

TITLE III: ADMINISTRATION

Chapter

30. BOARD OF COMMISSIONERS

31. TOWN OFFICIALS AND EMPLOYEES

32. POLICE AND FIRE DEPARTMENTS

33. BOARDS, COMMISSIONS AND COMMITTEES

34. FINANCE; TAXATION

CHAPTER 30: BOARD OF COMMISSIONERS

Section

Rules of Procedure

- 30.1 Meetings
- 30.2 Committees

Ordinances

- 30.15 Ordinances confined to one subject
- 30.16 Official copy
- 30.17 Ordinance book to be kept

Cross-reference:

For adoption of Council Manager form of government, see Charter Amendments

RULES OF PROCEDURE

§ 30.01 MEETINGS.

The regular meetings of the Mayor and Board of Commissioners shall be held on the second Tuesday of each month at the Town Hall, unless otherwise designated by the Board.
(1990 Code, § 30.01)

§ 30.02 COMMITTEES.

The Mayor and Board of Commissioners may create the committees of the Board for special purposes as they deem best.
(1990 Code, § 30.02)

ORDINANCES

§ 30.15 ORDINANCES CONFINED TO ONE SUBJECT.

All ordinances shall be confined to one subject, except appropriation ordinances which shall be confined to the subject of appropriations only.
(1990 Code, § 30.15)

§ 30.16 OFFICIAL COPY

A true copy of an ordinance, which has been duly enacted by the Board of Commissioners, signed by the Mayor and attested to by the Town Clerk, shall be known as an official copy of any ordinance for the town. All ordinances, or a true copy thereof, shall be inserted in this code in the proper chapter.
(1990 Code, § 30.16)

§ 30.17 ORDINANCE BOOK TO BE KEPT.

The Town Clerk shall file a true copy of each ordinance, until it is codified in this code of ordinances, in an ordinance book separate and apart from the Board of Commissioners' minute book. The ordinance book shall be

appropriately indexed and maintained for public inspection in the office of the Clerk. (1990 Code, § 30.17)

CHAPTER 31: TOWN OFFICIALS AND EMPLOYEES

Section

General Provisions

- 31.1 Compensation
- 31.2 Bond
- 31.3 Travel expenses

Elected Officials

- 31.15 Mayor

Non-Elected Town Officials

- 31.25 Town Manager
- 31.26 Town Clerk

Cross-reference:

For adoption of Council Manager form of government, see Charter Amendments

GENERAL PROVISIONS

§ 31.01 COMPENSATION

All officers and employees shall receive the compensation as from time to time may be prescribed by the Board of Commissioners.

(1990 Code, § 31.01)

§ 31.02 BOND

The Town Clerk and other officers or employees required by the Board of Commissioners shall, before entering upon their duties, post bond in amounts specified by the Board and in compliance with G.S. § 159-29. All bond premiums shall be paid from town funds. However, when two offices are combined, such as the offices of Clerk and Treasurer, only one bond shall be required.

(1990 Code, § 31.02)

§ 31.03 TRAVEL EXPENSES

The following provisions are intended to apply to the travel expenses of all officials and employees of the town incurred while attending conferences and schools approved by the town and while on official town business outside of the corporate area of the town.

- (A) *Items allowed.* Normally the following expense items shall be allowed the official or employee: transportation, meals, lodging, tips, cab, telephone, registration, parking and baggage charges. Entertainment expenses will be allowed only when it is a part of the convention, institute or course of instruction program.

- (B) *Transportation.* Employees are expected to use economical means of transportation, giving due consideration to the time and distance involved. An allowance may be made for use of a private automobile at the rate of 80% of the current mileage rate allowed by Internal Revenue Service. Employees who are paid a monthly car allowance may not claim mileage for round trips less than 50 miles from the town and for those trips within the county.
- (C) *Advance for expenses to be incurred.* Money for anticipated travel expenses may be advanced to an employee at the discretion of the Town Manager. Within three days after returning to work, a satisfactory accounting must be made for money spent. Any unspent advance shall be immediately returned to the Town Manager who shall make a record of expense money used and returned.
- (D) *Budgeting travel and training expenses.* An appropriate amount of money shall be requested by each department head to cover travel and training expenses in each succeeding fiscal year. (1990 Code, § 31.03) (Ord. passed 2-14-1989)

Section 1: Travel and Per Diem Expense Reimbursement

Employees, when involved in out of town travel (training classes, schools, business meetings, conferences, etc.) will be eligible for a per diem allowance based on the rates listed below. (Taxes and tips are considered to be included in the per diem meal rates). Employees are eligible for breakfast per diem if they are required to leave their residence before 7:00 a.m. Employees are eligible for dinner per diem if they would arrive at their residence after 7:00 p.m., if they didn't stop for dinner. Any meal included as part of a school or meeting and included in registration will be paid at that rate and no per diem will be allowed. Advances prior to travel are available from the finance office; however, requests should be submitted along with all supporting documentation detailing their travel and training plans no later than the one week prior to the day of travel. The department head or Town Manager must approve all requests for advances.

Breakfast.....	\$ 7.00
Lunch.....	\$10.00
Dinner.....	\$18.00

Employees wishing to use a town credit card may do so if available. However, each day's expenses must be under the daily per diem rate. No reimbursements for unused per diem will be made if the charged expenses are less than the daily rate. Likewise, employees will be required to reimburse the Town for charged expenses exceeding the daily per diem. Receipts will be required whenever town credit card is used and at no time will the purchase of alcoholic beverages be an allowable expense.

Receipts will not be required for meals paid for out of per diem.

All meals that are covered in registration fees or otherwise provided for will be deducted from the per diem payment. Employees will, likewise, not be reimbursed for meal expenses that exceed the daily per diem allowance.

Actual meal expense will be reimbursed with a receipt from an on-site motel restaurant when transportation or alternative accommodations are not available or practical.

Any additional expenses incurred during travel (motel rooms, parking, registration, etc.) must be paid by check or credit card and receipts must be submitted upon return of the employee.

When travel is authorized by personal automobile, 80% of the prevailing Federal IRS rate per mile will be paid as full reimbursement for such transportation cost.

Section 2: Business Expenses

During the course of doing business, expenses may be incurred (i.e....business lunches, dinner meetings, parking fees, etc.); these expenses should be kept to a reasonable amount and can be paid with cash or town credit card. These expenses when paid with cash will be reimbursed when a receipt for the expenses is presented with a reimbursement form. When a credit card is used the receipt must be attached to the credit card statement. Approval of the Town Manager is required for reimbursement. Good judgment should be used when incurring these types of expenses since per diem limits do not apply for business expenses.

VIOLATION OF ANY OF THE PROVISION IN THE PREVIOUS TWO SECTIONS SHALL BE DEEMED IMPROPER CONDUCT AND MAY SUBJECT THE EMPLOYEE TO DISCHARGE OR DISCIPLINARY ACTION.

Approved 2/26/2009

NON-ELECTED TOWN OFFICIALS

§ 31.25 TOWN MANAGER

- (A) The Office of Town Manager is established, which office shall be filled at the pleasure of the Board of Commissioners of the town, with the compensation for the office as the Board of Commissioners shall determine to be reasonable and proper.
- (B) The Town Manager shall be responsible for the direct administration of all the departments of the town.
- (C) The Town Manager shall execute the ordinances, resolutions, regulations and orders of the Board of Commissioners of the town, recommend to the Board of Commissioners of the town the acts and measures as he or she shall deem to be expedient, make reports to the Board of Commissioners of the town from time to time, keep the Board of Commissioners of the town adequately advised and informed upon all matters relating to the operation of the town and all of its departments and with approval of the Board of Commissioners shall have the authority to appoint and remove heads of all departments.
- (D) The employees and nonelected officers of the town shall perform the duties as may be required of them by the Town Manager.
- (E) The Town Manager shall serve as Budget Officer with duties prescribed under G.S. § 159.10. (1990 Code, § 31.25) (Ord. passed 12-17-1969)

§ 31.26 TOWN CLERK

The Town Clerk shall be appointed annually by the Board of Commissioners. The Town Clerk shall:

- (A) Give notice of meetings of the Board;
- (B) Attend all meetings of the Board and regularly and fairly record all of its proceedings as provided by law;
- (C) Keep an ordinance book as provided by law;
- (D) Perform the other duties as the Board may from time to time require; and

§ 31.27 TOWN FINANCE DIRECTOR

- (A) 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;
- (B) Keep or cause to be kept in a safe place all monies, records and accounts;
- (C) Disburse funds for the various purposes of the town only when an appropriation for the purpose has been made in the annual budget and the disbursement is authorized by the Town Manager;
- (D) Serve as Finance Director with the duties as prescribed in G.S. § 159-25.: 11-2008 e, § 31.26)

