

TUESDAY, MARCH 20, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM

COUNCIL PRESENT

Bob Gibbs
Trena McRary Kirby
Joe Wesson
Jeff Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Emily Hines

COUNCIL ABSENT

Donnie Potter
Johnny Wilson

CALL TO ORDER: Mayor Bob Gibbs called the meeting to order.

INVOCATION: Mayor Bob Gibbs gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Bob Gibbs led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda with the following amendment; remove item 10D.

A motion was made by Trena McRary Kirby, and seconded by Jeff Wilson, to adopt the agenda as amended. All were in favor.

APPROVE FEBRUARY 21st REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the February 21, 2012 regular meeting minutes.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to approve the February 21 2012 regular meeting minutes. All were in favor.

APPROVE FEBRUARY 21st CLOSED SESSION MEETING MINUTES: Mayor Gibbs asked for a motion to approve the February 21, 2012 closed session meeting minutes.

A motion was made by Jeff Wilson, and seconded by Joe Wesson, to approve the February 21, 2012 closed session meeting minutes. All were in favor.

APPROVE March 8th SPECIAL BUDGET WORKSHOP MEETING MINUTES:

Mayor Gibbs asked for a motion to approve the March 8, 2012 special budget workshop meeting minutes.

A motion was made by Jeff Wilson, and seconded by Joe Wesson, to approve the March 8, 2012 meeting minutes. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if there was anyone wishing to speak during public comment and if so please raise his or her hand at this time.

There was no one who wished to speak.

RECOGNITIONS:

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard congratulated Mr. and Mrs. Tony and Kathy Ramsey on winning the Recycle Rewards Program for February. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to Mr. and Mrs. Ramsey's sanitation bill, and the certificate will be available at the Town Hall for them to pick up at their convenience.

No Council action was required.

PUBLIC HEARING: ADOPT PROPOSED AMENDMENTS TO SECTION 152 OF THE SAWMILLS CODE OF ORDINANCE:

OPEN PUBLIC HEARING: Mayor Gibbs asked for a motion to open the public hearing.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to open the public hearing at 6:05 pm. All were in favor.

STAFF RECOMMENDATIONS: Town Planner Emily Hines stated the Planning Board would recommend proposed amendments as follows:

Section 152.005-Revise definition of a minor subdivision.

Section 152.015-The review process would be done by the Subdivision Review Board.

Section 152.037-Two changes:

1. A Mylar does not need to be submitted as part of the initial review process.
2. Change the process so the Subdivision Review Board, not Council, will do approval.

Section 152.040-Removal of property owner's phone number on plat.

Section 152.112-Revise to show added duty of the Subdivision Review Board to take action on minor subdivisions.

PUBLIC COMMENT: Mayor Gibbs asked if anyone in the public wished to speak at this time.

There was no one who wished to speak.

CLOSE PUBLIC HEARING: Mayor Gibbs asked for a motion to close the public hearing.

A motion was made by Jeff Wilson, and seconded by Trena McCrary Kirby, to close the public hearing. All were in favor.

COUNCIL ACTION: Mayor Gibbs asked for a motion on the proposed amendments to section 152 of the Sawmills Code of Ordinances.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to adopt the proposed amendments to section 152 of the Sawmills Code of Ordinance. All were in favor.

PLANNING MATTERS:

CALL FOR A PUBLIC HEARING TO ADOPT PROPOSED AMENDMENTS TO SECTION 153 OF THE CODE OF ORDINANCES: The Planning Board reviewed section 153 of the Code of Ordinances and recommends Council call a public hearing to adopt proposed amendments to section 153 of the Town's Code of Ordinances and structure changes to make it more user friendly. (See attached).

A motion was made by Trena McCrary Kirby, and seconded by Joe Wesson, to call a public hearing to be held at the next regularly scheduled meeting on April 17, 2012 at 6:00 pm to discuss proposed amendments to Section 153 of the Code of Ordinances and structure changes. All were in favor.

CALL FOR A PUBLIC HEARING TO ADOPT PROPOSED AMENDMENTS TO THE SAWMILLS ZONING MAP: The Planning Board reviewed the enclosed Sawmills zoning map in the area of Dry Ponds Road near Liberty Road and recommends Council call a public hearing to adopt proposed amendments changing the current zoning of R-20 Residential Low Density to RA-20 Residential Medium Density.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to call a public hearing to be held at the next regularly scheduled meeting on April 17, 2012 at 6:00 pm to discuss proposed amendments to the Sawmills zoning map. All were in favor.

DISCUSSION:

FIREARMS ON MUNICIPAL PROPERTY: Town Administrator Seth Eckard stated that during the last meeting Council discussed the new 2011 Firearms Legislation. This matter was tabled during the last meeting and Council was to return to this meeting to decide whether concealed carry handguns would be allowed throughout the parks, or if signs should be posted only in certain areas prohibiting concealed carry handguns.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to table this matter until the next regularly scheduled meeting. All were in favor.

ADOPT PROPOSED RESOLUTION TO AMEND THE PERSONNEL POLICY AND THE SUBSTANCE ABUSE POLICY: Town Administrator Seth Eckard stated the town contracted with Distinctive Human Resources, Inc. to update the current Personnel Policy and Substance Abuse Policy to reflect current laws and human resources best practices.

The following are a few of the highlighted changes:

- Simplified drug policy
- The probationary period for non-departmental positions will change from six (6) months to three (3) months
- The probationary period for departmental positions will change from twelve (12) months to six (6) months
- A computer, e-mail, internet, and social media policy has been added
- A bereavement section has been added.

A motion was made by Trena McRary Kirby, and seconded by Joe Wesson, to table this matter until the next regularly scheduled meeting. All were in favor.

ADOPT PROPOSED CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF CORRECTIONS: Town Administrator Seth Eckard stated the contract with the North Carolina Department of Corrections (NCDoC) would be effective April 2, 2012 through June 30, 2012. Town Administrator Eckard would renew the contract on July 1, 2012, which would cover a period of one (1) year.

The contract with NCDoC will cover the cost of two (2) inmates at one dollar (\$1.00) per hour, for eight (8) hours a day, five (5) days a week, for a total cost of four-hundred thirty-eight dollars (\$438.00). The town is required to provide worker's compensation for the inmates at an additional cost of fifteen-hundred dollars (\$1,500.00) a year. All town employees will receive training from the NCDoC on how to properly supervise the inmates while working in the town.

A motion was made by Jeff Wilson, and seconded by Joe Wesson, to approve contract with NCDoC in the amount of four-hundred thirty-eight dollars (\$438.00) effective April 2, 2012 through June 30, 2012. All were in favor.

ADOPT PROPOSED SPEED LIMIT ON WATERWORKS ROAD: Town Administrator Seth Eckard contacted Town Engineer Benjie Thomas with West Consultants, PLLC, to discuss a recommendation from the Public Works Committee to lower the speed limit on Waterworks Road.

West Consultants, PLLC conducted an analysis on Waterworks Road and would recommend Council lower the speed limit from thirty-five (35) miles per hour to twenty (20) miles per hour or fifteen (15) miles per hour.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to lower the speed limit on Waterworks Road to twenty-five (25) miles per hour. All were in favor.

UPDATES:

COUNCIL COMMENT: Mayor Gibbs thanked Mark Kiser and presented him with a letter of appreciation for cleaning up his business property in the town. Mayor Gibbs stated he has a letter as well for Dallas Wilcox for cleaning up property on Baird Drive.

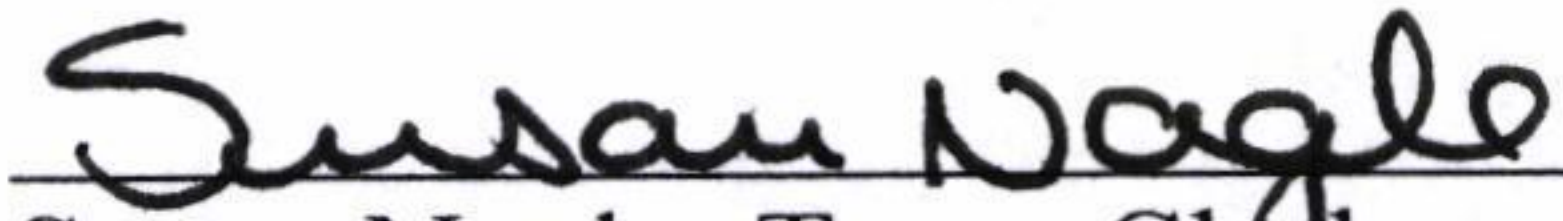
ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard stated the summer newsletters were mailed out today and reminded everyone of the First Annual Easter Egg Hunt on the soccer field at Veterans Park on Saturday, April 7, 2012 from 10:30 to 12:30 with three (3) different age groups.

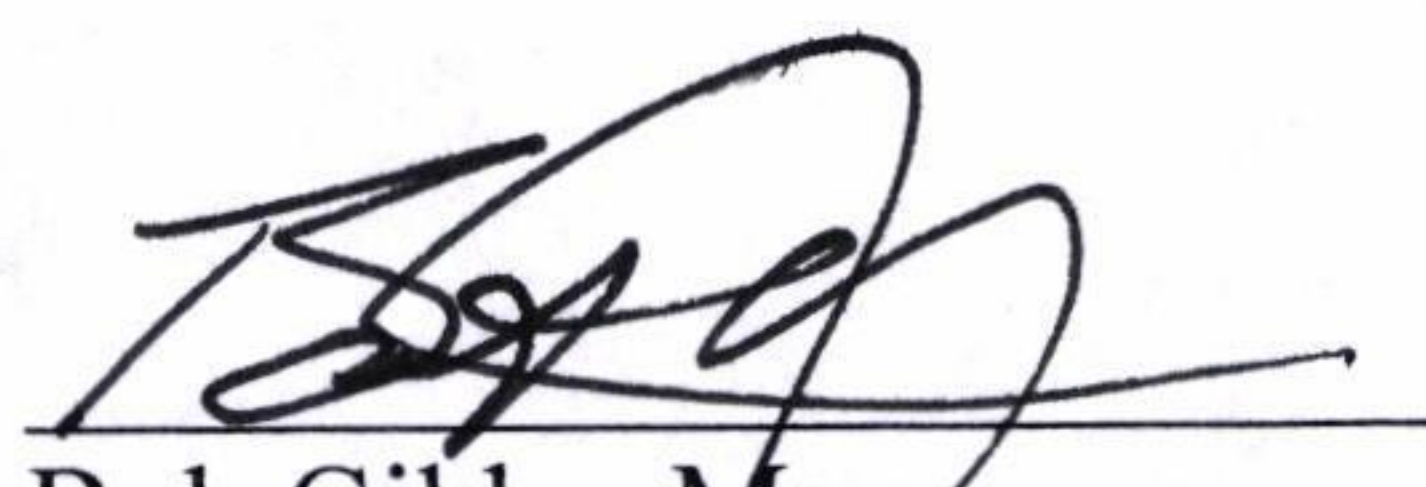
PUBLIC COMMENT: Mayor Gibbs asked if there was anyone wishing to speak during public comment and if so please raise his or her hand at this time.

Gerelene Blevins thought Mark Kiser did a good job with the cleanup and would like the town to move forward, not backward, on keeping the town clean and would like to recommend Council be required to take a drug test.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

A motion was made by Joe Wesson, and seconded by Jeff Wilson, to adjourn the meeting. All were in favor.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

- (d) **FRONTAGE ROAD.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
- (e) **LOCAL RESIDENTIAL ROAD.** Cul-de-sac, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic for more than 100 dwellings units.
- (f) **RESIDENTIAL COLLECTOR ROAD.** A local access street which serves as a connector street between local residential streets and the thoroughfare system. **RESIDENTIAL COLLECTOR STREETS** typically collect traffic from 100 to 400 dwelling units.

SUBDIVIDER. Any person, firm or corporation who creates a subdivision.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions when any one or more of those divisions are created for the propose of sale of building development (whether immediate or future) and shall include divisions of land involving the dedication of a new street or change in existing street; however, the following are not included within this definition, but do require a certificate of no approval be issued in accordance with §153.036:

- (1) The combination or re-combination of a portion of previously subdivided and recorded lots, or existing lots of record, if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in this chapter;
- (2) The division of land into parcels greater than ten acres, if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; and
- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots, if no new street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the town, as shown by this chapter.

SUBDIVISION – TYPES OF SUBDIVISION

- (1) **FAMILY.** Subdivision of property for family use where resulting subdivision meets all requirements of §152.130.
- (2) **MAJOR.** All subdivision of lots which do not qualify as a minor or family subdivision.
- (3) **MINOR.** Subdivision of property where five or fewer lots are created and all lots created have road frontage in accordance with this chapter ~~or any subdivision where a new road is involved.~~

TERRIAN CLASSIFICATIONS.

- (1) **LEVEL.** Cross slope range of 0% to 8%.
- (2) **ROLLING.** Cross slope range of 8.1% to 12%.
- (3) **MOUNTAINOUS.** Cross slope range of over 12%.
(Ord. §60, passed 1-26-2007)

§152.006

WORD INTERPRETATION.

For the purpose of this chapter, certain words shall be interpreted as follows:

- (A) Words used in the present tense include the future.
- (B) Words used in the singular number include the plural and words used in the plural include the singular, unless the natural construction of the word indicates otherwise.
- (C) The word **PERSON** includes a firm, association, corporation, sponsor, trust and company as well as an individual.
- (D) The words **USED FOR** shall include the meaning **DESIGNED FOR**.
- (E) The word **STRUCTURE** shall include the word **BUILDING**.
- (F) The word **LOT** shall include the words **PLOT, PARCEL, or TRACT**.
- (G) The word **SHALL** is mandatory, not merely discretionary.
(Ord. §60.25, passed 1-26-2007)

COMPLIANCE

§152.015

PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the town's jurisdiction shall be approved by the ~~Town Council on recommendation from the Town Planning Subdivision Review Board~~, unless otherwise set forth herein.
(Ord. §5.1, passed 1-26-2007)

Certificate of No Approval Required

I certify that the plat shown hereon qualifies as division or alteration in property lines where no local approval is required as outlined under North Carolina General Statute §160A-376.

Date

Town of Sawmills Planner

NOTE: See the definition of subdivision as contained in §152.005 for list of platting events where no local approval is required.

(Ord. §71, passed 1-26-2007)

§152.037 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

- (A) The subdivider shall submit to the Town Planning Department a ~~Mylar and~~ at least ~~four~~ ⁽⁴⁾ five copies of the proposed subdivision.
- (B) The Town Planning Department shall review the Minor Subdivision for complete compliance with the requirements outlined for final approval of subdivisions contained within this chapter. The Subdivision Review Board ~~shall make a recommendation to the Town Council and the Town Council shall vote whether to approve the minor subdivision.~~ The final plat shall be complete and show all information required for preliminary and final plats in §152.040, and all certificates and notarizations required in this section for final plat approval of a minor subdivision.
- (C) The final plat shall be of a size suitable for recording with the County Register of Deeds. Maps (with appropriate match lines) may be placed on more than one sheet.
- (D) *Forms for final certifications.* The following certificates shall appear on the final plat.
 - (1) *Certificate of final approval of a minor subdivision.*

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Town of Sawmills Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval or the recordation of this map in no way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Town of Sawmills Planner

Date

§152.040

INFORMATION TO BE DEPICTED ON OR SUBMITTED WITH
PRELIMINARY AND FINAL PLATS.

