Amendments

Directors and Members

- 34.20 Appointment
- 34.21 Number
- 34.22 Terms
- 34.23 Qualifications
- 34.24 Resignation
- 34.25 Vacancies
- 34.26 Regular meetings
- 34.27 Special meetings
- 34.28 Notice of meetings
- 34.29 Chairman
- 34.30 Quorum
- 34.31 Compensation
- 34.32 Powers

Officers

- 34.50 Number
- 34.51 Election term of office and qualification
- 34.52 Vacancies
- 34.53 Chairman
- 34.54 Vice-chairman
- 34.55 Secretary
- 34.56 Treasurer
- 34.57 Salaries
- 34.58 Removal

Miscellaneous Provisions

- 34.80 Agents and representatives
- 34.81 Contracts
- 34.82 Advisory committees

GENERAL PROVISIONS**§ 34.01 NAME.**

The name of this organization is the Broadway Economic Development Council.
(Ord. passed 6- -95)

§ 34.02 OFFICES.

The principal office of the Council shall be in Broadway, North Carolina. The Council may also have offices at such other places as the Board of Directors may from time to time appoint or the purposes of the Council may require.
(Ord. passed 6- -95)

§ 34.03 FISCAL YEAR.

The fiscal year of the Council shall commence on July 1 of each year and end on June 30.
(Ord. passed 6- -95)

§ 34.04 AMENDMENTS.

The Board of Directors shall have power to make, alter, amend, and repeal the by-laws of the Council by affirmative vote of a majority of the Board, provided, however, that the action is proposed at a regular or special meeting of the Board and adopted at a subsequent regular meeting, except as otherwise provided by law.
(Ord. passed 6- -95)

DIRECTORS AND MEMBERS

§ 34.20 APPOINTMENT.

The business and property of the Council shall be managed and controlled by a Board of Directors made up of the directors of the Broadway Economic Development Council, as appointed by the Mayor. (Ord. passed 6- -95)

§ 34.21 NUMBER.

The number of directors of the Council shall include up to 11, but such number may be increased or decreased by amendment to these by-laws, in the manner set forth in Article § 34.04. When the number of directors is so decreased by amendment adopted by the Board of Directors, each director in office shall serve until his term expires, or until his resignation or removal. (Ord. passed 6- -95)

§ 34.22 TERMS.

Directors shall be appointed by the Mayor as follows: up to four for a three-year term; up to four for a two-year term; and up to three for a one-year term. At the end of each respected term, the successor to the member whose term is expiring shall be appointed to a three-year term so as to achieve staggered terms and so that not more than four terms expire during any current year. No director may serve more than two consecutive three-year terms. Directors must be residents of the Town or operate a business within the corporate limits. (Ord. passed 6- -95)

§ 34.23 QUALIFICATIONS.

Ex officio members shall include: the Mayor, the Town Manager, the Chairman of the Town Planning Board, the President of the Sanford Area Chamber of Commerce, and the Executive Director of the Lee County Economic Development Corporation. (Ord. passed 6- -95)

§ 34.24 RESIGNATION.

Any director may resign at any time by giving written notice of such resignation to the Board of Directors. (Ord. passed 6- -95)

§ 34.25 VACANCIES.

Any vacancy in the Board of Directors will be filled by the Mayor for the unexpired portion of the term based upon the term of the particular Economic Development Council member who causes the vacancy.

(Ord. passed 6- -95)

§ 34.26 REGULAR MEETINGS.

The Board of Directors will meet regularly at a time and place, and pursuant to a schedule, established by the Chairman.

(Ord. passed 6- -95)

§ 34.27 SPECIAL MEETINGS.

Special meetings of the Board of Directors may be called by the Chairman and must be called by the Chairman on the written request of any two members of the Board.

(Ord. passed 6- -95)

§ 34.28 NOTICE OF MEETINGS.

Notice of all directors' meetings, except as otherwise provided, shall be given by mail at least three days before the meeting to the usual business or residence address of each director, but such notice may be waived by any director. Regular meetings of the Board of Directors may be held without notice at such time and place as shall be determined by the Board. Any business may be transacted at any directors' meeting.

(Ord. passed 6- -95)

§ 34.29 CHAIRMAN.

At all meetings of the Board of Directors, the Chairman or Vice-Chairman shall preside.

(Ord. passed 6- -95)

§ 34.30 QUORUM.

At all meetings of the Board of Directors, a majority of the directors shall be sufficient to constitute a quorum for the transaction of business and the act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except as may

be otherwise specifically provided by statute or by these by-laws. If at any meeting there is less than a quorum present, a majority of those present may adjourn the meeting without further notice to any absent director and may take such other and further action as is provided in § 34.27.

(Ord. passed 6- -95)

§ 34.31 COMPENSATION.

The Board of Directors shall not compensate officers and directors for their services as such but may provide for the payment of all expenses incurred by officers and directors in attending regular and special meetings of the Board and in carrying out the duties of their office and the purpose of the Council.

(Ord. passed 6- -95)

§ 34.32 POWERS.

All the powers provided for in these by-laws and in the laws of the state shall be vested in the Board of Directors. The Board of Directors may by general resolution delegate to committees of their own number, or to officers of the Council, such powers as they may see fit.

(Ord. passed 6- -95)

OFFICERS

§ 34.50 NUMBER.