CHAPTER 32: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 32.1 Organization
- 32.2 Control of Department
- 32.3 Chief of Police
- 32.4 Oath of office; holding other offices
- 32.5 Uniforms
- 32.6 Powers and duties of police officers
- 32.7 Extraterritorial jurisdiction
- 32.8 Auxiliary police force

Fire Department

- 32.20 Organization
- 32.21 Authority of Department; regulations
- 32.22 Compensation of members
- 32.23 Powers of Department and members
- 32.24 Assistance from another municipality
- 32.25 Assistance to unincorporated area
- 32.26 Report to Board of Commissioners
- 32.27 Testing of hydrants
- 32.28 Obedience to traffic laws
- 32.29 Authority to ride on trucks
- 32.30 Fire Department Constitution

POLICE DEPARTMENT

§ 32.01 ORGANIZATION

The Police Department of the town shall consist of a Chief and as many police officers as the Town Manager shall from time to time determine, and the Manager shall appoint as many special police officers as the Mayor and Manager may deem necessary to appoint for special purposes.
(1990 Code, § 32.01)

§ 32.02 CONTROL OF DEPARTMENT

The Town Manager shall have general supervision over the Police Department. The Town Manager may suspend, for cause, any member of the Police Department.
(1990 Code, § 32.02)

§ 32.03 CHIEF OF POLICE.

The Chief of Police shall have control over the Police Department under the supervision of the Town Manager. The Chief shall keep the Town Manager informed of the Department's activities and shall make the reports that the Town Manager may from time to time require. He or she shall perform the other duties as may be required of him or her by the Board of Commissioners and the Town Manager.
(1990 Code, § 32.03)

§ 32.04 OATH OF OFFICE; HOLDING OTHER OFFICES.

Each person appointed or employed as Chief of Police, police officer or auxiliary police officer shall take and subscribe before some person authorized by law to administer oaths, the oath of office required by Article VI, § 7 of the Constitution. The oath shall be filed with the Town Manager. The offices of police officer, Chief of Police and auxiliary police officer may be held concurrently with any other appointive office pursuant to Article VI, § 9, of the Constitution.
(1990 Code, § 32.04)

§ 32.05 UNIFORMS.

All police officers shall wear uniforms as shall be provided by the town, shall keep the uniforms in a neat and clean condition and shall surrender all uniforms and equipment upon leaving the police service of the town if the uniforms and equipment were furnished by the town.
(1990 Code, § 32.05)

§ 32.06 POWERS AND DUTIES OF POLICE OFFICERS.

Each police officer shall:

(A) Have within the corporate limits of the town all of the powers invested in law enforcement officers by statute or common law;

(B) Have power to serve all civil and criminal process that may be directed to him or her by any officer of the General Court of Justice;

(C) Rigidly enforce all laws, ordinances and regulations of the town and the state and report each and every violation thereof as directed; and

(D) At all times preserve the peace, protect the property and the safety of the citizens of the town.
(1990 Code, § 32.06)

§ 32.07 EXTRATERRITORIAL JURISDICTION

(A) In addition to their authority within the corporate limits, police officers shall have all the powers invested in law enforcement officers by statute or common law within two miles of the corporate limits of the town.

(B) Town law-enforcement may arrest person within the town and on any property and rights-of-way

owned by the town outside its limits.

(C) Law-enforcement officers may arrest persons at any point which is two mile or less from the nearest point in the boundary of the town.

(D) Law-enforcement officers may arrest persons outside the territory described in divisions (B) and (C) above, when the person arrested has committed a criminal offense within that territory for which the officer could have arrested the person within that territory, and the arrest is made during the person's immediate and continuous flight from that territory.

(G.S. § 15A-402(b)-(d))

(1990 Code, § 32.07)

Cross-reference:

Jurisdiction extended, see Charter, Article IX, § 9.1

§ 32.08 AUXILIARY POLICE FORCE

(A) There is hereby created a law enforcement unit to be known and designated as the auxiliary police force. The members of the force shall be subordinate to the members of the Police Department and shall obey any lawful order given them by a member of the Police Department. The members of the force shall take the oath of office prescribed for regular members of the Police Department and shall be vested with all of the powers of arrest vested in regular police officers under the laws of the state and ordinances of the town. The auxiliary police force shall operate under rules and regulations approved by the Board of Commissioners or the Town Manager.

(B) The following rules and regulations are adopted for the governing of the auxiliary police force.

(1) The Chief of Police shall have the power to determine who shall, or shall not carry sidearm's after each member shall have qualified with a revolver according to the standards set up by the Chief of Police. However, no member of the auxiliary police shall wear sidearm's until he or she shall have had six months of continued service.

(2) Sidearm's shall be carried only when on active duty.

(3) Any carelessness, misuse or horseplay with the revolver by any member of the auxiliary police will result in automatic dismissal.

(4) In no way shall being a member of the auxiliary police be used for personal gain or favor.

(5) No member of the auxiliary police shall engage in police work when off duty.

(6) Each member of the auxiliary police force shall be required to perform a minimum of 16 hours of duty per month. Failure to meet this requirement for two consecutive months will automatically drop the individual from the auxiliary roll.

(7) The number of the auxiliary police force shall not exceed six members until an increase is approved by the Board of Commissioners or the Town Manager.

(8) Members of the auxiliary police shall be approved by the Town Manager.

(C) Nothing contained in this subchapter shall be interpreted so as to prevent or preclude the Town Manager from approving the swearing in of either regular or auxiliary police officers to serve whenever the need arises locally.

(1990 Code, § 32.08) (Ord. passed 10-10-1966) Penalty, see § 10.99

FIRE DEPARTMENT

§ 32.20 ORGANIZATION

The Fire Department will be composed of a paid Chief, who is appointed by the Town Manager, a First Assistant Chief, a Second Assistant Chief, First Captain, Second Captain, First Lieutenant, Second Lieutenant, Secretary-Treasurer and as many members as the Town Manager deems necessary.

(1990 Code, § 32.20)

§ 32.21 AUTHORITY OF DEPARTMENT; REGULATIONS

The authority of the Fire Department shall extend over and include all matters connected with the Fire Department, or hereafter to be acquired, water and fire equipment of the town and the Chief of the Department is authorized to make the rules and regulations for the Department as he or she may deem best calculated to promote the interest thereof.

(1990 Code, § 32.22)

§ 32.22 COMPENSATION OF MEMBERS

As compensation for enlistment and service in the Department, the members thereof shall receive the sum of \$10 for each fire at which water or chemical substance is thrown, and as additional compensation for enlistment and service therein each member of the Department shall receive \$10 for false alarms and \$10 for business meetings and training meetings.

(1990 Code, § 32.23)

§ 32.23 POWERS OF DEPARTMENT AND MEMBERS.

At any and all fires which may occur in the town, each member of the Fire Department shall be clothed with all the power of a special police officer, and the Department may, under the direction of the Fire Chief or other officer in immediate charge or command thereof, establish and maintain the fire lines and limits as may be deemed necessary, and any person who shall cross or in any other manner disregard and violate the lines and limits when so established shall be deemed guilty of a misdemeanor.

(1990 Code, § 32.24)

§ 32.24 ASSISTANCE FROM ANOTHER MUNICIPALITY

In the event of the fires as would tend to endanger the town or any considerable portion thereof, then the Fire Department shall have authority and power to make the arrangements looking to the procurement of aid from some other city, town, or Mutual Aid Department as may be deemed necessary.

(1990 Code, § 32.25)

§ 32.25 ASSISTANCE TO UNINCORPORATED AREA.

In the event that the town agrees with the county or the owners of property outside the town to provide fire protection, any employee of the Fire Department, while engaged in any duty or activity outside the corporate limits of the town pursuant to orders of the Fire Chief or the Town Manager, shall have all of the jurisdiction, authority, rights, privileges and immunities, including coverage under the worker's compensation laws, which they have within the corporate limits of the town.
(1990 Code, § 32.26)

§ 32.26 REPORT TO BOARD OF COMMISSIONERS.