The information indicated in the following table shall either be depicted on or submitted along with preliminary and final plats. An X indicates that the information is required.

<i>Information</i>	<i>Preliminary</i>	<i>Final</i>
Title Block containing: • Property designation • Name and address and telephone number of owner • Location (including township, county and state) • Date or dates survey was conducted and plat prepared • A scale of drawing in feet per inch listed in words or figures. Scales shall be no less than one foot equals 100 feet (1:100) • A bar graph • Name, address, registration number of the licensed land surveyor • Caldwell County Tax map Number	X	X
Name of subdivision (major subdivision shall be named	X	X
Name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X
Names and addresses and telephone numbers of all owners, licensed land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
Registration numbers and seals of professional engineers	X	X
The boundaries of the tract, or portion thereof, to be subdivided, distinctly and accurately represented with all bearing and distances shown	X	X
North arrow and orientation	X	X
The names of owners of adjacent properties	X	X
The names of any adjoining subdivision of record or proposed and under review	X	X

SUBDIVISION REVIEW BOARD; ACTIONS AND APPEALS

§152.110 ESTABLISHMENT OF SUBDIVISION REVIEW BOARD.

There is hereby established a Subdivision Review Board to review and approve, approve with modifications, or disapprove applications for approval of preliminary plats, and final plats for major subdivisions, and to take other actions as required by this chapter in accord with the procedures, requirements and standards of this chapter and regulations hereunder.

(Ord. §92.1, passed 1-26-2007)

§152.111 MEMBERSHIP.

The Subdivision Review Board shall consist of three persons: that being the Mayor or his or her designee, Chairman of the Planning Board and one other Planning Board member along with one alternate from the Planning Board as they are appointed by the Planning Board. The Subdivision Review Board shall follow the procedures of the most recent edition of *Robert's Rules of Order*. The alternate, in the absence of any regular member shall have the same powers and privileges of regular members of the Subdivision Review Board.

(Ord. §92.2, passed 1-26-2007)

§152.112 POWERS AND DUTIES OF THE SUBDIVISION REVIEW BOARD.

The Subdivision Review Board shall have the following powers and duties:

- (A) Receive applications for approval of preliminary plats for major subdivisions;
- (B) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of preliminary plats for major subdivisions;
- (C) Receive applications for approval of final plats for major subdivisions;
- (D) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of final plats of major subdivisions;
- (E) Receive minor subdivisions final plats approved by the Planning Department;
- ~~(E)~~(F) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of final plats of minor subdivisions;
- ~~(F)~~(G) Establish minimum requirements for the contents of Preliminary Plats, and Final Plats for major subdivisions, in accordance with these regulations and state statutes;
- ~~(G)~~(H) Procedures for the conduct of the Subdivision Review Board's affairs shall be in accordance with *Robert's Rules of Order*;

~~(H)~~(I) Maintain a record of the Subdivision Review Board minutes, including the votes of its members, attendance and a summary of the information submitted to it;

~~(I)~~(J) Receive the cooperation of the various elements of the government of the county; and

~~(J)~~(K) Submit to the Planning Board and Town Council a monthly report on its activities.

(Ord. §92.3, passed 1-26-2007)

§152.113 PROCEDURES GENERALLY ON APPLICATIONS FOR APPROVAL OF PRELIMINARY PLATS AND APPROVAL OF FINAL PLATS; TIME LIMITS.

- (A) Applications for approval of preliminary plats and final plats for major subdivisions shall be filed with the Planning Department in form and in the manner required by rules and administrative regulations of the Subdivision Review Board, together with applicable fees and charges as approved by the Town Council.
- (B) The Planning Department shall review such applications and make recommendations to the Subdivision Review Board regarding major subdivisions, including the recommendations of other affected agencies of government. The Subdivision Review Board shall take action as provided herein.
- (C) Each application for plat approval shall contain the name and address of a person to whom notice of the meeting at which this plat is to be considered may be sent. Notice to other parties in interest or nearby property owners may be given as directed by the Subdivision Review Board.

(Ord. §92.4 passed 1-26-2007)

§152.114 TIMING OF ACTIONS.

- (A) Subdivision Review Board action upon an application for approval of a preliminary plat, and for approval of a Final Plat shall be taken within 30 calendar days after acceptance of the application by the Planning Department, unless the applicant consents in writing to an extension of this time limit.
- (B) If the Subdivision Review Board or Planning Department determines that there are errors or omissions in the application, plat or related materials during the processing period indicated, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written indication as to required correction and/or completion prior to resubmission. A new 30 day period shall begin as of the date of acceptance of such resubmission. Where applications are approved unconditionally, that approval shall be indicated in writing on the plat by the Chairman of the Subdivision Review Board. The applicant shall be notified in writing by the Town Planning Department, on behalf of the Subdivision Review Board Chairman, of the approval and its date.
- (C) Where applications are approved with conditions, the planning staff on behalf of the Chairperson shall notify the applicant in writing of the conditions and the reasons therefore.

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GENERAL PROVISIONS

§ 153.001 PURPOSE, AUTHORITY AND ENACTMENT

- (A) For the purpose of promoting the health, safety, morals and the general welfare of the community, an ordinance regulating the uses of buildings, structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; the size of yards, courts and other open spaces; the location, height, bulk, number of stories and size of buildings and other structures, the density and distribution of populations creating districts of said purposes, and establishing the boundaries thereof; defining certain term used herein; providing for the method of administration, amendment and enforcement; providing penalties for violations; providing for a Board of Adjustment and defining the duties and powers of the Board; recalling conflicting ordinances; and for other purposes pursuant to the authority granted by the G.S. Chapter 160A, Article 19, Part 3.
- (B) The Town Council of the Town of Sawmills, in pursuance of the authority granted by state law, particularly G.S. Chapter 160A, Article 19, hereby ordains and enacts this chapter into law.
(Ord. Art 1, passed 2-19-2008)

§153.002 SHORT TITLE

This chapter shall be known as the "Zoning Code of the Town of Sawmills, North Carolina" and may be referred to as the "Zoning Code," and the map which is identified by the title "Official Zoning Map, Sawmills, North Carolina," may be known the "Zoning Map."
(Ord. Art. II, passed 2-19-08)

§153.003 INTERPRETATION AND APPLICATION OF CHAPTER

- (A) In interpreting and applying this chapter, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purposes of the Zoning Code. Except as herein provided, this chapter shall not be deemed to interfere with, abrogate, annul, or otherwise effect in any manner whatsoever any easements, covenants, or other agreements between parties. Whenever the provisions of this chapter impose greater restrictions upon the use of the land or buildings or upon the height of buildings or require a larger percentage of a lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this chapter shall govern, except as provided herein.
 - (B) No land, building, or structure shall be used, no buildings or structure shall be erected, and no existing building or structure shall be moved, added to, enlarged or altered except in conformity with this chapter.
- (Ord. Art. III, passed 2-19-2008)

§153.004 INTERPRETATION OF CERTAIN TERMS AND WORDS.

- (A) Words used in the present tense include the future tense.
 - (B) Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
 - (C) The word PERSON includes a firm, association, corporation, trust and company, as well as individual.
 - (D) The words USED FOR shall include the meaning DESIGNED FOR.
 - (E) The word STRUCTURE shall include the word BUILDING.
 - (F) The word LOT shall include the words PLOT, PARCEL, or TRACT.
 - (G) The word SHALL is always mandatory and not merely direction.
 - (H) The term CERTIFICATE OF ZONING COMPLIANCE shall include the term ZONING COMPLIANCE PERMIT.
 - (I) For any word or term not explained or defined by this Ordinance, the explanation and/or definition shall be first determined by definitions utilized by any county, state, or federal statutes, if a definition or explanation is not identified by the above method, refer to the most recent edition of *Webster's Dictionary* for an explanation or definition.
- (Ord. Art VI, §60A, passed 2-19-2008)

§153.005 DEFINITIONS

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

ACCESSORY DWELLING. A dwelling unit that is accessory, supplementary, and secondary to the principal **DWELLING UNIT** that may be constructed as an addition to the principal structure or as an accessory building.

ACCESSORY STRUCTURE. A structure incidental and subordinate to the principal structure and located on the same parcel with such principal structure. Swimming pools (above and below ground) are **ACCESSORY STRUCTURES**. Items such as doghouses, bird houses, benches, picnic tables and the like are not considered **ACCESSORY STRUCTURES**. Gazebos, covered picnic shelters, and the like are not considered **ACCESSORY STRUCTURES** except for meeting setback requirements. When the term **ACCESSORY BUILDING** is used in this chapter, it shall be interpreted to mean **ACCESSORY STRUCTURE** as defined herein. Tractor trailers, manufactured homes, and storage pods may not be used as **ACCESSORY STRUCTURES** in the residential zoning districts unless the property has a minimum lot size of two acres.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same parcel with such principal use. In no instance shall an **ACCESSORY USE** be used as principal use. Furthermore, in no instance shall an **ACCESSORY USE** be placed upon a parcel which is absent of a principal use.

ADULT ESTABLISHMENTS. A land-use which is established for the explicit purpose of adult entertainment.

(1) The following items represent but are not limited to, examples of **ADULT ESTABLISHMENTS**:

ADULT ARCADE. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or other similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, DVD's or other photographic or digital reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT BOOKSTORE. An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, DVD's, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specialized sexual activities or specified anatomical areas; or instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT CABARET. A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, DVD's, slides, or other photographic or digital reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT MOTION PICTURE THEATER. An establishment where, for any form or consideration, films, motion pictures, video cassettes, DVD's, slides or other similar photographic or digital reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

ADULT THEATER. A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities. (See division (2) of this definition for the definition of specified sexual activities or specified anatomical areas.)

MASSAGE PARLOR. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where a massage or similar manipulation of the human body is offered as an incidental or accessory service.

SEXUAL ENCOUNTER ESTABLISHMENT. An establishment other than a hotel or motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

(2) (a) **SPECIFIED ANATOMICAL AREAS.** As used herein, specified anatomical areas means and includes any form of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals even if completely and opaquely covered.

(b) **SPECIFIED SEXUAL ACTIVITIES.** As used herein, includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in divisions 1 through 3 of this definition.

(3) An establishment where a person appears in a state of nudity as part of a modeling class will not be construed as an **ADULT ESTABLISHMENT** if the establishment is operated:

(a) By a proper school, licensed by the state; a college, junior college, or university accredited by a nationally recognized accreditation authority; and

(b) In a structure:

1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
2. Where, in order to participate in the class, a student must enroll at least three days in advance of the class; and
3. Where no more than one model is nude at any one time.

ALLEY. A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERNATIVE STRUCTURE. A structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. **ALTERNATIVE STRUCTURES** include, but are not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

ANTENNA. Any exterior transmitting or receiving device which radiates or captures electromagnetic waves (excluding radar signals).

ANTENNA, CONCEALED. An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view, in a manner appropriate to the site's context and surrounding environment. Examples of **CONCEALED ANTENNAS** include but are not limited to manmade trees, clock towers, flag poles, light structure, steeples, camouflage painting and similar objects.

ANTENNA, DUAL-BAND/MULTI-BAND. An antenna with separate elements for two or more commercial wireless service frequency bands (example: cellular and PCS or specialized mobile radio).

AUTOMOBILE SALES LOT. A land use which utilizes a parcel of property for the storage, open or concealed, and sale of new and/or used automobiles.

AUTOMOBILE REPAIR. A facility which is operated for the purpose of repairing and/or reconstructing automobiles.

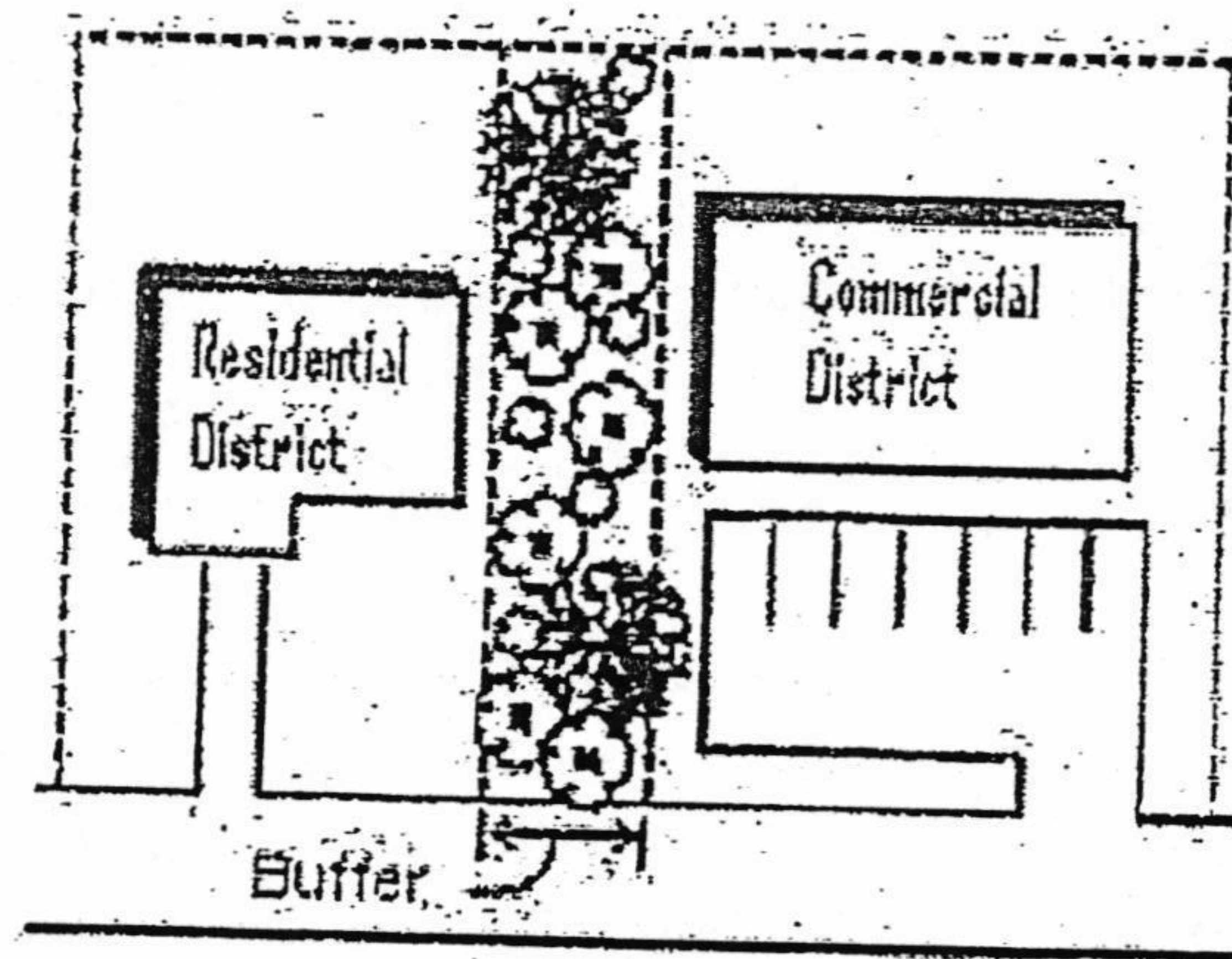
AUTOMOTIVE CAR WASH/DETAIL SHOP. A facility where either the owner of an automobile or an employee of the establishment cleans automobiles.