The officers of the Council shall be the Chairman, Vice-Chairman, and a Secretary-Treasurer, and such other officers with such powers and duties not inconsistent with these by-laws as may be appointed and determined by the Board of Directors. Any two offices may be held by the same person, but if so, such person may not act in more than one capacity at the same time.

(Ord. passed 6- -95)

§ 34.51 ELECTION TERM OF OFFICE AND QUALIFICATION.

The Chairman shall be elected annually by the Board of Directors from among their members, and the other officers shall be elected annually by the Board of Directors. No officer may be elected to more than two consecutive terms.

(Ord. passed 6- -95)

§ 34.52 VACANCIES.

In case any office of the Council becomes vacant by death, resignation, retirement, disqualification, or any other cause, the majority of the directors then in office, although less than a quorum, may elect an officer to fill such vacancy, and the officer so elected shall hold and serve until the election and qualification of his successor.

(Ord. passed 6- -95)

§ 34.53 CHAIRMAN.

The Chairman shall preside at all meetings of members and of the Board of Directors. He shall have general charge and supervision of the affairs of the Council and shall perform such other duties as may be assigned to him by the Board of Directors.

(Ord. passed 6- -95)

§ 34.54 VICE-CHAIRMAN.

At the request of the Chairman, or in the event of his absence or disability, the Vice-Chairman shall perform the duties and possess the powers of the Chairman; and to the extent authorized by law the Vice-Chairman shall have such other powers as the Board of Directors may determine and shall perform such other duties as may be assigned to him by the Board of Directors.

(Ord. passed 6- -95)

§ 34.55 SECRETARY.

The Secretary shall have charge of books, documents, and papers. He shall attend and keep the minutes of all the meetings of the Board of Directors and members of the Council. He may sign with the Chairman or Vice-Chairman, in the name and on behalf of the Council, any contracts or agreements authorized by the Board of Directors, and when so authorized or ordered by the Board of Directors. He shall, in general, perform all the duties incident to the office of secretary, subject to the control of the Board of Directors, and shall do such other duties as may be assigned to him by the Board of Directors.

(Ord. passed 6- -95)

§ 34.56 TREASURER.

The Treasurer shall have the custody of all funds, property, and securities of the Council, subject to such regulations as may be imposed by the Board of Directors. When necessary he may endorse on behalf of the Council for collection checks, notes, and other obligations and shall deposit the same

to the credit of the Council at such bank or banks or depository as the Board of Directors may designate. He shall sign all receipts and vouchers and, together with such other officer or officers, if any, as shall be designated by the Board of Directors, he shall sign all checks of the Council and all bills of exchange and promissory notes issued by the Council, except in cases where the signing and execution shall be expressly designated by the Board of Directors or by these by-laws to some other officer or agent of the Council. He shall make such payments as may be necessary on behalf of the Council. He shall enter regularly on the books of the Council, to be kept by him for the purpose, full and accurate account of all moneys and obligations received and paid or incurred by him for or on account of the Council, and he shall exhibit such books at all reasonable times to any director on application at the offices of the Council. He shall, in general, perform all the duties incident to the office of treasurer, subject to the control of the Board of Directors.

(Ord. passed 6- -95)

§ 34.57 SALARIES.

Officers of the Council shall not be compensated for their services as such, but the Board of Directors may provide for the payment of all expenses incurred by officers in attending regular or special meetings and in carrying out the duties of their office and the purposes of the corporation.

(Ord. passed 6- -95)

§ 34.58 REMOVAL.

Any officer may be removed from office by the affirmative vote of two-thirds of all the directors at any regular or special meeting called for that purpose, for nonfeasance, malfeasance, or misfeasance, for conduct detrimental to the interests of the Council, for lack of sympathy with its objects, or for refusal to render reasonable assistance in carrying out its purposes. Any officer proposed to be removed shall be entitled to notice of at least five days in writing by mail of the meeting of the Board of Directors at which such removal is to be voted upon and shall be entitled to appear before and be heard by the Board of Directors at such meeting.

(Ord. passed 6- -95)

MISCELLANEOUS PROVISIONS

§ 34.80 AGENTS AND REPRESENTATIVES.

The Board of Directors may appoint agents and representatives of the Council with powers and to perform acts or duties on behalf of the Council as the Board of Directors may see fit, so far as may be consistent with these by-laws, to the extent authorized by law.

(Ord. passed 6- -95)

§ 34.81 CONTRACTS.

The Board of Directors, except as in these by-laws otherwise provided, may authorize any officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Council, and such authority may be general or confined to a specific instance, and unless so authorized by the Board of Directors, no officer, agent, or employee shall have any power or authority to bind the Council by any contract or engagement or to pledge its credit, or render it liable particularly, for any purpose or to any amount.

(Ord. passed 6- -95)

§ 34.82 ADVISORY COMMITTEES.

(A) The Board of Directors may appoint from its number, or from among such persons as the board may see fit, one or more advisory committees and at any time may appoint additional members. The members of any such committee shall serve during the pleasure of the Board of Directors. Such advisory committees shall advise with and aid the officers of the Council in all matters designated by the Board of Directors. Each such committee may, subject to the approval of the Board of Directors, prescribe rules and regulations for the call and conduct of meetings of the committee and other matters relating to its procedure.

(B) The members of any advisory committee shall not receive any stated salary for their services. The Board of Directors shall have power in its discretion to contract for and to pay to any member of an advisory committee, rendering unusual or exceptional services to the Council, special compensation appropriate to the value of such services.

(Ord. passed 6- -95)