There may be rendered at each regular meeting of the Board of Commissioners a report from the Fire Department, showing the number of fires in the town since the last report, the value of property involved and the damage done thereto, with the cause of the fire or fires and any other information that may be deemed of interest, and the report shall be spread in full upon a book to be kept for that purpose by the Town Clerk-Treasurer.
(1990 Code, § 32.27)

§ 32.27 TESTING OF HYDRANTS

The Chief of the Fire Department or someone under his or her direction may thoroughly test all hydrants within the corporate limits of the town at least every six months and see that they are in first class condition.
(1990 Code, § 32.28)

§ 32.28 OBEDIENCE TO TRAFFIC LAWS

The Chief of the Fire Department and all members of the Fire Department shall obey all traffic laws while returning from a fire and the Police Department of the town is hereby especially directed to see that the speed laws are obeyed by members of the Fire Department while returning from a fire.
(1990 Code, § 32.30)

§ 32.29 AUTHORITY TO RIDE ON TRUCKS.

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 engine, wagon or other apparatus.
(1990 Code, § 32.31) Penalty, see § 10.99

§ 32.30 FIRE DEPARTMENT CONSTITUTION

(A) *Preamble.* The members of the Benson Fire Department in order to maintain a more perfect union among themselves, establish discipline, define duty, secure the orderly administration of their business, and to promote fire protection and fire prevention in the Town of Benson and surrounding Banner Fire District, do hereby adopt the following as their constitution.

(B) *Organization and strength.* Benson Fire Department will be composed of a Chief, First Assistant Chief, Second Assistant Chief, two Captains, two Lieutenants and a Secretary-Treasurer. The Fire Department will also maintain at least the minimum membership required to meet 9S rating for certifications of Fire Departments in North Carolina.

(C) *Membership.*

(1) Any person physically fit of good character and standing being at least 18 years old and residing within the corporate limits of the Town of Benson or residing in or within one road mile of the boundaries of Banner Fire District, town employee or who owns and operates a business within the referenced town limits or fire district boundaries shall be eligible for membership in the Department. Applicants must possess, or be able to obtain by time of appointment, have a valid North Carolina driver's license, have no felony convictions or disqualifying criminal histories, be a U.S. Citizen, and must be able to read and write the English language.

(2) All persons seeking membership in the Department shall make application to the Department in the form and content as the Department may stipulate. All applications for membership shall be reviewed by the officers or the Department and after the review will be submitted to a vote of the membership for a simple majority vote at any regular meeting of the Department.

(3) Physical requirements: Task involves the regular, and at times sustained, performance of heavier physical task such as walking over rough or uneven surfaces, bending, stooping, working in confined spaces, and lifting and carrying moderately heavy (20 to 50 lbs.) to heavy (50 to 100 lbs.) items. Task involves the operation of hand tools, calling for full coordination of sensory and manipulative ability in order to achieve full production to acceptable standards.

(4) Must complete a six-month probationary period (this can be altered, extended, or other conditions placed on it at the discretion of the officers). Any member may be removed from the Department at any time without explanation during your probation. All probationary members shall be required to have 18 hours of training, make a minimum of 15% of all calls and attend no less than 50% of all required meetings at the end of their probationary period. After the first six months the probationary firefighter will be reviewed by the officers of the Department on their performance. If the firefighter meets approval, then it will be brought before the Department membership for a vote. Any member must be elected by a simple majority vote of members to be accepted as an active member of the Department with all privileges after probation period.

(5) Member shall have 18 months to complete their NFPA 1403 classes from the time they first get on the Department. Failure to do so will result in immediate dismissal.

(6) The active membership of the Benson Fire Department shall not exceed 35 volunteer members.

(7) Any member that does not meet the annual requirements of division (O) and is dismissed from the Benson Fire Department shall be allowed to re-apply. The applicant will be placed on a waiting list. Applications will be processed in the order received. The applicant will not be voted on for a minimum of six months. If reinstated as a member, applicant shall adhere to all policies concerning new member.

(D) *Voting.*

(1) All active members of the Department shall have the right and privilege to vote on any matter presented before it at any regular, annual, or called special meeting.

(2) No member shall be allowed to cast a vote on any matter before the Department unless they are present at the vote. Under no circumstances will there be vote by proxy.

(3) No probationary member shall be allowed to cast a vote on any matter before the Benson Fire Department.

(4) In the event of a tie, the Chief shall cast a deciding vote.

(E) *Officers of the Department.*

(1) The officers of the Department shall consist of a Chief, First Assistant Chief, Second Assistant Chief, two Captains, two Lieutenants and Secretary-Treasurer.

(2) The officers shall be elected for a term of two years by the membership by ballot provided there be a quorum of active members present at the annual meeting which is to be the first Tuesday night in June at 7:00 p.m. of each election year. The officers so elected will assume their positions and duties upon confirmation of the Town of Benson Commissioners. The current officers at the time of election will remain in these positions until June 30.

(3) Vacancies occurring during a term of office will be filled by appointment by the Chief and confirmed by the town board, except the position of Fire Chief, which will be filled by a transfer of power from the First Assistant Chief to Chief and confirmed by the Town of Benson Commissioners.

(4) Qualifications for an officers position: For a member of the Benson Fire Department to be considered eligible to hold an officers position this member must have a minimum of five-years' experience in the fire service, a minimum of two consecutive years as an active member of the Benson Fire Department prior to the election and completed their NCDOI firefighter level one and NCDOI level two certifications or have fifteen-years' active membership on the Benson Fire Department.

(5) For a member to be considered eligible to hold a Chief position with the Benson Fire Department this member must have a minimum of two-years' experience as a line officer (Captain-Lieutenant) of the Benson Fire Department.

(F) *Duties of the Fire Chief.*

(1) The Chief shall be at the head of the Department subject to the laws of the State of North Carolina, the ordinances of the town, and the rules and regulations as herein contained.

(2) The Chief shall preside at all Department meetings and conduct them according to rules adopted and parliamentary law; he or she shall endorse observance of the constitution, decide all questions of order, execute all official documents adopted by the Department and cast a deciding vote in case a tie vote is had on any questions before the Department membership present. He or she shall call all regular, annual, and special called meetings under such provisions as the Department membership present. He or she shall call all regular, annual, and special called meetings under such provisions as the Department may be its constitution prescribe. The Chief may cancel any regular meeting or drill by notice to the members 24 hours before such meeting is to occur.

(3) It shall be the duty of the Chief to duly examine or cause to be examined the condition of the fire station, apparatus, hose and all other property of the Department. He or she shall cause to be kept in a permanent, accurate and neat form, records of the extent and nature and cause of fires, the amount of hose laid, apparatus used and the name of members attending. He or she shall also keep or cause to be kept an up-to-date record of all property of the Department, supplies purchased, and of all fire prevention inspections of building and their premises, fire hydrants, etc.

(4) It shall be the duty of the Chief to enforce discipline and to see that the officers of the Department execute their duties as officers and members of the Department.

(5) It shall be the duty of the Chief to command his or her Department and have control thereof while on duty, parade, and on all other occasions where the services of the Department are demanded. All orders given by the Chief on these occasions shall be implicitly obeyed.

(6) The Chief will be responsible for the apparatus and all firefighting equipment, and to see that it is at all times clean and in efficient working condition.

(7) The Chief shall review the minimum operating guidelines, policies, and procedures on an annual basis and recommend changes as needed.

(G) *Duties of the Assistant Chiefs.* The Assistant Chiefs shall have jurisdiction and absolute authority and shall perform those duties of the Chief in his or her absence at all calls.

(H) *Duties of the line officers: Captain, Lieutenant.*

(1) The line officers of the Department will carry out those responsibilities and duties as may be assigned to them by the Chief in assisting in carrying out the functions of the Department.

(2) The line officers will serve as an official of the Department and in such capacity as this constitution may prescribe.

(I) *Duties of the Secretary-Treasurer*

(1) It shall be the duty of the Secretary-Treasurer of the Department to keep records of all Department meetings and preserve same for the Department.

(2) The Secretary-Treasurer shall keep a written account of all non public monies received and expended by the Department and deposit the same in such Department designated bank.

(3) In the absent of the Secretary-Treasurer of the Department at meetings the officer in charge shall appoint a member to keep meeting minutes.

(4) The Secretary-Treasurer shall attend all officers meeting to keep minutes but will not be allowed to cast a vote in the officers meeting.

(J) *Duties of the officials of the Department.*

(1) The officials of the Department will be Chief, First Assistant Chief, Second Assistant Chief, two Captains, two Lieutenants and Secretary-Treasurer.

(2) It shall be the responsibilities of the officials to review applications for membership and make recommendations to the membership; to appoint a training committee, equipment committee, nominating committee, and such other committee as will be necessary to carry out the functions and promote the general well being of the Department. Committee responsibility shall be to the Department officials.