BACKYARD WORKSHOP. A home occupation which is conducted within an accessory structure.

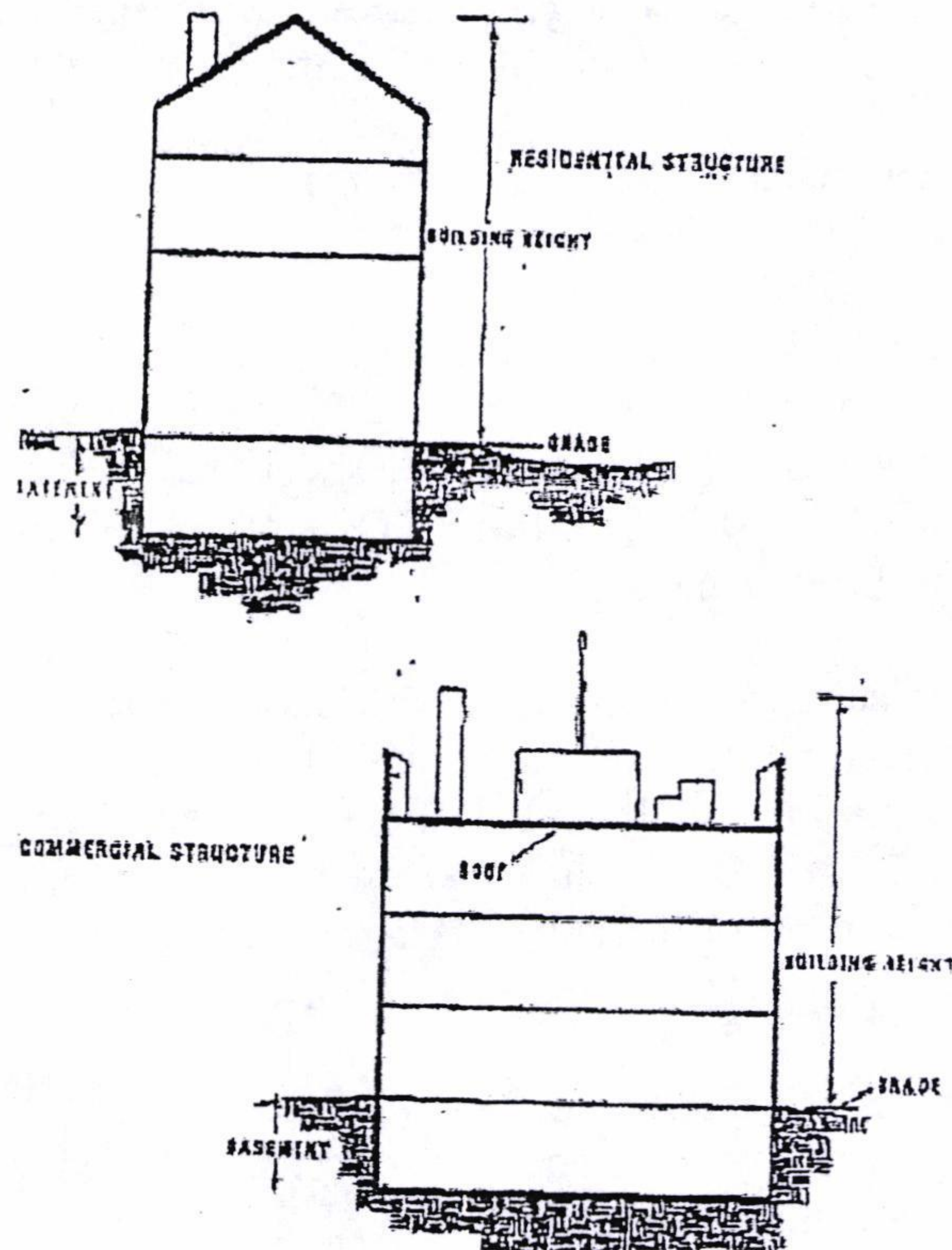
BED AND BREAKFAST INN. An owner-occupied dwelling unit which provides for short-term lodging accommodations (less than thirty days), with or without meals, for compensation.

BILLBOARD. An off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

BUFFER. A method, perpetually maintained, by which a view of one zoning district is shielded, concealed or hidden by a visual block which is constructed or preserved upon the site. When existing vegetation is present such vegetation shall be preserved for buffering purposes.



BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished lot grade at the front building line to the highest point of the roof beams adjacent to the front of the wall in the case of a flat roof, to the average height of the gables in the case of a pitched roof, and to the deck line in the case of a mansard roof.



BUMPER OVERHANG. The distance measured from the outermost portion of the curb stop forward which is intended to allow area for the portion of the vehicle that protrudes forward or backward beyond the wheels of said vehicle so that said vehicle does not protrude into any vertically adjoining parking stalls.

BUSINESS SIGN. A sign which directs attention to goods, commodities, products, services, or entertainment sold or offered upon the premises where the sign is located.

CAMPGROUND. An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character. In no instance shall a **CAMPGROUND** be used for permanent residency.

CANOPY. An attached structure which provides shelter.

CELLAR. A story having more than one-half of its height below the average level of the adjoining ground. A **CELLAR** shall not be counted as a story for purposes of height measurement.

CEMETERY, COMMERCIAL. A facility not used in conjunction with a church or similar place of worship, which is used for the burial, above or below ground, of deceased human beings or animals.

This definition includes columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the commercial cemetery.

CLINIC. An establishment where patients are admitted for special study and/or treatment by one or more licensed practitioners in medically related arts.

CLUSTER DEVELOPMENT. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. **CLUSTER DEVELOPMENTS** shall be developed utilizing the identical standards placed upon Planned Unit Developments.

CO-LOCATION. The placement of additional antennas of antenna arrays on an existing or approved telecommunications tower (or alternative structure), the sharing of an antenna or antenna array, or otherwise sharing a common location by two or more commercial wireless service providers of personal wireless services. **CO-LOCATION** includes antennas, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other support equipment or improvements located on the tower site.

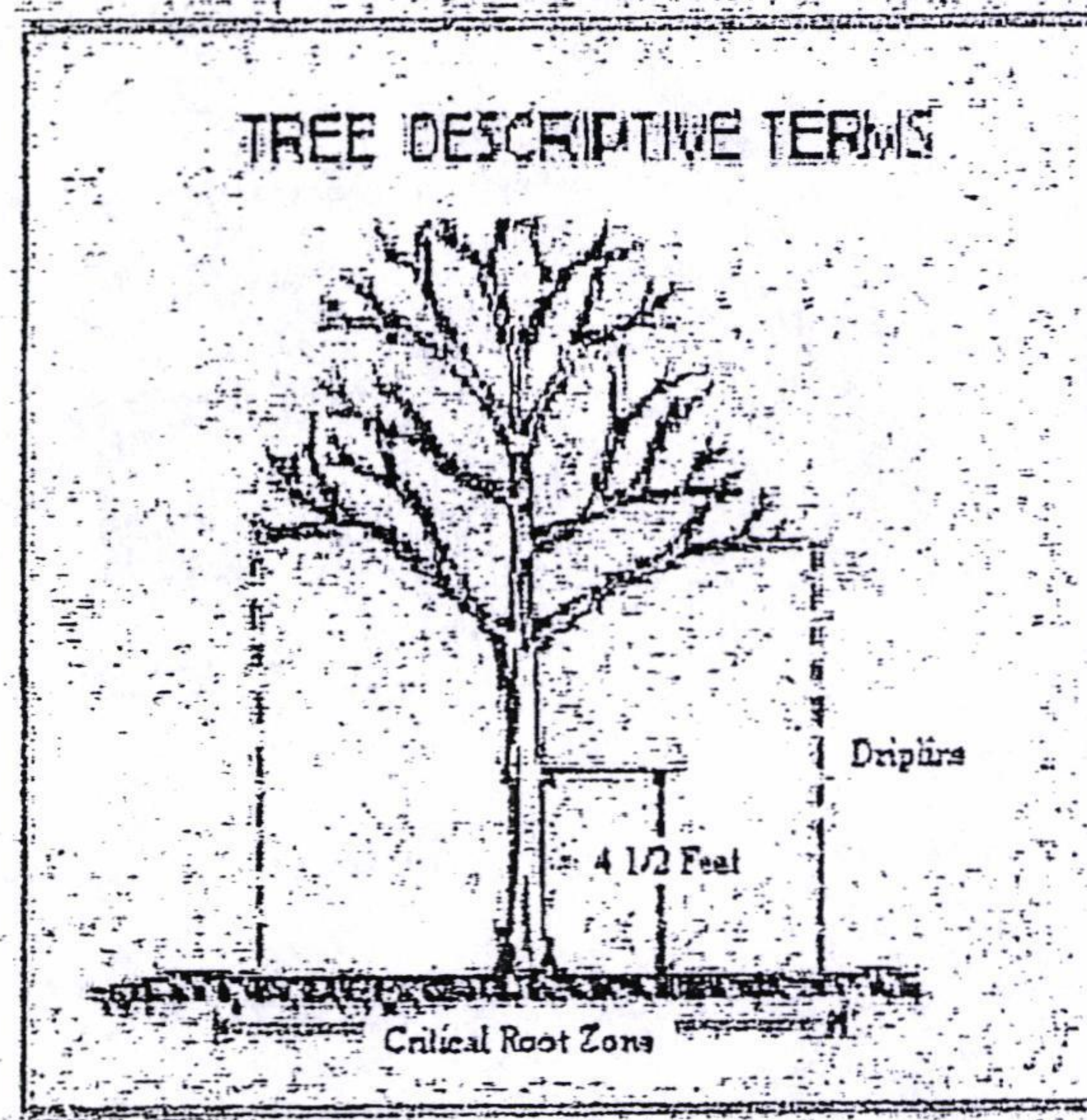
COMMERICAL WIRELESS SERVICE PROVIDER. Persons who operate radio systems requiring an FCC license and who employ those facilities to provide fixed wireless (including microwave) or mobile wireless communication services to third parties for compensation. **COMMERICAL WIRELESS SERVICE PROVIDERS** include, but are not limited to cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and competitive local exchange carriers (CLEC) utilizing point-to-multipoint microwave.

CONDITIONAL USE PERMIT. A permit granted by the Board of Adjustment after the Board holds a quasi-judicial public hearing. Such a permit authorizes a use, the nature of which, would not be appropriate generally throughout the zoning district but which, if regulated as to number, size, location or relation to the neighborhood, would not hinder the public health, safety, and general welfare. Each district shall have a list of conditional uses which could be authorized within such district. If a conditional use is not listed in the subject district then it is prohibited. Conditions outlined by the Ordinance may not be modified and/or omitted by the Board of Adjustment. Additional conditions which are not listed in the Ordinance may be added to the **CONDITIONAL USE PERMIT** by the Board of Adjustment.

CONDOMINIUM. A group of dwelling units as defined by the North Carolina Condominium Act.

CONGREGATE HOUSING. A structure or group of structures containing two or more dwelling units and rooming units limited in occupancy and occupied by persons, their spouses, or surviving spouses, except for rooms or units occupied by resident staff personnel, providing on-site, conveniently located, shared food preparation services and major dining areas, and common recreational, social, and service facilities for the exclusive use of all residents. This definition shall include **REST HOME**.

CRITICAL ROOT ZONE (CRZ). A circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained in order for the tree's survival. The CRZ is one foot for every inch of tree diameter measured at four and one-half feet above grade, with a minimum of eight feet. Each **CRZ** shall be clearly marked and surrounded a means of adequate protection.



CURB STOP. A barrier which prohibits the through access of a parking stall.

CUSTOMARY HOME OCCUPATION. Any use conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

DAY CARE. An agency, organization, or individual providing daytime care of six or more persons not related by blood or marriage to, or not the legal wards or foster children, of the attendant adult.

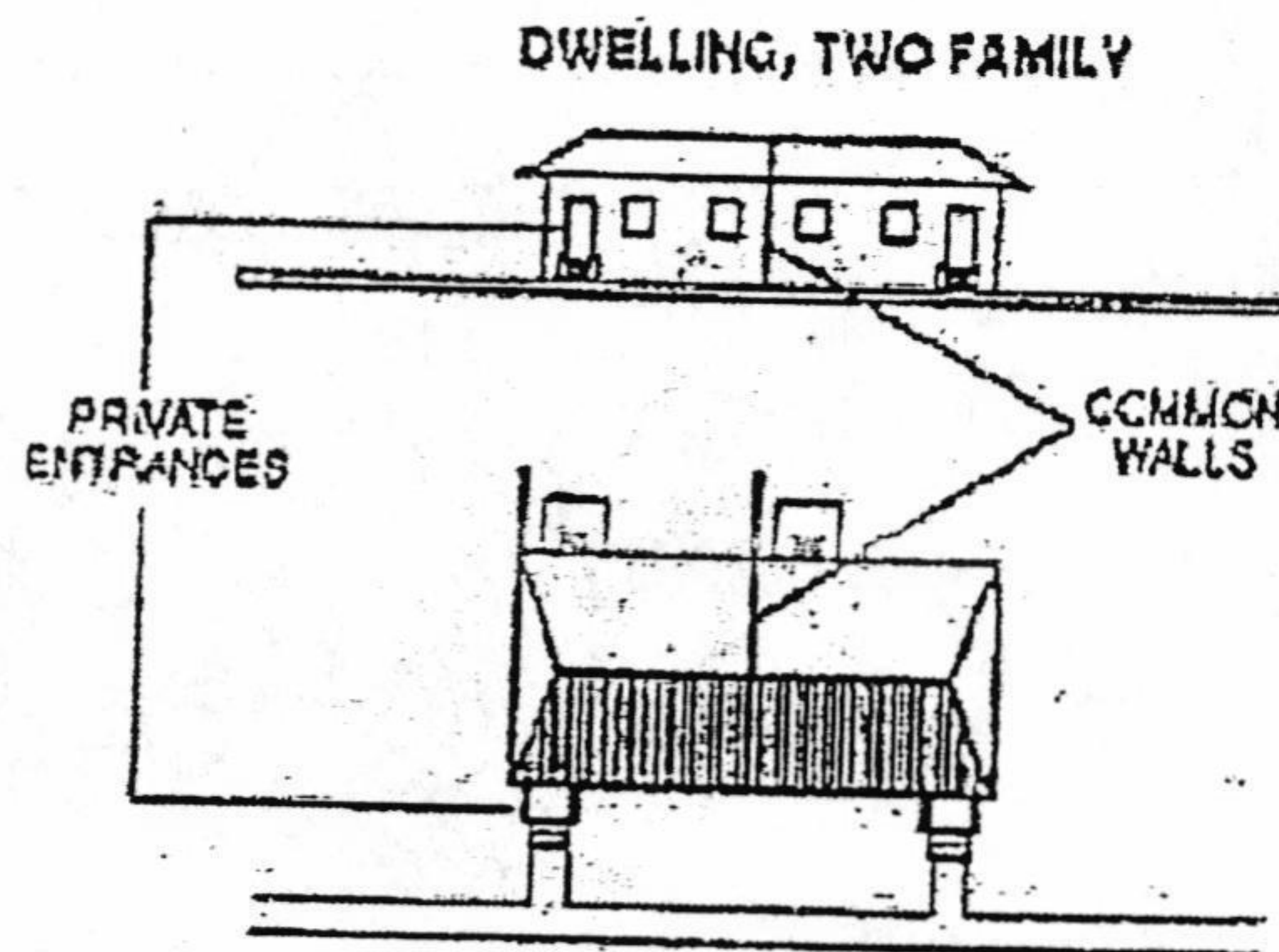
DEVELOPMENT. Any land disturbing activity which changes the natural character of the land area.