(K) *Duties of committees.*

(1) *Training committee.* It shall be the duty of the training committee to establish a quarterly training schedule to be posted on the Department bulletin board. The training schedule will be submitted to the Department officials for approval not later than the last business meeting in the preceding quarter.

(2) *Equipment committee.* The equipment committee will assist the Chief to assure that all equipment and fire fighting apparatus are well maintained and always in working order. The committee will investigate equipment needs and sources and make reports to the Department officials at each business meeting.

(3) *Nominating committee.* To research qualifications and make recommendations to membership for election consideration one name of current active members for each elected post. The name that is nominated by the committee can be the current person holding the position or a new candidate.

(4) *Other committees.* Committees appointed by Department officials will be empowered and their duties defined by those officials.

(L) *Impeachment of officers.*

(1) Any officer of the Department for abuse of this authority or misconduct in their office or failure to perform assigned duties may be impeached and therefore removed from office by vote of 80% of the active members present at such meeting where a vote is cast. The charge against the officer shall be made in writing and filed with the Secretary-Treasurer at least one month before a vote shall be taken and copy of such charge delivered to the officer at least two weeks prior to any such vote.

(2) Any complaint against an officer of the Department for abuse of this authority or misconduct in their office or failure to perform assigned duties will be reviewed by the officers of the Department. If the complaint is found to have merit, then it will be brought before the Department membership for a vote.

(M) *Impeachment of members.*

(1) Any member of the Department, except officers of the Department, may be expelled from the Department by the following procedure: The officers of the Department shall pass on the eligibility of a member to remain on the Department. The committee will make a report to the membership for a simple majority vote at a regular meeting of those members present as to the acceptance or rejection of the recommendation of the officers.

(2) Should any member of the Department make any action take, or discussion made at any meeting, known to anyone other than an active member of the Department and this fact can be proven, then that member shall lose his or her membership in the Department. Authority in this action will be vested in the officers.

(3) Any probationary member after 18 months that has not completed their NFPA 1403 classes will be impeached.

(N) *Suspension of officers and/or members.*

(1) The Chief or officer in charge shall have the authority to suspend any officer or member for a period not more than the time to the next regular meeting. This suspension will remove his or her right to attend drills, fires, or meetings only. The Chief or officer in charge shall make a report to the membership at the next regular meeting of any such action.

(2) Concerning suspension of officers and/or members of the Benson Fire Department prior to the next regular meeting the Chief, Assistant Chiefs, Captains, Lieutenants, and Secretary-Treasurer of the Department shall meet and discuss further action relating to the member's suspension.

(3) Any active member or officer written up for a violation of the S.O.G.s shall be documented on a disciplinary form and given to the officer in charge. First offense will be a verbal warning, second offense will be suspension, and third offense will be termination. This must be approved by all the officers of the Department.

(O) *Duties of members.*

(1) It shall be the duties of all members to obey all orders issued by their officers while involved in activities related to the Benson Fire Department.

(2) It shall be the duties of all members to be prompt at all meetings and on every alarm.

(3) It shall be the duties of all active members to have an annual attendance record of not less than 50% of meetings and drills and to remain proficient in their fire fighting ability as defined by state codes and Department officers.

(4) It shall be the duties of all active members to attend a minimum of 15% of the total call volume for each calendar year beginning January 1 through December 31.

(5) It shall be the duties of all active members to attend a minimum of 36 hours of certified training.

(6) Eighteen hours of the required 36 training hours shall be under Benson Fire Department.

(7) Any member not complying with divisions (3) to (5) above shall be reviewed by the officers for termination from the Benson Fire Department.

(P) *Meetings.*

(1) Regular meeting shall be on the first Tuesday night and the fifteenth of each month. If the above dates occur on legal holidays or weekends, then the meeting will be on the first occurring regular working night, or as directed by the Chief.

(2) Special called meetings will be as prescribed in this section.

(3) Rules of parliamentary procedures will govern the order of meeting.

(4) All meetings are to start at 7:00 pm or as directed by the Chief.

(Q) *Order of business.*

(1) Roll call.

(2) Secretary-Treasury report, review of previous minutes.

(3) Committee reports.

(4) Nominations of candidates for membership.

(5) Election of officers: Elections shall be held as outlined in division (D) of this section. The names provided by the nominating committee shall be presented to the membership on the night of the elections. The order of positions voted on shall be Chief, First Assistant Chief, Second Assistant Chief, Captains, Lieutenants, and Secretary-Treasurer. The nomination committee chair shall read the duties of each officer position. The name of the current officer and the candidate from the nominating committee shall be presented to the Department. The floor will be open for nominations by the membership. Nominations will be taken from the floor. Nominations from the floor must meet the qualifications outlined in division (E) above. The floor will then be closed to nominations. The name(s) nominated from the floor will be added to the list of candidates to be voted on. The membership shall vote on the names nominated. If one person does not get at least 51% of the vote, the two names with the most votes will be voted on in a runoff vote. The winner of the runoff vote shall be declared the winner. The nominating committee shall count all votes. The name of the winner shall then be presented to the membership. The above steps shall be followed for each position being voted upon.

(6) Unfinished and other business.

(7) Training.

(R) *Privileges.*

(1) It shall be the duty and privilege of any member of the Department while on duty to prevent vehicles of any kind from crossing a line of hose, and to report offenses to the proper officers.

(2) In the event of an emergency, 60% of the active members of the Department can call a special meeting.

(3) The Department will send a wreath or flowers in case of death or hospitalization of a member, member's mother, father, wife or children at the discretion of the Chief.

(4) A wreath will be sent to a retired member in the event of death, up to \$100 will be spent on the wreath and this is at the discretion of the Chief.

(S) *Amendments to constitution.*

(1) This constitution may be amended and changed at any time by a 51% majority vote of the active members of the Department at any regular meeting provided a notice of such change is given to all active members two weeks in advance in writing of such meeting and vote.

(2) Any amendment to this section will become effective the first day of the month following review and concurrence by the Town of Benson Commissioners.

(1990 Code, § 32.32) (Ord. passed 7-6-1982; Ord. 3-11-2008) Penalty, see § 10.99

§ 32.31 CURRENT North Carolina STATE BUILDING CODE: FIRE CODE

The Benson Fire Department adopted an ordinance of the Current North Carolina State Building Code: Fire Code and all appendixes and any updates or changes that occur on an annual and quad annual basis.

§ 32.32 KEY BOXES / KNOX BOX PROGRAM

Under the current North Carolina Building Code Fire Code Section 506 the following rules give the local fire department authority to require and control key boxes. The Benson Fire Department has chosen the Knox Box Brand as the approved vendor. The ordinance requires any new or existing Business that has any type of life safety initiating device or alarm, i.e. automatic sprinkler system, fire alarm system, fire suppression system, or as the Fire Chief or Fire Code Officials deems necessary must install a Knox Box brand key box.

Refer to: Current North Carolina Building Code Fire Code Section 506 Key Boxes

The current North Carolina Building Code Fire Code Section 506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

Current North Carolina Building Code Fire Code Section **506.1.1 Locks** an approved lock shall be installed on gates or similar barriers when required by the fire code official.

Current North Carolina Building Code Fire Code Section **506.2 Key Box Maintenance.** The operator of the building shall immediately notify the fire code official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

CHAPTER 33: BOARDS, COMMISSIONS AND COMMITTEES

Section

Planning Board

- 33.001 Establishment
- 33.002 Membership; terms
- 33.003 Organization; rules
- 33.004 Staff; finances
- 33.005 Powers and duties
- 33.006 Purpose of master plan
- 33.007 Annual reports

Library Board of Trustees

- 33.20 Library established
- 33.21 Library Trustees
- 33.22 Organization and powers of Board
- 33.23 Finances
- 33.24 Grants, gifts, bequests and contributions
- 33.25 Title to library property
- 33.26 Use of library free

Community Appearance Commission

- 33.40 Establishment
- 33.41 Membership qualifications; terms
- 33.42 Organization
- 33.43 Powers and duties
- 33.44 Annual report
- 33.45 Advisory Council; committees
- 33.46 Staff and technical services
- 33.47 Receipt and expenditure of funds

Recreation Advisory Committee

- 33.60 Establishment
- 33.61 Members; vacancies; compensation
- 33.62 Powers and duties
- 33.63 Meetings; attendance of members
- 33.64 Officers
- 33.65 Reports
- 33.66 Committees; special committees

Joint Municipal Assistance Agency

- 33.75 Participation of town
- 33.76 Initial member municipalities
- 33.77 Transfer from Electricities

Museum of Local History Committee

- 33.90 Establishment
- 33.91 Members; vacancies; compensation
- 33.92 Powers and duties
- 33.93 Meetings, attendance of members
- 33.94 Officers
- 33.95 Reports
- 33.96 Committees; special committees
- 33.97 Bylaws of museum

PLANNING BOARD

§ 33.001 ESTABLISHMENT

A Town Planning Board for the town is hereby created under the authority of G.S. § 160A-361. (1990 Code, § 33.01) (Ord. passed 5-18-1961)

§ 33.002 MEMBERSHIP; TERMS

(A) The Town Planning Board shall consist of nine members who shall be persons of recognized experience and qualifications. At least three members shall be residents and citizens of the town, to be appointed by the Town Board of Commissioners and at least three members shall be residents of the town's two-mile extraterritorial jurisdiction, to be recommended for appointment by the Town Board of Commissioners to the County Board of Commissioners, who shall make the appointment of these three extraterritorial residents, pursuant to G.S. § 160A-362.

(B) Each member shall be appointed for a three-year term. Initial appointments shall be arranged so that approximately one-third of the terms will expire each year. All members of the Planning board shall serve as such without compensation. A member may serve two consecutive terms if reappointed, however after serving two consecutive full three-year terms the member cannot be reappointed for one year. If a member is appointed to fill a resignation or vacancy of an unexpired term, that term shall not be considered a full term.

(1990 Code, § 33.02) (Ord. passed 5-18-1961; Ord. passed 9-13-1983; Ord. passed 9-11-1984)

§ 33.003 ORGANIZATION; RULES

Within 30 days after appointment, the Planning Board shall elect its Chairperson from amongst the appointed citizen members and create and fill the other of its offices as it may determine. The Planning Board shall hold at least one regular meeting in each month which shall be open to the public. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(1990 Code, § 33.03) (Ord. passed 5-18-1961)

§ 33.004 STAFF; FINANCES

The Planning Board may contract with town planners, engineers, architects and other consultants for the services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Town Manager and no indebtedness for which the town shall be liable shall be contracted by the Planning Board unless an appropriation is made by the Town Manager for the purpose, and then only to the extent of the appropriation. The Planning Board shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work and may expend the money received from the donations and gifts as in its judgment may appear best.

(1990 Code, § 33.04) (Ord. passed 5-18-1961)

§ 33.005 POWERS AND DUTIES

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 the plan as the Planning Board and Board of Commissioners may deem best. The 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, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and open spaces; 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; and 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, as well as zoning plan for the control of the height, area, bulk, location and use of building and premises. The Planning Board may from time to time recommend amendments, extensions or additions to the plan.

(1990 Code, § 33.05) (Ord. passed 5-18-1961)

§ 33.006 PURPOSE OF MASTER PLAN

(A) In the preparation of the master plan or 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 and with due regard to its relation to 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, prosperity 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 the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(B) Before the adoption by the Planning Board of the plan or any part, 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 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 the other means of publicity and education as it may determine. Members of the Planning Board, when duly authorized by the Planning Board, may attend town planning conferences or meetings or town planning institutes or hearings upon pending town planning legislation. All officers and employees of the town shall render the reasonable assistance and any information to the Planning Board for its work.

(1990 Code, § 33.06) (Ord. passed 5-18-1961)

§ 33.007 ANNUAL REPORTS

The Planning Board shall, from time to time and at least annually, submit reports in writing to the Board of Commissioners and the Town Manager giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof; and these reports shall contain other recommendations as the Planning Board feels should have immediate attention. (1990 Code, § 33.07) (Ord. passed 5-18-1961)

LIBRARY BOARD OF TRUSTEES

§ 33.020 LIBRARY ESTABLISHED

Pursuant to the authority granted by G.S. Chapter 153, Article 14, there is established a free public library in the town, to be known as the Mary Duncan Public Library, and which shall be supported by General Funds. (1990 Code, § 33.20) (Ord. passed 9-9-1968; Ord. passed 5--1998)

§ 33.021 LIBRARY TRUSTEES

The Mary Duncan Library Board of Trustees shall be an advisory board, there shall be a board of seven trustees appointed by the Board of Commissioners chosen from the citizens at-large with reference to their fitness for the office and one member of the Board of Commissioners shall be a member of the Library Board of Trustees. The terms of the members shall be six years or until their successors are appointed. A member may serve two consecutive terms if reappointed, however after serving two consecutive full three-year terms the member cannot be reappointed for one year. If a member is appointed to fill a resignation or vacancy of an unexpired term, that term shall not be considered a full term. All vacancies shall be immediately reported by the Board of Trustees to the Town Board of Commissioners which shall fill each vacancy for the unexpired term. The Board of Commissioners may remove any Trustee for incapacity, unfitness, and misconduct or for neglect of duty. Members of the Library Board of Trustees shall serve without compensation. (1990 Code, § 33.21) (Ord. passed 9-9-1968; Ord. passed 10-12-1970; Ord. passed 5--1998)

§ 33.022 ORGANIZATION AND POWERS OF BOARD.

The Library Board of Trustees shall organize immediately after appointment and shall elect one of its members as Chairperson and one as Secretary. The Board of Trustees shall act as an advisory board and have the following powers:

(A) To recommend rules and regulations for its own guidance and for the government of the library as may be necessary and in conformity with law subject to approval of the Board of Commissioners;

(B) To extend the privilege and use of the library to nonresidents of the town upon the terms and conditions as it may prescribe, subject to approval of the Board of Commissioners. (1990 Code, § 33.22) (Ord. passed 9-9-1968; Ord. passed 8-13-1996; Ord. passed 5--1998)

§ 33.023 FINANCES

The funds appropriated for library purposes by the Board of Commissioners in the annual budget shall be disbursed by the Town Manager. All non-tax funds received by the Board of Trustees or its employees for the library shall be placed in the Library Fund by the Library Secretary-Treasurer. All funds paid out from the Library Fund account shall be on warrants drawn by the Library Secretary-Treasurer and shall be countersigned by the Chairperson. The Library Board of Trustees shall cause the Secretary-Treasurer and Chairperson to be bonded in an amount sufficient to cover the funds held by the library. The annual report to the Board of Commissioners shall reflect all funds received and disbursed, and holding of funds, by the library, including funds received by donation.

(1990 Code, § 33.23) (Ord. passed 9-9-1968; Ord. passed 8-13-1996; Ord. passed 5--1998)

§ 33.024 GRANTS, GIFTS, BEQUESTS AND CONTRIBUTIONS

The Board of Trustees may accept any proper grant, gift, devise, bequest or donation of any money or property offered or made for library purposes. Any grant, gift, devise, bequest or other donation of money or property shall be held by the Town of Benson, used and finally disposed of in accordance with the terms and conditions upon which it is made and accepted.

(1990 Code, § 33.24) (Ord. passed 9-9-1968; Ord. passed 5--1998)

§ 33.025 TITLE TO LIBRARY PROPERTY

Title to all property given, granted or conveyed, donated, devised or bequeathed to or otherwise acquired by the town for library purposes shall vest in and be held by the Town Board of Commissioners in the name of the town, and any conveyance, grant, donation, devise, bequest or gift to or in the name of the Library Board of Trustees shall be executed as necessary to vest title in the name of the town.

(1990 Code, § 33.25) (Ord. passed 9-9-1968)

§ 33.026 USE OF LIBRARY FREE

The use of the Mary Duncan Public Library herein created and established shall be forever free to the inhabitants of the town, subject to the reasonable rules and regulations as may be adopted by the Library Board of Trustees and approved by the Board of Commissioners.

(1990 Code, § 33.26) (Ord. passed 9-9-1968; Ord. passed 5--1998)

COMMUNITY APPEARANCE COMMISSION

§ 33.040 ESTABLISHMENT

(A) Pursuant to G.S. § 160A-451, there is hereby created and established the Town Community Appearance Commission, hereinafter referred to as the Commission, composed of seven members appointed by the Board of Commissioners of the town.

(B) All members shall be residents of the town's planning and zoning jurisdiction except that up to two of the seven members may be nonresidents as long as they own property within the corporate limits of the town.

(1990 Code, § 33.40) (Ord. passed 10-27-1988; Ord. passed 1-10-1995)

§ 33.041 MEMBERSHIP QUALIFICATIONS; TERMS

- (A) Where possible, appointments shall be made in such a manner as to maintain on the Community Appearance Commission at all times a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, town planning or a closely related field.
- (B) The terms of office of the members shall be three years, except that the Board of Commissioners may stagger the length of the terms of the initial appointees so that all terms do not expire simultaneously.
- (C) Members of the Commission shall serve without pay, but may be reimbursed for actual expenses incidental to the performance of their duties within the limits of funds available to the Commission.
- (D) A member may serve two consecutive terms if reappointed, however after serving two consecutive full three-year terms the member cannot be reappointed for one year. If a member is appointed to fill a resignation or vacancy of an unexpired term, that term shall not be considered a full term.