DISCERNIBLE. Capable of being distinguished with the eye or mind from its surroundings. As way of example and not limitation, a telecommunications tower on a hill.

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one family. The term **DWELLING UNIT** shall not be deemed to include a motel, hotel, tourist home, or other structure designed for transient residence.

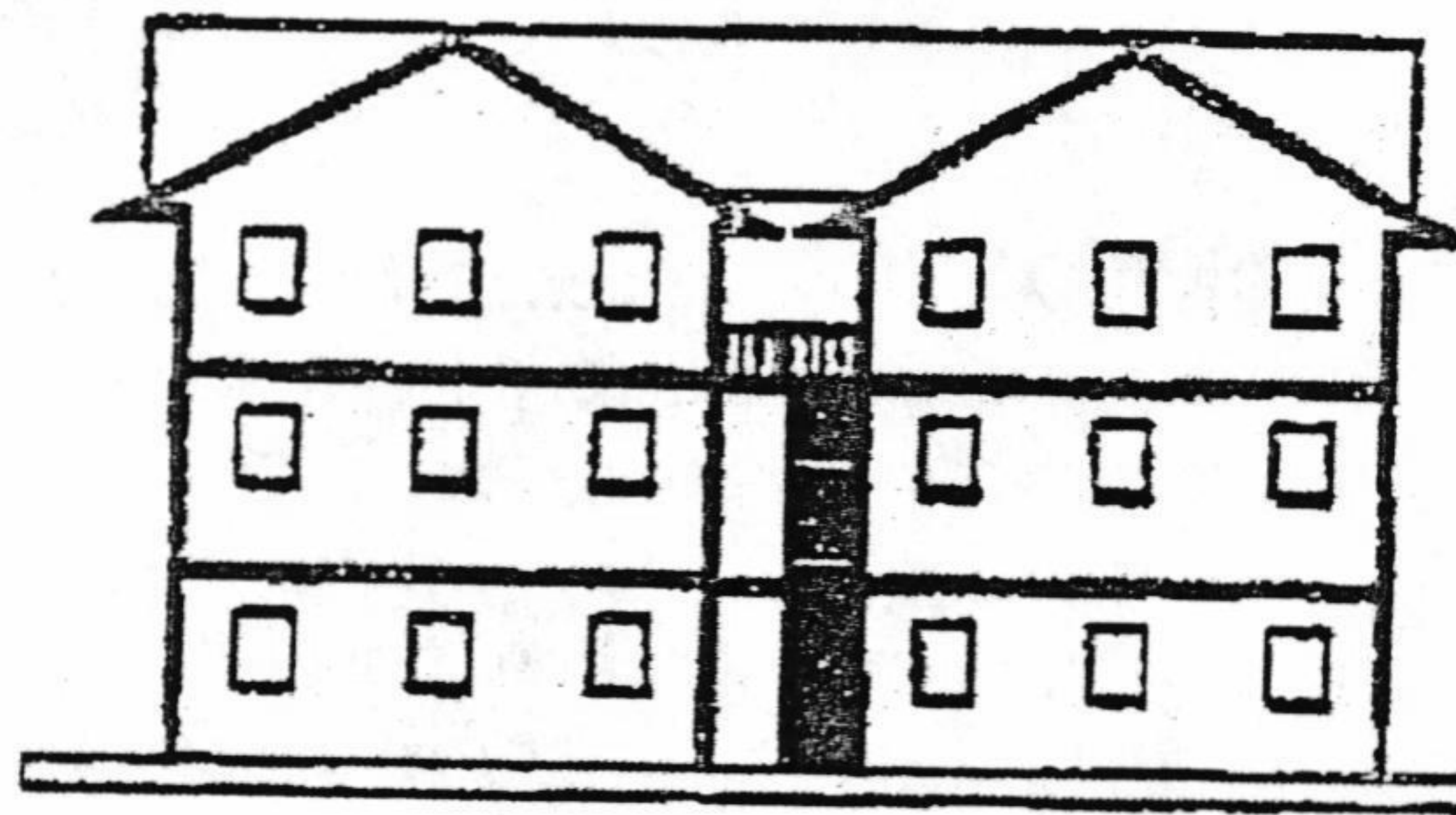
DWELLING, SINGLE- FAMILY. A building designed for and containing one dwelling unit.

DWELLING, TWO FAMILY. A building designed for and containing two dwelling units.



DWELLING, MULTI-FAMILY. A building designed for and containing three or more dwelling units.

Dwelling, multi-family



ELECTRIC TRANSMISSION TOWERS. Metal towers used to suspend wires transporting electricity between generating plants and substations supplying electricity to distribution and feeder lines.

EQUIPMENT ENCLOSURE. A building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories at a wireless telecommunication facility.

EXISTING DEVELOPMENT. Those projects which are built or those projects that has established a vested right under GS §160A-385.1, as amended, as of the effective date of this Ordinance based on at least one of the following criteria:

- (1) Building permits have been issued pursuant to GS §160A-417 prior to the enactment of this chapter or amendments so long as the permit(s) remain valid and unexpired pursuant to GS §160A-418 and unrevoked pursuant to GS §§160A-421 and 160A-422; or
- (2) A vested right has been established pursuant to GS §160A-385.1 and such vested right remains valid and unexpired pursuant to GS §160A-385.1 as subsequently amended.

FAA. Federal Aviation Administration.

FALL ZONE. An area around the base of a telecommunication tower required to be kept clear of buildings, other than equipment enclosures associated with the wireless telecommunication facility, to contain debris in the event of a tower structure failure.

FCC. Federal Communications Commission.

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose areas of land.

FLEA MARKET. A building or open area in which stalls or sales areas are set aside, rented or otherwise provided, and which are intended for use by individuals for the sale of goods.

FUNCTIONALLY EQUIVALENT SERVICES. FCC-licensed providers of commercial mobile radio services (CMRS) classified as cellular, personal communication services (PCS), paging, specialized mobile radio (SMR) and enhanced specialized mobile radio (ESMR).

GOVERNMENTAL USER. Federal, State or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

GRADE. An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FLOOR AREA. The total area of all buildings in the project including basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the main building such as boiler rooms and maintenance shops.

HAZARDOUS MATERIAL. Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (Oil & Hazardous Substances).

IMPOUNDED WATER BODY. A body of water, such as a lake, confined by a dam, dike, floodgate or other barrier. It is used to collect and store water for a public water supply.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product.

JUNK/SALVAGE YARD. An area where waste and/or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and

other metals, paper, rags, rubber tires, and bottles. An automobile junkyard or graveyard is also considered a **JUNK/SALVAGE YARD**.

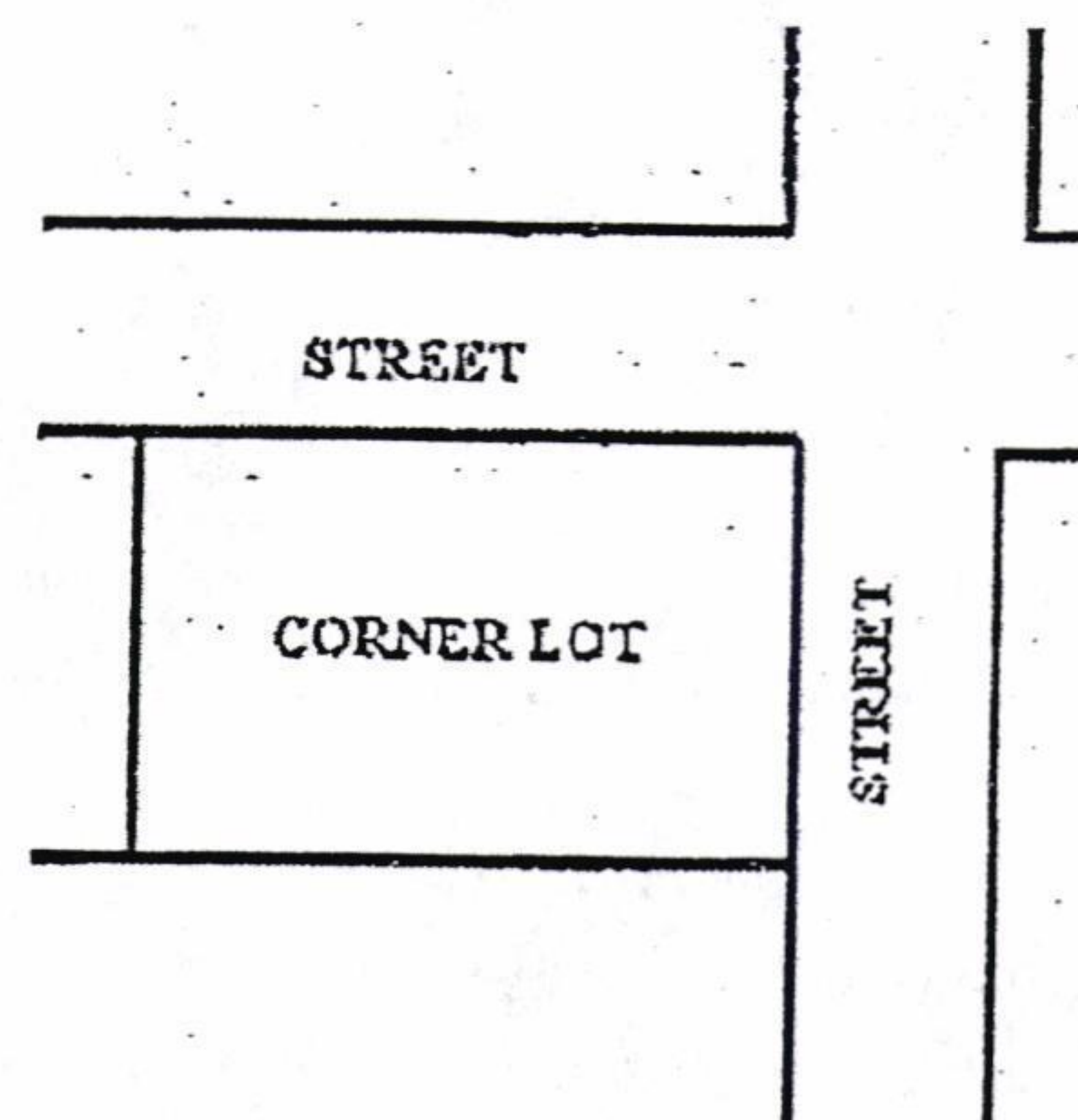
KENNEL/COMMERCIAL. Any location where boarding, caring for or keeping of more than a total of three dogs or cats or other small animals or a combination thereof (except litters of animals of not more than six months of age) is carried on, and also raising, breeding, caring for or boarding dogs, cats, or other small animals for commercial purposes.

KENNEL, NONCOMMERCIAL. Any location where the boarding, caring for and keeping of more than three but not more than ten dogs or cats or other small animals or combination thereof (except litters of animals of not more than six months of age) is carried on, not for commercial purposes, but as a hobby such as the raising of show and hunting dogs.

LIFE CARE FACILITY. A health facility where persons are housed and furnished with meals and continuing health care for compensation. This term shall not include congregate housing, but shall include the term **NURSING HOME**.

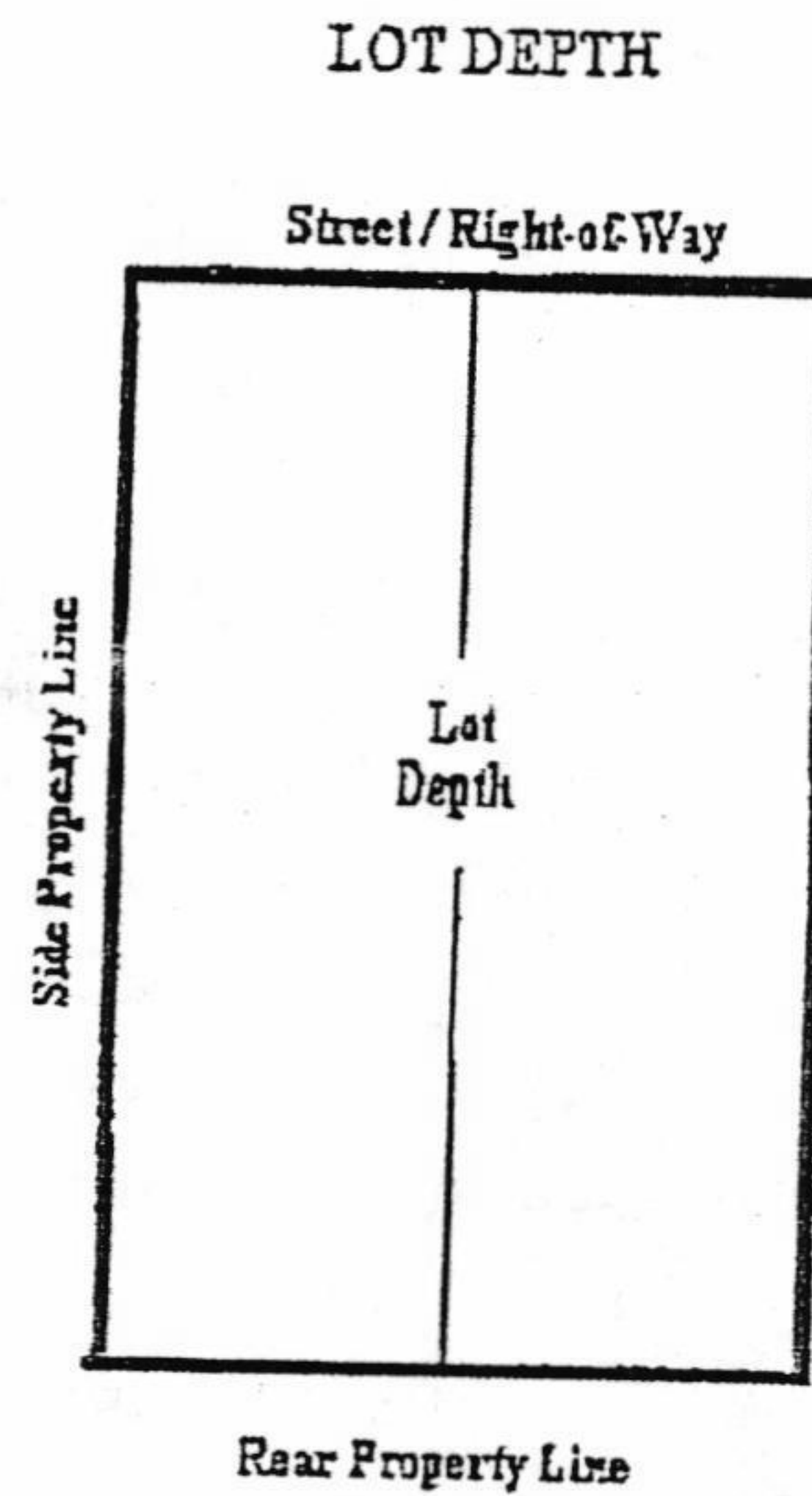
LOT. A parcel of land occupied or capable of being occupied by a building, group of buildings, or specific use devoted to a common use, together with the customary accessories and open spaces belonging to the same.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.