(1990 Code, § 33.41) (Ord. passed 10-27-1988)

§ 33.042 ORGANIZATION

(A) The Community Appearance Commission, within 30 days of its appointment, shall meet and elect a Chairperson, Vice-Chairperson, Treasurer and a Secretary; the latter officer need not be a member of the Commission. It shall also adopt bylaws to govern the conduct of its business.

(B) The Commission shall maintain a record of its members' attendance, its actions, findings and recommendations, which record shall be open to the public.

(C) A quorum of four members shall be necessary to take any official action authorized or required by this subchapter.

(D) The Commission shall hold at least 11 meetings per year, and all of its meetings shall be open to the public.

(1990 Code, § 33.42) (Ord. passed 10-27-1988)

§ 33.043 POWERS AND DUTIES

The Community Appearance Commission shall have the following powers and duties:

(A) To initiate, promote and assist in the implementation of programs of general community beautification in the town;

(B) To 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;

(C) To provide leadership and guidance in matters in the area of community design and appearance to individuals, and to public and private organizations and agencies;

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

(E) To prepare both general and specific plans for the improved appearance of the town. These plans may include the entire area or any part thereof, and 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;

(F) 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;

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

(H) To formulate and recommend to the Board of Commissioners, the adoption of amendments of ordinances (including the zoning ordinance, subdivision regulations and other local ordinances regulating the use of property) that will, in the opinion of the Commission, serve to enhance the appearance of the municipality and its surrounding areas;

(I) To direct the attention of the town officials as to the need of enforcement of any ordinance that may in any way affect the appearance of the town;

(J) To seek voluntary adherence to the standards and policies of its plans;

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

(L) 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 the studies and reports as will, in the opinion of the Commission, advance the cause of improved municipal appearance; and

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

(G.S. § 160A-452)

(1990 Code, § 33.43) (Ord. passed 10-27-1988; Ord. passed 1-10-1995)

§ 33.044 ANNUAL REPORT

The Community Appearance Commission shall, no later than April 15 of each year, submit to the Board of Commissioners and the Town Manager 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.

(G.S. § 160A-454)

(1990 Code, § 33.44) (Ord. passed 10-27-1988)

§ 33.045 ADVISORY COUNCIL; COMMITTEES

Pursuant to G.S. § 160A-453, the Community Appearance Commission may establish an Advisory Council when, in the judgment of the Commission, such a Council will be an aid to the performance of its duties. However, the Commission shall not delegate to the Advisory Council any of its official powers or duties. In addition, the Commission may, from its own membership, establish any temporary or permanent committees needed to assist it in the study of specific questions and problems.
(1990 Code, § 33.45) (Ord. passed 10-27-1988)

§ 33.046 STAFF AND TECHNICAL SERVICES

Pursuant to G.S. § 160A-453, the Community Appearance Commission may recommend to the Town Manager suitable arrangements of the procurement or provision of staff or technical services for the Commission.
(1990 Code, § 33.46) (Ord. passed 10-27-1988)

§ 33.047 RECEIPT AND EXPENDITURE OF FUNDS

Pursuant to G.S. § 160A-455, the Community Appearance Commission may receive contributions from private agencies, foundations, organizations, individuals and 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 and as herein specified.
(1990 Code, § 33.47) (Ord. passed 10-27-1988)

RECREATION ADVISORY COMMITTEE

§ 33.060 ESTABLISHMENT

There is hereby created a Recreation Committee to be known as the Benson Recreation Advisory Committee.
(1990 Code, § 33.60) (Ord. passed 1-6-1955; Ord. passed 8-14-1979; Ord. passed 4-12-1983; Ord. passed 2-24-1994)

§ 33.061 MEMBERS; VACANCIES; COMPENSATION

(A) *Appointment.* There shall be nine members appointed by the Town Commissioners. The membership should be six residents and three nonresidents of the town.

(B) *Ex-officio member.* The Town Commissioners shall appoint a member to serve as an ex-officio member. The ex-officio member will not have a vote on items coming before the Recreation Advisory Committee.

(C) Length of appointment. Each member shall be appointed for a three-year term. Initial appointments shall be arranged so that three members shall serve three-year terms, two members shall serve two-year terms, and two members shall serve one year terms. The terms will expire December 31 of each year, except for the representative from the Town Commissioners will serve concurrent with his or her term of office. A member may serve two consecutive terms if reappointed, however after serving two consecutive full three-year terms the member cannot be reappointed for one year. If a member is appointed to fill a resignation or vacancy of an unexpired term, that term shall not be considered a full term.

(D) *Vacancies*. Whenever a vacancy occurs on the Committee by resignation, death or otherwise, it shall be filled without undue delay by the Town Commissioners. The appointee shall serve for the duration of the unexpired term.

(E) *Removal of members*. Any one or more of the members of the Committee may be removed with or without cause, at any time, through a request of the Committee to the Town Commissioners or directly by the Town Commissioners.

(1990 Code, § 33.61) (Ord. passed 1-6-1955; Ord. passed 3-5-1956; Ord. passed 8-14-1979; Ord. passed 9-14-1982; Ord. passed 4-12-1983; Ord. passed 11-15-1983; Ord. passed 2-24-1994; Ord. passed 3-10-1998)

§ 33.062 POWERS AND DUTIES

(A) *Recreation Committee as advisory body*. The Recreation Committee shall serve as the advisory body for the Department of Recreation and the town. The Committee shall suggest policies to the Department, the Town Manager and the Board of Commissioners, within its powers and responsibilities as stated in these by-laws. The Committee shall serve as a liaison between the Department, the Board of Commissioners of the unit, the Town Manager and the citizens of the community. The Committee shall consult with and advise the Department, the Town Manager and the Board of Commissioners in matters affecting recreation policies, program, personnel, finances and the acquisition and disposal of lands and properties related to the total community recreation program, and its long-range, projected program for recreation.

(B) *Powers and duties*. The Recreation Committee shall assume duties for recreation purposes, as follows: make recommendations for the establishment of a system of supervised recreation for the unit, to set apart for use as parks, playgrounds, recreation centers, water areas or other recreation areas and structures, any lands or buildings owned by or leased to the unit and for approval by the unit's authorized body, and may suggest improvements of the lands and for the construction and for the equipping and staffing of the buildings and structures as may be necessary to the recreation program within those funds allocated to the Department and advise in the acquisition of lands and structures through gifts, purchase, lease or loan, or by condemnation through eminent domain, and as approved by the Board of Commissioners of the unit and advise in the acceptance by the unit of any grant, gift, bequest or donation, any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation. Any gift, bequest of money or other property, any grant, devise of real or personal property so acquired shall be held, by the unit, used and finally disposed of in accordance with the terms under which the grant, gift or devise is made and accepted; and advise in the construction, equipping, operation and maintenance of parks, playgrounds, recreation centers and all buildings and structures necessary or useful to Department function, and will advise in regard to other recreation facilities which are owned or controlled by the unit or leased or loaned to the unit.

(C) *Chairperson*. It shall be the duty of the Chairperson to preside at all meetings and to sign official papers. The Vice-Chairperson shall perform duties of the Chairperson in the absence of the latter.

(1990 Code, § 33.62) (Ord. passed 4-12-1983; Ord. passed 2-24-1994)

§ 33.063 MEETINGS; ATTENDANCE OF MEMBERS

(A) *Meetings.* Regular meetings of the Recreation Advisory Committee shall be held on a monthly basis and shall be held in the Office of Parks and Recreation or at some other designated place. Newspapers (*Benson Review*, *Daily Herald* and *Smithfield Herald*) must be notified of monthly meetings 48 hours in advance. Recreation Advisory Committee members must be notified of meetings 24 hours in advance.

(B) *Special meetings.* Special meetings may be called by the Chairperson or upon written request from a majority of the body.

(C) *Quorum.* A majority of the members constitute a quorum.

(D) *Order of business.* The order of business at regular meetings shall be as follows:

- (1) Reading of minutes of previous meetings;
- (2) Communications;
- (3) Report of Director and Chairperson;
- (4) Special reports;
- (5) Unfinished business;
- (6) New business; and
- (7) Adjournment.