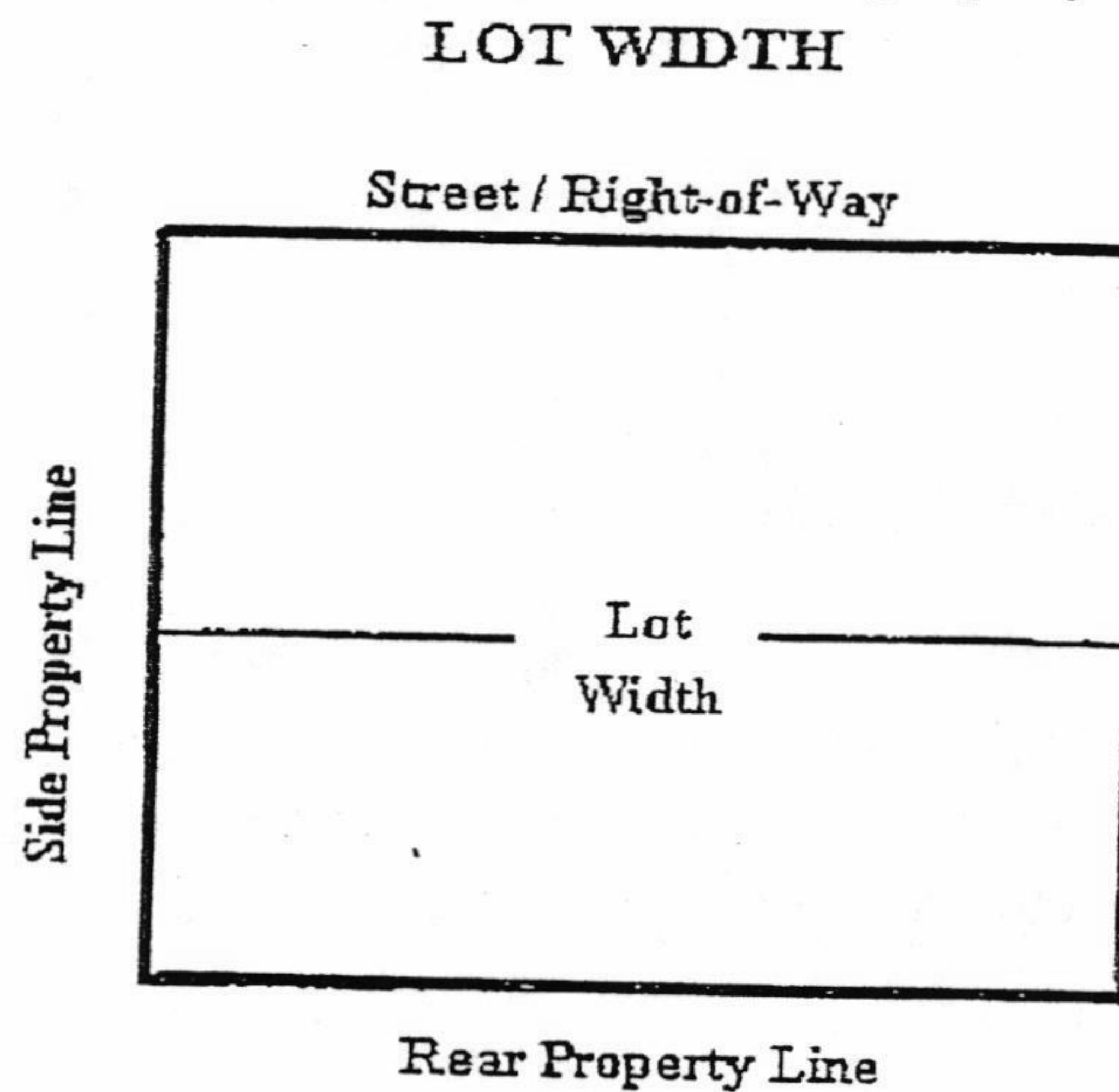
LOT COVERAGE. The percentage of a lot which may be covered by impervious surfaces. For the purposes of this definition compacted gravel and stone shall be included as impervious surface.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.



LOT OF RECORD. A lot which meets all applicable development requirements of the town and has been properly recorded with the County Register of Deeds. Lots recorded prior to the adoption date of this chapter shall be given grandfather status.

LOT WIDTH. The mean horizontal distance between the side property lines.



MANUFACTURED HOME. A structure transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 feet or more in length or when erected on site is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, including plumbing, heating, air conditioning and electrical systems contained therein. Such units shall also comply with the National Mobile Home Construction and Safety Standards adopted by the U.S. Department of Housing and Urban Development and meet the Appearance Criteria established by this Ordinance. This term shall also include the term **MOBILE HOME**. (See GS §160A-383.1, as subsequently amended.) In accordance with state requirements (*North Carolina State Manufactured Housing Code*, 1995 Edition/1996 Revision), a **MANUFACTURED HOME** shall not be permitted as an accessory structure.

MANUFACTURED OR MOBILE HOME PARK. Any place or tract of land maintained, offered or used for the parking of two or more manufactured homes for rental or lease and used or intended to be used for living or sleeping quarters.

MATURE VEGETATIVE CANOPY. The more or less continuous cover of branches and foliage which have reached their mature height formed collectively by the crowns of adjacent trees that have reached their mature height.

MODIFICATION. The addition, removal, repositioning (other than down tilt adjustments), alteration or other material change in the number or type of antennas employed in a wireless telecommunications facility; changes in the height, size, shape or appearance of telecommunications towers; and increase in the number or size of equipment enclosures or other improvements at an existing or approved wireless telecommunication facility.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the *North Carolina State Residential Building Code*, as amended, and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A **MODULAR HOME** shall consist of two or more sections transported to the site on a truck and erected or joined together on the site.

MODULE. The distance, measured parallel from curb to curb, of the interior of a parking facility. This measurement shall include the parking aisle and the parking stalls.

MOTEL/HOTEL. A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation.

NONCONFORMING. A lot, structure, sign, or use of land or structure which is currently prohibited under the terms of this Ordinance.

NONCONFORMING LOT. A lot of record that does not conform to the dimensional requirements of the district in which it is located. The nonconformity may result from adoption of this chapter or any subsequent amendment.

NONCONFORMING STRUCTURE. A structure that does not conform to the dimensional, height, elevation, location, appearance standards, or other requirements of this chapter. The nonconformity may result from adoption of this chapter or any subsequent amendment.

NONCONFORMING USE. A use which does not conform to the use regulations of this chapter for the district in which it is located, at the effective date of this chapter.

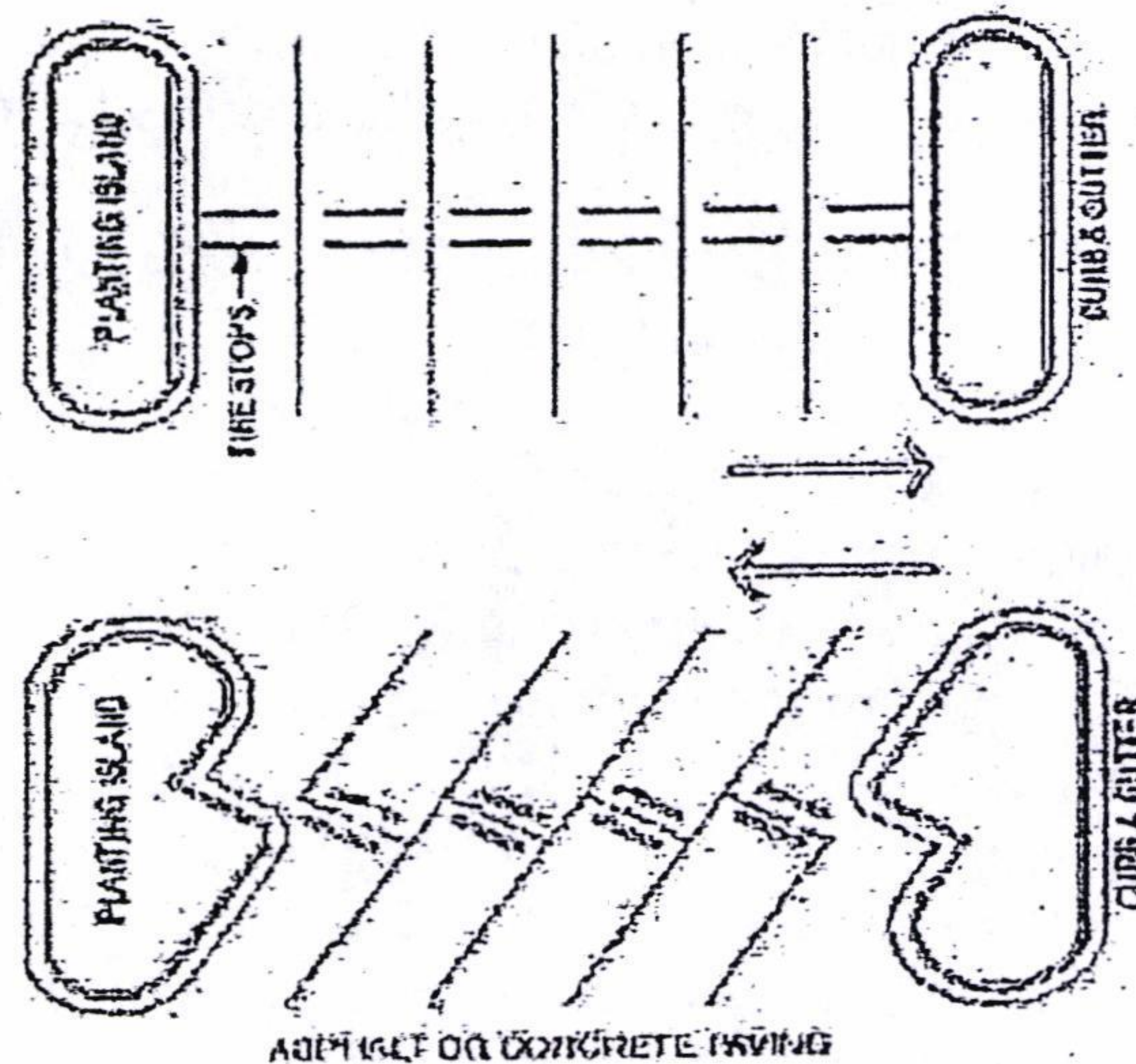
NURSING HOME. A home for aged or ill persons in which three or more persons not of the same immediate family are provided with food, shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

OPEN SPACE. Property within a development or contained on an individual parcel, which is designated by a permanent reservation to remain undeveloped, for the purpose of providing areas for recreation and/or conservation.

OPEN STORAGE. Unroofed storage area, whether fenced or not.

PARKING AISLE. The area, parallel to curb stops, which automobile traverse in order to utilize parking stalls.

PARKING LOT. Any designated area designed for temporary accommodation of motor vehicles of the motoring public in normal operating condition, whether for a fee or as a service.



PARKING SPACE/STALL. A storage space for a motor vehicle or motorcycle.

PERSON. Any individual, partnership, limited partnership, company, corporation, trust, estate, agency, association or other legal entity and their successors and assigns.

PHASED DEVELOPMENT PLAN. A plan which has been submitted to the county for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the Town to be a site specific development plan.

PLANNED UNIT DEVELOPMENT (PUD). A form of development characterized by a unified site design for a number of structures, clustering of buildings and providing common open space, density increases, and a mix of building types. It permits the planning of a project and a calculation of densities over the entire development rather than on an individual lot-by-lot basis. Such development shall be based on a plan which allows for flexibility of design not available under normal district requirements.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which said building is situated.

PRINCIPAL STRUCTURE. A structure in which is conducted the principal use of the lot on which said building is situated.

PRINCIPAL USE. The primary use of a lot or structure.

PRIVATE BUSINESS USER. Persons who operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services to third parties for compensation.

PROTECTED MOUNTAIN RIDGE. A ridge at or above 3,000 feet with an elevation of 500 feet or more above the elevation of an adjacent valley floor.

PUBLIC SERVICE FACILITY. The use of land, buildings, or structures by a municipal or county agency to provide protective, administrative, maintenance and social services for the general public, including water treatment plants, sewage treatment plants, resources recovery facilities, parks and recreation facilities, police and fire stations, municipal buildings, community centers and other similar public structures and facilities.

RECREATIONAL VEHICLE PARK. Any lot of land upon which one or more recreational vehicles sites are located, established, or maintained for occupancy by recreational vehicles for the general public as temporary living quarters for recreation or vacation purposes. In no instance shall a recreational vehicle be used as a permanent residence.