(E) *Absence.* The absence of any member from three consecutive regular meetings without leave, except when the absence is made necessary by sickness or other similar causes, ruled as emergency in nature, will declare vacant the seat of the member, in which event the vacancy thus created shall be filled by the Town Commissioners.

(1990 Code, § 33.63) (Ord. passed 4-12-1983; Ord. passed 2-24-1994)

§ 33.064 OFFICERS

(A) *Officers.* The election of officers for the ensuing year, a Chairperson and Vice-Chairperson, shall take place at the regular meeting in July of each year. A nominating committee of three members shall be appointed by the Chairperson, at the June meeting (or before) to bring in, to the July meeting, nominees for these offices.

(B) *Date of office.* The new officers shall take office at the regular August meeting each year.

(C) *Director of Recreation.* The Director shall serve as Secretary of the Recreation Advisory Committee. It shall be the duty of the Secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings and to have a copy of the proceedings of each meeting sent to each member.

(D) *Director/Advisory Committee.* The Recreation Advisory Committee shall advise with the Director concerning the administration of the affairs of recreation. The Director shall be the agent of the Recreation Advisory Committee and to that end shall supervise the operation of all the Recreation Department's activities. The Director shall submit a detailed report of the activities and administration of the program of the Recreation Department to each regular meeting for the month prior to the meeting. A copy of this report shall be sent to each member and to the Town Manager.

(1990 Code, § 33.64) (Ord. passed 4-12-1983; Ord. passed 2-24-1994)

§ 33.065 REPORTS

(A) The Director shall submit preliminary annual reports, of the program and of finances at the regular meeting in July of each year.

(B) The final annual report will be rendered no later than the September meeting.
(1990 Code, § 33.65) (Ord. passed 1-6-1955; Ord. passed 8-14-1979; Ord. passed 4-12-1983; Ord. passed 2-24-1994)

§ 33.066 COMMITTEES; SPECIAL COMMITTEES

(A) *Committee appointments.* Standing committees shall be appointed by the Chairperson at the regular February meeting of each year. Vacancies on the standing committees shall be filled by the Chairperson at any regular meeting.

(B) *Special committees.* Special committees may be appointed for the purposes as deemed necessary.

(C) *Ex-officio committee members.* The Chairperson and Director shall be ex-officio members of all committees, and, as such, notified of all committee meetings.
(1990 Code, § 33.66) (Ord. passed 2-24-1994)

JOINT MUNICIPAL ASSISTANCE AGENCY

§ 33.075 PARTICIPATION OF TOWN

The Board of Commissioners hereby elects to participate in a joint municipal assistance agency which will result in economies, efficiencies and other benefits with respect to the construction, ownership, maintenance, expansion and operation of the town's electric system.
(1990 Code, § 33.75) (Ord. passed 9-29-1983)

§ 33.076 INITIAL MEMBER MUNICIPALITIES

(A) The names of the municipalities which shall be the initial members of the Joint Municipal Assistance Agency are:

Albemarle	Farmville	La Grange
Apex	Forest City	Landis
Ayden	Fountain	Laurinburg
Belhaven	Fremont	Lexington
Benson	Gastonia	Lincolnton
Black Creek	Granite Falls	Louisburg
Cherryville	Greenville	Lucama

Clayton	Hamilton	Lumberton
Concord	Hertford	Macclesfield
Cornelius	High Point	Maiden
Dallas	Hobgood	Monroe
Drexel	Hookerton	Morganton
Edenton	Huntersville	New Bern
Elizabeth City	Kinston	Newton
Oak City	Selma	Wake Forest
Pikeville	Sharpsburg	Walstonburg
Pinetops	Shelby	Washington
Pineville	Smithfield	Wilson
Red Springs	Southport	Windsor
Robersonville	Stantonsburg	Winterville
Rocky Mount	Statesville	

(B) The failure of any one or more of the above-named initial members to actually join the Joint Municipal Assistance Agency shall in no way impair or affect the findings or determinations herein made or the authority herein granted.
(1990 Code, § 33.76) (Ord. passed 9-29-1983)

§ 33.077 TRANSFER FROM ELECTRICITIES

The town does hereby authorize the transfer to the newly formed Joint Municipal Assistance Agency of its interest in such of the assets of ElectriCities of North Carolina, a voluntary association, as may be determined by the Board of Directors of ElectriCities of North Carolina.
(1990 Code, § 33.77) (Ord. passed 9-29-1983)

MUSEUM OF LOCAL HISTORY COMMITTEE

§ 33.090 ESTABLISHMENT

There is hereby created a Museum Committee to be known as the Benson Museum of Local History Committee.
(Ord. passed - -)

§ 33.091 MEMBERS; VACANCIES; COMPENSATION

(A) *Appointment.* There shall be 15 members appointed by the Town Commissioners.

- (B) *Ex-officio member.* The Town Commissioners shall appoint a member to serve as an ex-officio member. The ex-officio member will not have a vote on items coming before the Museum Advisory Committee.

- (C) *Length of appointment.* Each member shall be appointed for a three-year term. Initial appointments shall be arranged so that three members shall serve three-year terms, two members shall serve two-year terms, and two members shall serve one year terms. The terms will expire December 31 of each year, except for the representative from the Town Commissioners will serve concurrent with his or her term of office. A member may serve two consecutive terms if reappointed, however after serving two consecutive full three-year terms the member cannot be reappointed for one year. If a member is appointed to fill a resignation or vacancy of an unexpired term, that term shall not be considered a full term.

- (D) *Vacancies.* Whenever a vacancy occurs on the Committee by resignation, death or otherwise, it shall be filled without undue delay by the Town Commissioners. The appointee shall serve for the duration of the unexpired term.

- (E) *Removal of members.* Any one or more of the members of the Committee may be removed with or without cause, at any time, through a request of the Committee to the Town Commissioners or directly by the Town Commissioners.
 - a. (Ord. passed - -)

§ 33.092 POWERS AND DUTIES

(A) *Museum Committee as advisory body.* The Museum Committee shall serve as the advisory body for the Town of Benson. The Committee shall suggest policies to the Board of Commissioners, the Town Manager and the Board of Commissioners, within its powers and responsibilities as stated in these bylaws. The Committees shall serve as a liaison between the Board of Commissioners of the unit, the Town Manager and the citizens of the community. The Committee shall consult with and advise the Town Manager and the Board of Commissioners in matters affecting museum policies, program, personnel, finances and the acquisition and disposal of lands and properties related to the total community museum program, and its long-range projected program.

(B) *Chairperson.* It shall be the duty of the Chairperson to preside at all meetings and to sign official papers. The Vice-Chairperson shall perform duties of the Chairperson in the absence of the latter.
(Ord. passed - -)

§ 33.093 MEETINGS, ATTENDANCE OF MEMBERS

(A) *Meetings.* Regular meetings of the Museum Advisory Committee shall be held on a monthly basis and shall be held in the museum or at some other designated place. Museum Advisory Committee members must be notified of meetings 24 hours in advance.

(B) *Special meetings.* Special meetings may be called by the Chairperson or upon written request from a majority of the body.

(C) *Quorum.* A majority of the members constitute a quorum.

(D) *Order of business.* The order of business at regular meetings shall be as follows:

- (1) Reading of minutes of previous meetings;
- (2) Communications;
- (3) Report of Chairperson;
- (4) Special reports;
- (5) Unfinished business;
- (6) New business; and
- (7) Adjournment.

(E) *Absence.* The absence of any member from three consecutive regular meetings without leave except when the absence is made necessary by sickness or other similar causes, ruled as emergency in nature, will declare vacant the seat of the member, in which event the vacancy thus created shall be filled by the Town Commissioners.

(Ord. passed - -)

§ 33.094 OFFICERS

(A) *Officers.* The election of officers for the ensuing year, a Chairperson and Vice-Chairperson shall take place at the regular meeting in July of each year. A nominating committee of three members shall be appointed by the Chairperson, at the June meeting (or before) to bring in, to the July meeting, nominees for these offices.

(B) *Date of office.* The new officers shall take office at the regular August meeting each year.

(C) *Secretary.* It shall be the duty of the Secretary to notify members of all meetings, to keep a permanent record of the proceedings of all meetings, and to have a copy of the proceedings of each meeting sent to each member.

(Ord. passed - -)

§ 33.095 REPORTS

(A) The Chairperson shall submit preliminary annual reports, of the program and of finances at the regular meeting in July of each year.

(B) The final annual report will be rendered no later than the September meeting.

(Ord. passed - -)

§ 33.096 COMMITTEES; SPECIAL COMMITTEES

(A) *Committee appointments.* Standing committees shall be appointed by the Chairperson at the regular February meeting of each year. Vacancies on the standing committees shall be filled by the Chairperson at any regular meeting.