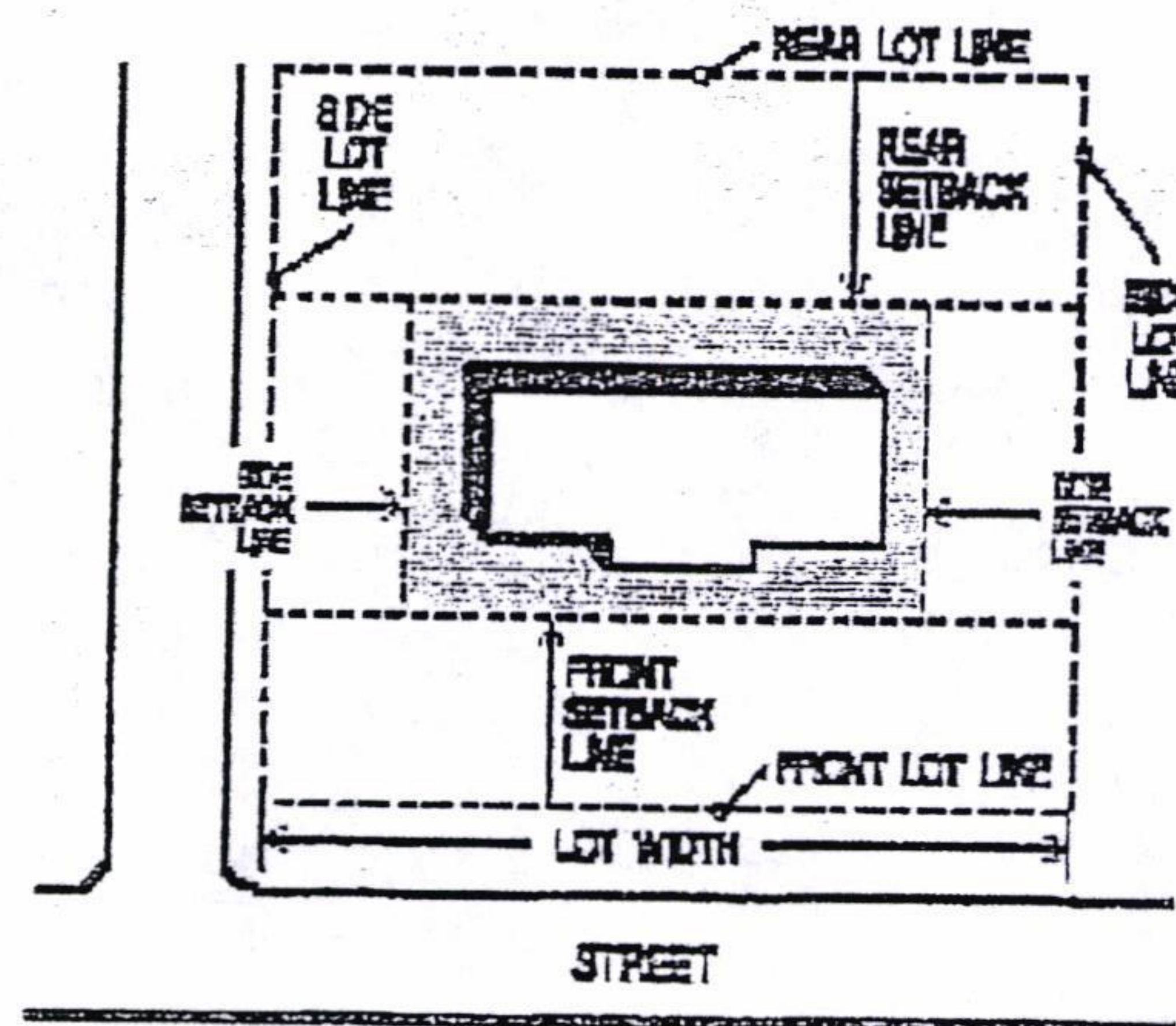
REPLACEMENT TOWER. A telecommunications tower intended to replace an existing approved tower where the replacement tower is:

- (1) At or within 50 feet of the existing tower base, and
- (2) No higher than the existing tower.

RIDING STABLE. Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, and riding schools. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

RIDGE. The elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain, and includes all land within 100 feet below the elevation of any portion of such line or surface along the crest.

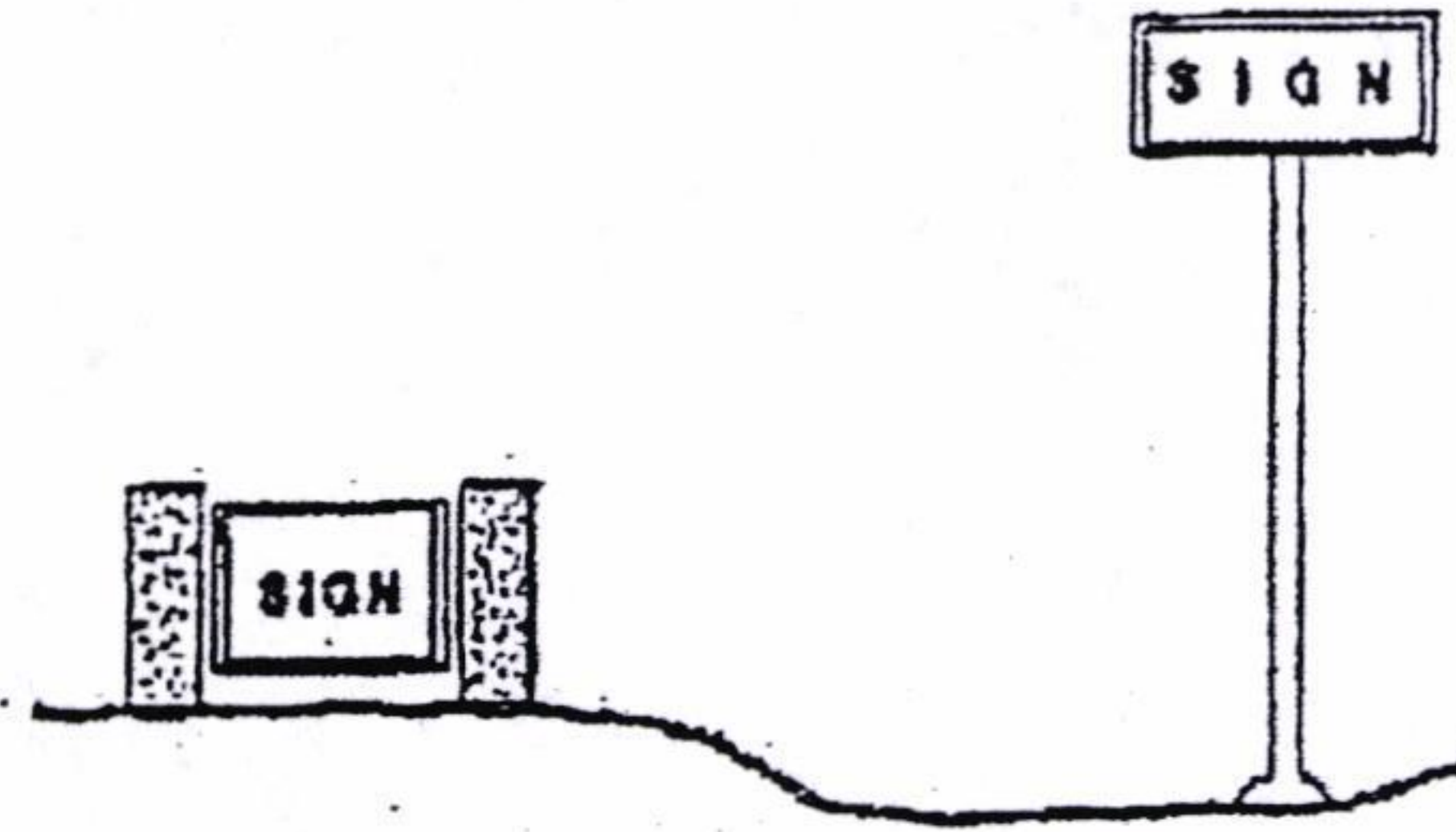
SETBACK. The minimum distance that a structure can be constructed or erected in relation to property and/or right-of-way lines, excluding any uncovered porches, patios, steps, gutters and similar fixtures. Front yard **SETBACKS** shall be measured from the outermost edge of the dedicated right-of-way. In the event the lot in question does not directly abut upon a dedicated right-of-way, the front yard **SETBACK** shall be measured from the property line or outermost edge of any access easement. In the case of a corner lot the applicant of the Zoning Compliance Permit shall state which frontage is intended to serve as the front yard.



SEWER, PUBLIC / TRADITIONAL MUNICIPAL. System approved by the County Department of Environmental Health and Town Engineer that provides for multiple unit treatment. Such systems as municipal sewer, community drain fields, spray irrigation, drip irrigation, pressurized underground systems and similar systems recognized by the County Department of Environmental Health. The following are exclusively prohibited: package treatment plant or individual lot septic drain field systems.

SEWER SYSTEM, INDIVIDUAL. An individual septic tank system of sewage disposal. Individual sewage disposal systems must be installed and maintained in accordance with the Division of Health Services, North Carolina Department of Human Services *Rules and Regulations Governing the Disposal of Sewage from any Residence, Place of Business or Place of Public Assembly in North Carolina* and the regulations of the County Board of Health.

SIGNS. Any form of publicity, visible from any public highway directing attention to an individual activity, business, service, commodity or product. The publicity can be conveyed by means of words,



SIGN, INTERNALLY ILLUMINATED. Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered **INTERNALLY ILLUMINATED SIGNS**.

SIGN, OFF-SITE. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the site where the sign is located.

SIGN, ON-SITE. A sign that draws attention to or communicates Information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the site where such sign is located.

SIGN, PORTABLE. Any sign not permanently affixed to the ground or to a structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract attention of the motoring or pedestrian traffic.

SIGN, ROOF. A sign which is higher than the roof to which it is attached. Signs attached to the lower slope of a roof or attached to a parapet wall above a flat roof are considered wall signs. Signs on mansard or canopy roofs are considered wall signs.

SIGN, TEMPORARY. A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

SIGN, WALL. See Sign. Roof.

SINGLE FAMILY RESIDENTIAL DEVELOPMENT. Any development where:

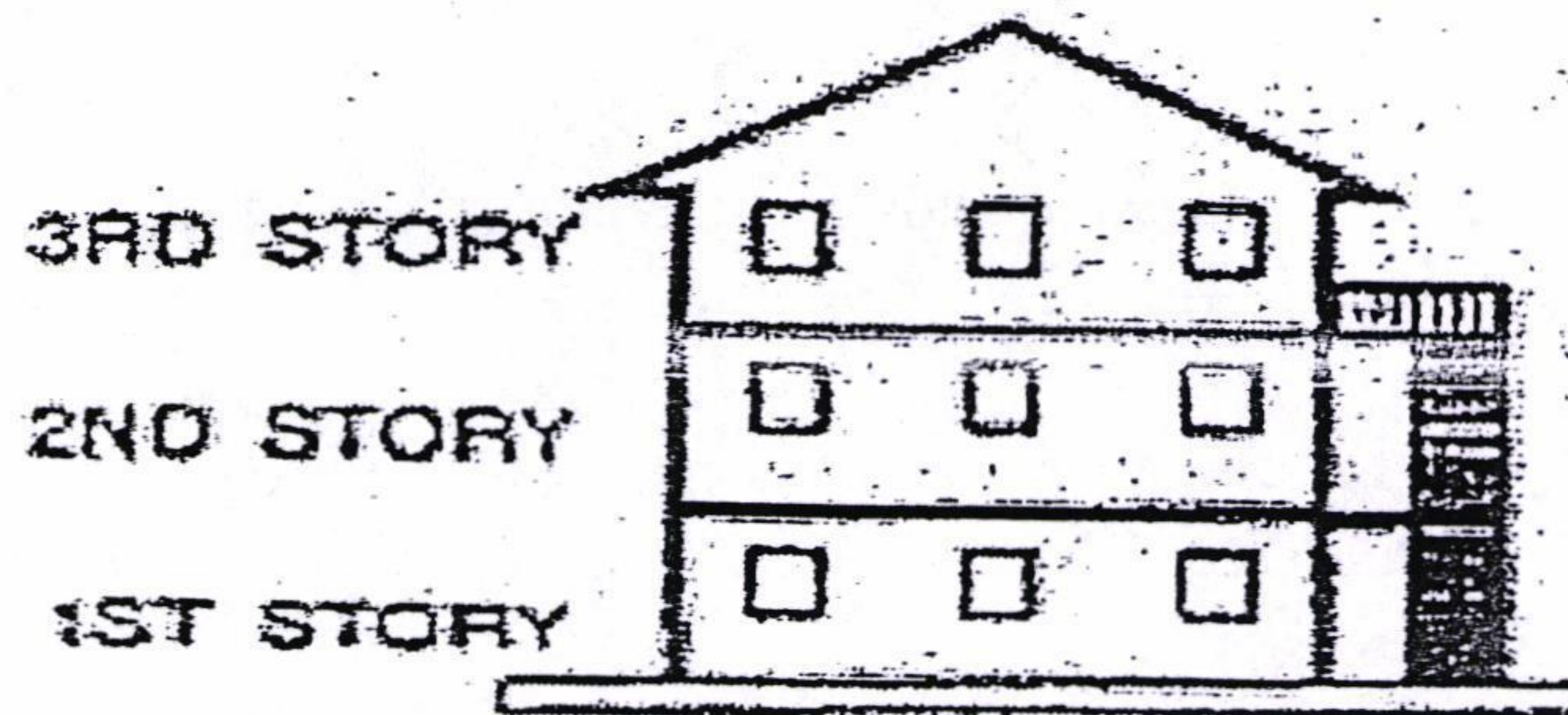
- (1) No building contains more than one dwelling unit;
- (2) Every dwelling unit is on an individual lot; and
- (3) Where no lot contains more than one dwelling unit.

SITE SPECIFIC DEVELOPMENT PLAN. A plan which has been submitted to the Town describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

- (1) The plan may be in the form of but not limited to any of the following plans or approvals:
 - (a) A planned unit development plan;
 - (b) A subdivision plat;
 - (c) A conditional use permit; or
 - (d) A zoning compliance permit.
- (2) Unless otherwise expressly provided by the Town such plan shall include the approximate boundaries of the site; significant topographical features; the approximate location of any proposed structures; the approximate dimensions, including height, of any proposed structures; the approximate location of existing and proposed infrastructure on the site, including but not limited to water, sewer, roads and pedestrian walkways.
- (3) A variance shall not constitute a **SITE SPECIFIC DEVELOPMENT PLAN**, and approval of a **SITE SPECIFIC DEVELOPMENT PLAN** with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels or property shall constitute a **SITE SPECIFIC DEVELOPMENT PLAN**.

SPECIAL USE PERMIT. A permit issued by the Town Council after said Council has held a public hearing. **SPECIAL USE PERMITS** may be issued within any of the use districts outlined in this Ordinance. Such a Special Use shall only be allowed within districts to which the **SPECIAL USE PERMIT** is to correspond. By way of example and not limitation, within an RA-20 District an NB-SU permit may be issued for a site-specific development proposal for any use permitted by right with an ordinary NB District. The development proposal authorized by a **SPECIAL USE PERMIT** shall comply with all provisions of the corresponding district. Additional conditions may not be added onto any **SPECIAL USE PERMIT**.

STORY. That portion of a building comprised between a floor and the floor next above. The first floor of a two or multi-story building shall be deemed the STORY that has no floor immediately below it that is designed for living quarters or for human occupancy. Those **STORIES** above the first floor shall be numbered consecutively.



STREET. A dedicated right-of-way for vehicular traffic which affords the principal means of access abutting properties. (Also see Town Subdivision Regulations set forth in Chapter 152 which are incorporated here by reference.)

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or which is attached to something having more or less permanent location on or in the ground.

STRUCTURAL ALTERATIONS. Any change on the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any structural change in the roof, or dimensions or the rooms therein.

SUBDIVISION. See Town Subdivision Regulations set forth in Chapter 152 which are incorporated here by reference.

SURFACING MATERIAL. A material whose natural characteristics provide a hard, nonflexible, rigid, and relatively flat groundcover. Examples include but are not limited to concrete and asphalt. Gravel shall not be considered a **SURFACING MATERIAL**.

TELECOMMUNICATIONS TOWER. Any tower, pole or similar structure 20 feet or more in height, used to support one or more antennas.

TOWER BASE. The foundation, usually concrete, on which the telecommunications tower is situated. For measurement calculations, the **TOWER BASE** is the actual or geometric center of the tower.

TOWER HEIGHT. The vertical distance measured from the tower base to the highest point on a telecommunications tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.

TOWER SITE. The land area which contains, or will contain, a proposed telecommunications tower, and related equipment enclosures and other equipment.