(B) *Special committees.* Special committees may be appointed for the purposes as deemed necessary.
(Ord. passed - -)

§ 33.097 BYLAWS OF MUSEUM.

The Benson Museum of Local History, having been created by order of the Board of Commissioners of the Town of Benson and the Board of Directors of the museum having been directed by the Board of Commissioners to supervise the operation of museum, the Board of Directors does herewith adopt the following by-laws which shall be observed by the Board of Directors in the discharge of its duties pertaining to the Benson Museum of Local History.

(A) The Benson Museum of Local History shall receive, collect, preserve and display items which it deems to be of historical interest and value.

(B) The Board of Directors shall consist of 15 members.

(C) Members of the Board of Directors shall serve three years with a staggered appointment of five Directors each year and all appointments to the Museum Board shall be made by the Board of Commissioners. The Board of Directors shall forward a list of recommendations for Board membership each year to the Board of Commissioners.

(D) The officers of the Board of Directors shall consist of a Chairperson, Co-Chairperson, Vice-Chairperson, Secretary and Treasurer and Assistant Secretary and Treasurer, to be elected by majority vote by and from the members of the Board of Directors. The officers may preside at meetings when the need shall arise.

(E) The Chairperson, Co-Chairperson or Vice-Chairperson will call and determine the agenda for meetings of the Board and preside at the meetings.

(F) The Chairperson may appoint standing committees for a particular purpose or project pertaining to the museum.

(G) The Secretary and Treasurer, or his or her assistant where necessary, shall record and preserve all minutes pertaining to meetings of the Board, shall preserve all records and documents pertaining to the activities of the Museum Board and shall deposit any monies received by the Board, and maintain a written account of all monies received by the Museum Board. The Board of Directors shall submit a budget for approval by The Board of Commissioners.

(H) The Museum Board, by majority vote of all members present at a properly called meeting, shall make all decisions pertaining to the maintenance and operation of the museum, subject to the approval of the Board of Commissioners.

(I) These bylaws may be amended by majority vote of the Museum Board and approval of the Board of Commissioners.

(Ord. passed 12- -2005)

CHAPTER 34: FINANCE; TAXATION

Section

General Provisions

- 34.1 Purchasing
- 34.2 Disbursement of town funds
- 34.3 Authority to purchase apparatus, supplies, materials or equipment
- 34.4 Disposing of personal property valued at less than \$5,000

Taxation

- 34.15 Ad valorem tax levied

GENERAL PROVISIONS

§ 34.01 PURCHASING

(A) Before any order is given for items to be paid by the town or any purchase made by any town employee in excess of \$100, a purchasing order must first be obtained from the Finance Director.

(B) Any town employee purchasing goods without a purchase order from the Finance Director will be held responsible for the cost of same.
(1990 Code, § 34.01)

§ 34.02 DISBURSEMENT OF TOWN FUNDS

(A) *Disbursements.*

(1) When a bill, invoice or other claim against the town is presented, the Finance Director shall either approve or disapprove the necessary disbursement. If the claim involves a program, function or activity accounted for in a fund included in the budget ordinance or a capital project or a grant project authorized by a project ordinance, the Finance Director may approve the claim only if:

(a) He or she determines the amount to be payable; and

(b) The budget ordinance or a project ordinance includes an appropriation authorizing the expenditure and either an encumbrance have been previously created for the transaction or an unencumbered balance remains in the appropriation sufficient to pay the amount to be disbursed.

(2) The Finance Director may approve a bill, invoice or other claim requiring disbursement from an intra-governmental service funds or trust or agency fund not included in the budget ordinance, only if the amount claimed is determined to be payable. A bill, invoice or other claim may not be paid unless it has been approved by the Finance Director or, under division (B) below, by the Board of Commissioners. The Finance Director shall establish procedures to assure compliance with this division.

(B) *Board of Commissioners approval of bills, invoices or claims.* The Board of Commissioners may, as permitted by this division, approve a bill, invoice or other claim against the town that has been disapproved by the Finance Director. It may not approve a claim for which no appropriation appears in the budget ordinance or in a project ordinance, or for which the appropriation contains no encumbrance and the unencumbered balance is less than the amount to be paid. The Board shall approve payment by formal resolution stating the Board's reasons for allowing the bill, invoice or other claim. The resolution shall be entered in the minutes together with the names of those voting in the affirmative. The Chairperson of the Board or some other member designated for this purpose shall sign the certificate on the check or draft given in payment of the bill, invoice or other claim. If payment results in a violation of law, each member of the Board voting to allow payment is jointly and severally liable for the full amount of the check or draft given in payment.

(C) *Payment.*

(1) The town may not pay a bill, invoice, salary or other claim except by a check or draft on an official depository or by a bank wire transfer from an official depositor. Except as provided in this division each check or draft on an official depository shall bear on its face a certificate signed by the Finance Director approved for this purpose by the Board of Commissioner (or signed by the Chairperson or some other member of the Board pursuant to division (B) above). The certificate shall take substantially the following form:

“This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

(Signature of Finance Director)”

(2) No certificate is required on payroll checks or drafts on an imprest account in an official depository, if the check or draft depositing the funds in the imprest account carried a signed certificate.

(D) *Penalties.* If an officer or employee of the town incurs an obligation or pays out or causes to be paid out any funds in violation of this section, he or she and the sureties on his or her official bond are liable for sums so committed or disbursed. If the Finance Director or any properly designated deputy of the Finance Officer gives a false certificate to any contract, agreement, purchase order, check, draft or other document, he or she and the sureties on his or her official bond are liable for any sum illegally committed or disbursed thereby.

(G.S. § 159-28(b) - (e))
(1990 Code, § 34.02)

§ 34.03 AUTHORITY TO PURCHASE APPARATUS, SUPPLIES, MATERIALS OR EQUIPMENT

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

(1) Prepare, or caused to be prepared, plans and/or specifications setting forth a complete description of the item(s) to be purchased and the characteristics, features and/or requirements therefore;

(2) Include, where appropriate, in specifications for the item(s) to be purchased an opportunity for bidders to purchase as trade-in specified personal property owned by the town;

(3) Advertise, or otherwise secure bids, for the item(s), if required under applicable law;

(4) Award contracts for the purchase of the item(s) and, where applicable, award contracts for the purchase of the item(s) and the sale of trade-in property;

(5) Reject bids;

(6) Re-advertise to receive bids;

(7) Waive bid bond or deposit requirements;

(8) Waive performance and payment bond requirements; and

(9) Execute and deliver the purchase contract(s).

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

(C) *Extent of authority.* Except in cases of sole source purchases pursuant to G.S. § 143-129 and cases of purchases from established contracts pursuant to G.S. § 143-129(g), unless otherwise provided by law, the provisions of this section shall apply to the purchase of apparatus, supplies, materials or equipment requiring the estimated expenditure of municipal funds in an amount not to exceed \$5,000 for any one item or group of similar item.

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

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

(F) *Application of General Statutes.* In acting pursuant to the authority delegated by this section, the Town Manager shall comply with the requirements of G.S. Chapter 143, Article 8, as from time to time amended, modified, supplemented, revised or superseded, to the same extent as would have otherwise applied to the Board of Commissioners.

(G) *Authority.* This section is enacted pursuant to the provisions of G.S. § 143-129(a). (1990 Code, § 34.03) (Ord. passed 3-9-1999)

§ 34.04 DISPOSING OF PERSONAL PROPERTY VALUED AT LESS THAN \$30,000.

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

(1) The item or group of items has a fair market value of less than \$30,000;

(2) The property is no longer necessary for the conduct of public business; and

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

(B) The Town Manager may dispose of any surplus personal property by any means which he or she judges reasonably calculated to yield the highest attainable sale price in money or other consideration, including but not limited to the methods of sale provided in G.S. Chapter 160A, Article 12. The sale may be public or private, and with or without notice and minimum waiting period.

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

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

(E) This section is enacted pursuant to the provisions of G.S. § 160A-266(c).
(1990 Code, § 34.04) (Ord. passed 3-9-1999)

TAXATION

§ 34.15 AD VALOREM TAX LEVIED.

The Board of Commissioners shall, within 30 days after the close of each fiscal year, levy a tax for general purposes not exceeding \$1.50 on each \$100 valuation of real and personal property located within the corporate limits of the town and for purposes of paying the principal and interest on bonds to become due a tax sufficient to retire the same as interest and principal become due.

(1990 Code, § 34.15)