TREE, LARGE. A tree which has an expected height at maturity of at least 35 feet. These types of trees shall at the time of planting have a diameter of at least two inches. The diameter shall be measured four and one-half feet above grade.

TREE, PROTECTED. Any tree located on a development site having a circumference of 30 inches or more measured four and one-half feet above natural grade.

TREE, SMALL. A tree which has an expected height at maturity of at least 15 feet. These types of trees shall at the time of planting have a diameter of at least one inch. The diameter shall be measured four and one-half feet above grade.

VARIANCE. A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

VETERINARY CLINIC. A facility whose practitioners are licensed by the state to treat diseased or injured animals.

VISIBLE. Capable of being seen by the unaided eye in daylight.

WATER SYSTEM, PUBLIC / TRADITIONAL MUNICIPAL. Water supply systems serving multiple connections are classified as a public water supply by State law. Plans and specifications must be approved by the Town Engineer and the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

WATER SYSTEM, SEMI-PUBLIC. Water supply systems serving from two to nine connections, inclusive. This system may be regulated by the County Board of Health, and plans should be approved by the Town Engineer and the County Health Department.

WATER SYSTEM, INDIVIDUAL. A drilled or bored well or spring which serves a single connection. Individual water supply systems should be located, constructed and operated in accordance with the Division of Health Services, North Carolina Department of Human Resources.

WATERSHED, CRITICAL. Refer to the Town Watershed Protection Ordinance, set forth in Chapter 155.

WATERSHED, PROTECTED. Refer to the Town Watershed Protection Ordinance, set forth in Chapter 155.

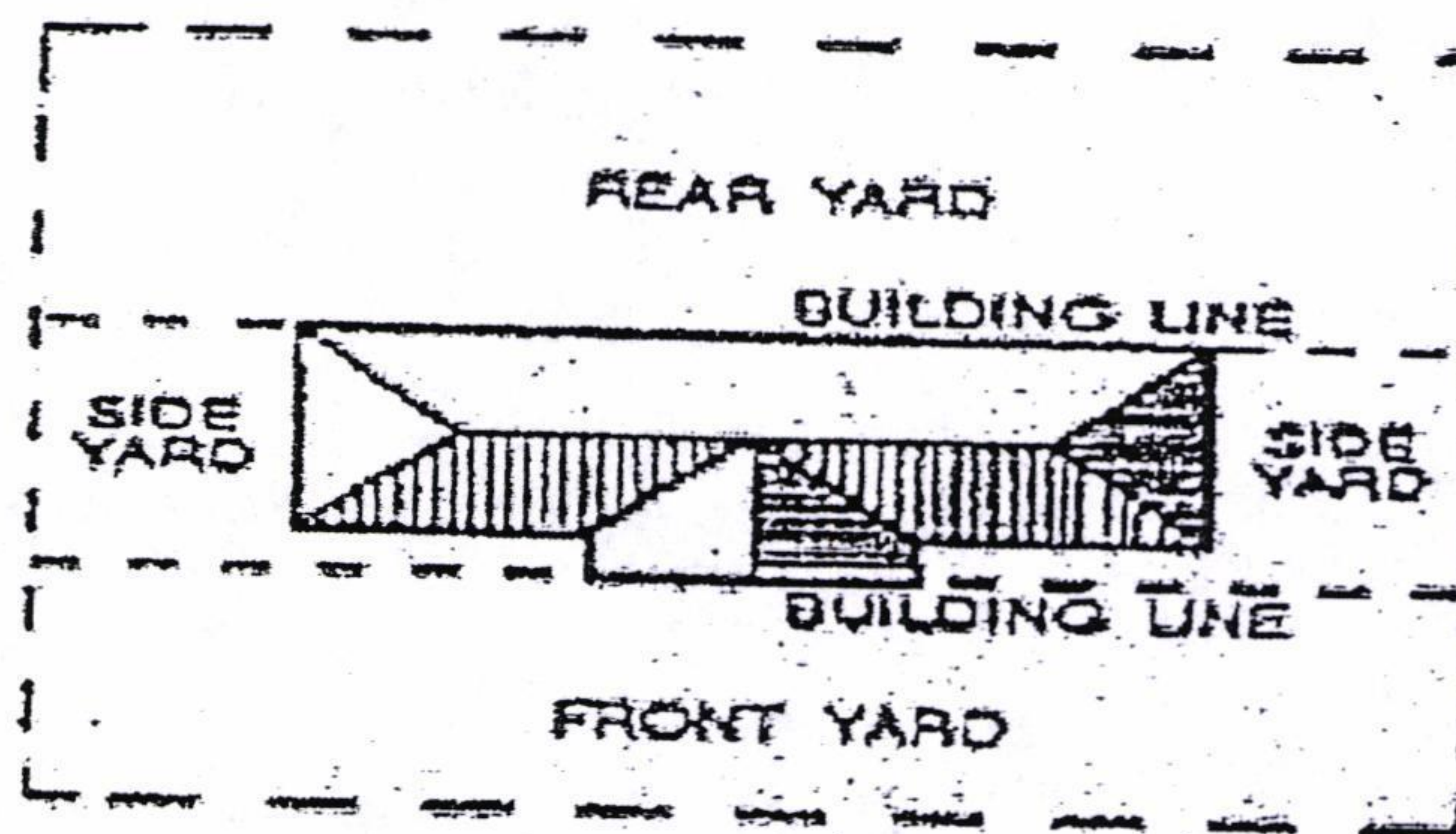
WIRELESS TELCOMMUNICATION FACILITY. Equipment at a single location used by a private business user, governmental user or commercial wireless service provider to transmit, receive or relay electromagnetic signals (including microwave). Such facility includes antennas or antenna arrays, telecommunications towers, support structures, transmitters receivers, base stations, combiners, amplifiers, repeaters, filter or other equipment; together with all associated cabling, wiring, equipment enclosures and other improvements.

YARD. The open space on the same lot with a principal building, or structure unoccupied and unobstructed from the ground upward.

YARD, FRONT. The open, unoccupied space on the same lot with a principal building or structure, between the front line of the principal building or structure (exclusive of uncovered porches, patios, steps, gutters and similar fixtures) and the front property line or street right-of-way line and extending across the full width of the lot.

YARD, REAR. The open, unoccupied space on the same lot with a principal building or structure, between the rear line of the principal building or structure (exclusive of uncovered porches, patios, steps, gutters and similar fixtures) and the rear property line and which extends the full width of the lot.

YARD, SIDE. The open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.



ZONING ADMINISTRATOR. Town official charged with the responsibility of enforcing this chapter.

ZONING PERMIT. Permit issued by the Zoning Administrator indicating that a proposed use is in compliance with requirements of this chapter.

(Ord. Art. VI, §60B, passed 2-19-2008; Ord. passed 8-16-2011)

APPLICABILITY

§153.015 JURISDICTION, TERRITORIAL APPLICATION

The provisions of this chapter shall be applicable to all property within the corporate limits of the town and to the extraterritorial jurisdiction as adopted by later resolution of the Town Council.
(Ord. Art. VI, §40A, passed 2-19-2008)

§153.016 BONA FIDE FARMS EXEMPT

The provisions of this chapter shall not apply to bona fide farms. This chapter does not exercise any control over crop lands, timber lands, pasture lands, orchards, idle or other farm lands, nor over any farm house, bam, poultry house, or other farm buildings including tenant or other houses for persons working on said farms, as long as such houses be in the same ownership as the farm and located on the farm. Such agricultural uses maintain the openness of the land and achieve the purposes of this chapter without the need for regulation. Residences for nonfarm use or occupancy and other nonfarm uses shall be subject to the provisions of this chapter.
(Ord. Art. V, passed 2-19-2008)

§153.017 OFFICIAL ZONING MAP

The districts established within the Zoning Code of the Town of Sawmills, North Carolina and shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted a part of this chapter. See the Appendix to this chapter.
(Ord. Art. V, passed 2-19-2008)

ESTABLISHMENT OF DISTRICTS

§153.030 USE DISTRICT NAMES.

For the purposes of this chapter, the town is hereby divided into seven use districts with the designations as listed below.

R-20 Residential Low Density District

This district is composed of certain quiet, low density residential sections of the community, plus certain open areas where similar residential development appears likely to occur, as indicated by the Land Development Plan. The regulations of this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

RA-20 Residential Medium Density District

This district is composed of medium density residential development and of open areas which are used for farmland and woodland. The RA-20 district shall consist of single-family dwellings, two-family dwellings, manufacture and modular homes on individual lots and related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where either or both public water or sewer facilities are available.

R-15 Residential High Density District

The R-15 Residential High Density District is established as a district in which the principal use of land is for single-family, two-family, modular homes and manufactured homes on individual lots, and manufactured home parks. The regulations are intended to prohibit any use, which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewage facilities will be available to each lot in such districts.

O-I Office and Institutional District

The Office and Institutional District is designed to provide a wide range of professional and economic office space, as well as space for public and quasi-public uses.

N-B Neighborhood Business District

The Neighborhood Business District is intended for the use of those businesses and other uses which are properly located near residential areas and which cater to the everyday needs of a limited residential area.

H-B Highway Business District

The Highway Business Districts are located on major thoroughfares and collector streets in the Town Planning Area. They are intended to provide for offices, personal services, and the retailing of durable and convenience goods for the community. Because these commercial uses are subject to public view and are important to the economy of the community, they should have ample parking, controlled traffic movement and suitable landscaping.

G-M General Manufacturing District

The General Manufacturing District provides a place for the location of industrial and other uses which would be incompatible with highway business, office and institutional, or residential districts. It is intended to permit in this district any use which is not inherently obnoxious to urban areas because of noise, odor, smoke, light, dust, or the use of dangerous materials.

(Ord. §70A, passed 2-19-2008)

§153.031 DISTRICT BOUNDARIES SHOWN ON MAP

The boundaries of the districts are shown on the map accompanying this chapter and made a part thereof entitled "Official Zoning Map, Town of Sawmills, North Carolina." The zoning map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this chapter the same as if such information set forth on the map were all fully described as set forth herein. The Zoning Map properly attested is posted at the Town Hall and is available for inspection by the public.

(Ord. §70B, passed 2-19-2008)

§153.032 DUE CONSIDERATION GIVEN TO DISTRICT BOUNDARIES

In the creation of this chapter of the respective districts, careful consideration is given to the general suitability of each and every district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with the Sawmills Comprehensive Plan, also refilled to as "Land Development Plan" (adopted 2006).

(Ord. §70C, passed 2-19-2008)

§153.033 RULES GOVERNING BOUNDARIES

Where uncertainty exists as to the boundaries of any aforesaid districts as shown on the Zoning Map, the following rules shall apply (such uncertainty shall be determined by the Board of Adjustment):

- (A) Where district boundaries are indicated as approximately following the centerline of streets or highways, railroad right-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- (B) Where district boundaries are so indicated that approximately follow lot lines, such lot line shall be construed to be such boundaries.
- (C) Where district boundaries are so indicated that they are approximately parallel to the centerline of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the map. If no distance is given, such dimension shall be determined by use of the scale shown on the map.
- (D) Where a district boundary line divides a lot in single ownership, the district requirements for the least restrictive portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than 35 feet beyond the district boundary line. The term **LEAST RESTRICTIVE** shall refer to zoning restrictions, not lot or tract size.
(Ord. § 70D, passed 2-19-2008)

USE REQUIREMENTS BY DISTRICT

§153.050 GUIDE TO TABLE OF PERMITTED USES.

- (A) The Table of Permitted Uses contains a listing of uses which may be permitted in one or more of the various zoning districts.
- (B) The following is a list of the meanings of table entries:
 - P – Indicates that the use is permitted by right in the zoning district
 - C – Indicates that the use is permitted with a Conditional Use Permit in the zoning district
 - SR - Supplemental Requirements – A section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the pertinent section in §153.070- 153.080.

§153.051

TABLE OF PERMITTED AND SUPPLEMENTAL REQUIREMENTS

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Abattoirs	-	-	-	-	-	C	P	
Accessory Dwelling	C	C	C	-	-	-	-	§153.070
Accessory Structure, commercial	-	-	-	P	-	C	-	§153.071
Accessory Structure, residential	P	P	P	-	-	-	-	§153.072
Adult establishments	-	-	-	-	-	C	-	§153.073
Airport	-	C	-	-	-	-	-	
Animal feed manufacturing	-	-	-	-	-	-	P	
Antiques store	-	-	-	-	P	P	P	
Armory	-	-	-	P	-	-	-	
Art gallery	-	-	-	P	P	P	P	
Art goods store	-	-	-	-	P	P	P	
Assembly hall	-	-	-	-	-	P	P	
Auditorium	-	-	-	P	-	-	-	
Automobile parking lot and structure	-	-	-	-	P	P	P	
Automobile parts and supplies	-	-	-	-	-	P	P	
Automobile repair garage, without open storage of wrecked vehicles	-	-	-	-	-	P	P	
Automobile sales	-	-	-	-	-	P	P	
Automobile washing establishments	-	-	-	-	P	P	P	
Bakery	-	-	-	-	-	P	P	
Banks, with drive thru	-	-	-	C	P	P	P	
Banks, without drive thru	-	-	-	P	P	P	P	
Barbershop and beauty shops	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Bedding manufacturing	-	-	-	-	-	-	P	
Boarding House	-	-	C	-	P	P	P	
Boat sales	-	-	-	-	-	P	P	
Book store	-	-	-	-	P	P	P	
Bowling alleys	-	-	-	-	-	C	-	
Building supply and equipment sales	-	-	-	-	-	P	P	
Bus Station	-	-	-	-	P	P	P	
Business, professional, government, religious, charitable or fraternal offices or agencies	-	-	-	P	P	P	-	
Camera supply store	-	-	-	-	P	P	P	
Candy store	-	-	-	-	P	P	P	
Carpet manufacturing	-	-	-	-	-	-	P	
Cemeteries	C	C	C	-	-	-	-	
Churches and other places of worship	P	P	P	-	-	-	-	
Clothing manufacturing	-	-	-	-	-	-	P	
Clothing store	-	-	-	-	P	P	P	
Coliseum	-	-	-	-	-	P	P	
Concrete or paving materials mixing plant	-	-	-	-	-	-	P	
Convalescent home	-	-	-	-	-	P	P	
Correctional intuitions	-	-	-	-	-	-	-	
Country Club	C	C	C ¹	-	-	-	-	
Dairy Bar	-	-	-	-	P	P	P	
Dental Clinic	-	-	-	P	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Dental Laboratory	-	-	-	-	P	P	P	
Detergent manufacturing	-	-	-	-	-	-	P	
Department store	-	-	-	-	P	P	P	
Drug stores, with or without fountains	-	-	-	-	P	P	P	
Dry Cleaners	-	-	-	-	P	P	P	
Dry goods store	-	-	-	-	P	P	P	
Dwelling, Duplex	-	P	P	-	-	-	-	
Dwelling, Multi-Family	-	-	C ¹	-	-	-	-	
Dwelling, Single Family	P	P	P	-	-	-	-	
Dwelling, Two Family	-	P	P	-	-	-	-	
Electric repair shop	-	-	-	-	P	P	P	
Electrical and electronic products sales	-	-	-	-	P	P	P	
Electrical and electronic product manufacturing	-	-	-	-	-	-	P	
Fabric store	-	-	-	-	P	P	P	
Family Care Home	P	P	P	-	-	-	-	
Feed and seed store	-	-	-	-	-	P	P	
Fire Station	C	-	-	-	-	-	-	
Floor covering store	-	-	-	-	P	P	P	
Florists	-	-	-	-	P	P	P	
Food and food product manufacturing	-	-	-	-	-	-	P	
Funeral Home	-	-	-	P	-	P	P	
Furniture manufacturing	-	-	-	-	-	-	P	
Furniture store	-	-	-	-	P	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Gasoline, oil, or fuel storage above ground	-	-	-	-	-	-	P	
Gift shop	-	-	-	-	P	P	P	
Glass manufacturing	-	-	-	-	-	-	P	
Greenhouse	-	C	C	-	-	P	P	
Grocery, food, produce, fruit, and meat stores	-	-	-	-	P	P	P	
Gunsmith	-	-	-	-	P	P	P	
Gymnasium	-	-	-	-	-	P	P	
Hardware store	-	-	-	-	P	P	P	
Hatcheries	-	-	-	-	-	-	P	
Hobby and crafts store	-	-	-	-	P	P	P	
Home Occupation, Customary	P	P	P	-	-	-	-	
Home Occupation, other than customary	-	C	C	-	-	-	-	
Horses	P	P	-	-	-	-	-	\$153.074
Horticultural nursery	-	C	C	-	-	P	P	
Hosiery manufacturing	-	-	-	-	-	-	P	
Hospital	-	-	-	-	-	-	-	
Hotel	-	-	-	-	-	P	P	
Household appliance manufacturing	-	-	-	-	-	-	P	
Household appliance store	-	-	-	-	P	P	P	
Ice cream manufacturing for only on-site retail sales	-	-	-	-	P	P	P	
Ice manufacturing	-	-	-	-	-	-	P	
Inn	-	-	-	-	-	P	P	
Jail	-	-	-	-	-	-	-	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Jewelry repair shop	-	-	-	-	P	P	P	
Kindergarten	-	-	-	-	P	P	P	\$153.076
Lakes, Parks, and similar facilities operated on a non-profit basis	C	C	C ¹	-	-	-	-	
Laundromats and similar automatic laundries	-	-	-	-	P	P	P	
Laundry pick up stations	-	-	-	-	P	P	P	
Leather goods manufacturing, not including processing or storage of raw hides	-	-	-	-	-	-	P	
Library	-	-	-	P	P	P	P	
Loan offices and agencies	-	-	-	P	P	P	P	
Locksmith	-	-	-	-	P	P	P	
Machine tool manufacturing	-	-	-	-	-	-	P	
Magazine store	-	-	-	-	P	P	P	
Manufactured home on individual lot	-	P	P	-	-	-	-	\$153.075
Manufactured Home Park	-	-	P	-	-	-	-	
Manufactured home, temporary	-	C	C	-	-	-	-	\$153.080
Manufacturing uses not otherwise named	-	-	-	-	-	-	C	
Medical clinic	-	-	-	P	P	P	P	
Medical laboratory	-	-	-	-	P	P	P	
Metal and metal products manufacturing	-	-	-	-	-	-	P	
Metal Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	
Millinery shop	-	-	-	-	-	P	P	
Miniature Golf courses	-	-	-	-	-	C	-	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Motel	-	-	-	-	-	P	P	
Museum	-	-	-	P	P	P	P	
Music store	-	-	-	-	P	P	P	
Newspaper office	-	-	-	-	P	P	P	
Office, business, professional and public	-	-	-	-	P	P	P	
Office supplies and equipment, sales and services	-	-	-	-	P	P	P	
Open Storage	-	-	-	-	-	-	P	
Optician	-	-	-	-	P	P	P	
Paint manufacturing	-	-	-	-	-	-	P	
Paint store	-	-	-	-	P	P	P	
Paper processing or manufacturing	-	-	-	-	-	-	-	
Paper product manufacturing	-	-	-	-	-	-	P	
Pet store	-	-	-	-	P	P	P	
Photographic studio	-	-	-	-	P	P	P	
Pillow manufacturing	-	-	-	-	-	-	P	
Plastic manufacturing	-	-	-	-	-	-	P	
Plumbing shop, without open storage	-	-	-	-	-	P	P	
Porcelain manufacturing	-	-	-	-	-	-	P	
Pottery manufacturing	-	-	-	-	-	-	P	
Prepared foods and miscellaneous food product manufacturing	-	-	-	-	-	P	P	
Printing, publishing, and reproducing establishments	-	-	-	-	-	P	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Produce stands for sale of products grown on site	-	C	C	-	-	-	-	
Public Service facility	-	P	P	P	P	P	P	§153.077
Publicly owned institutions	-	-	-	P	-	-	-	
Radio and TV repair shop	-	-	-	-	P	P	P	
Railroad station	-	-	-	-	P	P	P	
Recreational and community centers	C	-	-	P	-		-	
Recreational facilities, commercial	C	-	-	-	-	C	-	
Repair uses not otherwise named	-	-	-	-	-	-	P	
Rest home	-	-	-	-	-	P	P	
Restaurant, with drive thru	-	-	-	-	-	C	-	
Restaurant, without drive thru	-	-	-	-	P	P	P	
Retail establishments not otherwise named	-	-	-	-	C	C	P	
Riding stables	P	P	-	-	-	C	-	
Rooming House	-	-	C	-	-		-	
Rubber processing and manufacturing	-	-	-	-	-	-	-	
Rubber products manufacturing	-	-	-	-	-	-	P	
School, Art	-	-	-	-	P	P	P	
School, Barber and beauty	-	-	-	-	P	P	P	
School, Business	-	-	-	-	P	P	P	
School, Elementary and high school	C	C	C	-	-	-		
School, Music or dance	-	-	-	P	P	P	P	
School, Nursery	-	-	-	-	P	P	P	§153.076

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Service or storage tanks	-	-	-	C	-		P	
Service stations	-	-	-	-	P	P	P	\$153.078
Shoe repair and shine shop	-	-	-	-	P	P	P	
Sign painting and fabricating shop	-	-	-	-	-	P	P	
Skating rinks	-	-	-	-	-	C	-	
Soap manufacturing	-	-	-	-	-	-	P	
Sporting goods store	-	-	-	-	P	P	P	
Stationary store	-	-	-	-	P	P	P	
Stone crushing, cutting and polishing	-	-	-	-	-	-	P	
Storage of materials and equipment outdoors	-	-	-	-	-	-	P	
Tailor and dressmaking shop	-	-	-	-	P	P	P	
Telecommunication towers and antennas	-	-	-	-	-	C	C ¹	\$153.079
Telephone and telegraphic office	-	-	-	-	P	P	P	
Textile Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	
Textile manufacturing	-	-	-	-	-	-	P	
Tobacco store	-	-	-	-	P	-	-	
Tourist House	-	-	C	-	P	P	P	
Toy store	-	-	-	-	P	P	P	
Treatment intuitions for mental illness, alcoholism, or narcotics	-	-	-	-	-	-	-	
Trucking terminal	-	-	-	-	-	P	P	
Variety store	-	-	-	-	P	P	P	
Vitreous china manufacturing	-	-	-	-	-	-	P	

Use	R-20	RA-20	R-15	O-I	N-B	H-B	G-M	SR
Washing compound manufacturing	-	-	-	-	-	-	P	
Wholesale and warehousing establishments (except for uncured hides, explosives, oil products, gas storage, and the like)	-	-	-	-	-	P	P	
Wholesale establishments not otherwise named	-	-	-	-	-	C	P	
Wholesale storage of gasoline and oil products, including bottled gas and oxygen	-	-	-	-	-	C	P	
Wood Fabrication shop (10 or fewer employees)	-	-	-	-	-	P	P	

¹ Must be reviewed by the Planning Board prior to a quasi-judicial public hearing by the Board of Adjustment

§153.052

DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size (sf)			Minimum Density (dwelling units per acre)			Minimum Lot width (ft)	Minimum setback (ft)				Maximum Building Height (ft)	Maximum Impervious Surface
	Without public water & sewer	Without public water	With public water & sewer	Without public water & sewer	Without public water	With public water and sewer		Front	Side yard	Street side yard	Rear		
R-20	32,670	21,780	10,890	1	3/4	1/4	100	30 ⁴	10	15	25	35	50%
RA-20	32,670	21,780	10,890	1	3/4	1/2	100	30 ⁴	10	15	25	35	50%
R-15	32,670	21,780	10,890	1	3/4	1/2	100	30 ⁴	10	15	25	35	50%
O-I	10,000	10,000	10,000	-	-	-	80	40 ⁴	15	15	20	35	40%
N-B	10,000	10,000	10,000	-	-	-	100	40 ⁴	15	20	30	35 ¹	40%
II-B	-	-	-	-	-	-	100	50 ⁴	15	20	30	50 ²	40%
G-M	43,560	43,560	43,560	-	-	-	200	50 ⁴	30 ³	30 ³	30 ³	50 ²	40%

¹Structures may exceed a height of 35 feet by increasing the setback line one foot for each two feet of rise above 35 feet.

²Structures may exceed a height of 50 feet by increasing the setback line one foot for each two feet of rise above 50 feet.

³An additional 15 feet is required if the lot abuts a residential district.

⁴In the absence of a dedicated right-of-way, it shall be deemed there is a 45 foot right-of-way, in which the existing street is centered.

§153.053 WATERSUPPLY WATERSHED REGULATIONS

- (A) *Critical Area.* Within the critical area of the watershed, residential land abutting an impounded water supply body shall have a minimum lot size of 65,340 square feet. Lot sizes within a subdivision that are not directly abutting the impoundment may average 54,450 square feet with a minimum lot size of 43,560 square feet. Where the lots are served by both public water and sewer, lots may average 43,560 square feet with a 32,670 square feet minimum lot size.
- (B) *Protected Area.* Within the protected area of the watershed, residential land shall have a minimum lot size average of 35,000 square feet with a minimum lot size of 25,000 square feet. Where the residences are served by public water and sewer, lots shall average a minimum of 20,000 square feet with a minimum lot size of 15,000 square feet.
- (C) Maximum Coverage for land lying within a designated watershed shall comply with the Town Watershed Protection Ordinance, set forth in Chapter 155.

§153.054 RMHP MANUFACTURED HOME PARK DISTRICT/FLOATING ZONE

- (A) *Purpose.* The Manufactured Home Park District/Floating Zone is designed to provide for manufactured home parks in a floating zone within the R-15 Districts by an amendment to the town zoning map. A **MANUFACTURED HOME PARK** is defined as any lot, tract, or parcel of land used, maintained Or intended to be used, leased or rented for occupancy of manufactured homes, consisting of not less than two acres in area, excluding street right-of-way, but including seven manufactured home stands (spaces) completed at first occupancy. This definition shall not include sales lots on which unoccupied manufactured homes are parked for purposes of inspection and/or sale.
 - (B) *Provisions for manufactured home parks.* These provisions govern the establishment of a Manufactured Home Park RMHP District within the R-15 Districts.
 - (1) The provisions, procedures, and development standards for manufactured home parks shall be as required in §153.079. If the site is located in either of the Watershed Protection Districts and the development activity requires an Erosion and Sedimentation Control Plan, the minimum lot size requirements of the underlying R-15 zoning district shall apply.
 - (2) An application for rezoning a lot(s) or parcel(s) from R-15 to RMHP must be submitted for initial review to the zoning administrator 20 days prior to its introduction to the Town Planning Board.
 - (3) The rezoning application, including recommendations of the Planning Board, is brought before the Town Council for final review.
 - (4) A public hearing is required in accordance with G.S. §160A-364 prior to any amendment to establish a Manufactured Home District R-MHP to the Town Zoning Code.
- (Ord. §80I, passed 2-19-2008)

§153.055 PLANNED UNIT DEVELOPMENT

(A) *Purpose.*

- (1) The purpose of a planned unit development (PUD) is to allow diversification in the relationship of industrial, commercial, office and/or residential uses and structures to their sites and to permit a more flexible development of such sites through, unified site planning. The application of PUD concepts is intended to encourage good architectural and site design, to use public facilities efficiently, to avoid development of environmentally sensitive areas, and to insure substantial compliance with the intent of the town zoning ordinance and other provisions related to public health, safety, and general welfare.
- (2) Furthermore, it is the purpose of this Section to:
 - (a) Encourage development that enhances the quality of life while protecting the health, safety and general welfare of residents;
 - (b) Encourage variety in housing opportunities;
 - (c) Encourage the development of a viable economic base;
 - (d) Encourage the development of land uses that will complement existing adjacent land uses; and
 - (e) Provide guidelines for development of planned unit developments.

(B) *Permitted Uses.* Planned unit developments may be approved for any use or combination of uses except combinations of residential and industrial uses.

(C) *Minimum Site Area.* The minimum site area required for PUDs shall be determined based upon its use. The following table outlines the area requirements for each type of PUD.

PUD TYPE	MINIMUM AREA
Industrial	10 acres
Industrial Office/Commercial Mixed Use	10 acres
Office and/or Commercial	5 acres
Office/Commercial/Residential Mixed Use	5 Acres
Residential (Single-Family)	2 acres
Residential (Multi-Family)	2 acres
Residential (Single-and Multi-Family Mixed Use)	2 acres

- (D) *Relationship to Adjacent Areas.* The design and layout of a PUD shall take into account the relationship of the site to the surrounding areas. Additionally, the perimeter of the PUD shall be so designed as to minimize any negative impact on adjacent properties.
- (E) *Phased Development.* Development of a PUD may be phased, in which case all the property anticipated for PUD development shall be submitted as part of the PUD development plan showing a conceptual depiction of the eventual development and approximate phase lines shown. During the phased development of a PUD proportional overall open space required shall be

incorporated into each phase and be dedicated and installed or improved by the end of the construction of each proposed phase.

- (F) *Concurrent Platting.* Plats for PUDs requiring platting may be processed concurrently with the PUD approval procedures.
- (G) *Design Standards and Requirements.*
 - (1) *Subdivision Requirements.* If land or structures within a proposed PUD are to be sold to more than one person, partnership, firm or corporation, or are to include the dedication of land, then the proposed PUD shall be subject to the Town of Sawmills Subdivision Regulations. Minor deviations from the subdivision standards may be approved by the Town Council provided they are stated as part of the PUD development standards.
 - (2) *Zoning Requirements.* A PUD shall be exempt from the minimum lot size, building height, setback, and density requirements of the underlying zoning district, but shall be subject to all other applicable requirements.
 - (3) *Density.* The basic density in a PUD shall be established on the approved development plan and/or development standard sheets.
 - (4) *Open Space Requirements.* The PUD shall provide not less than 25% of the gross land area for common open space. In residential or residential mixed use PUDs required open space may not be part of any proposed or platted single-family residential lots.
 - (5) *Setbacks between buildings.* A distance between all structures shall at a minimum comply with any applicable local, state, and/or federal standards; including by way of example and not limitation, the North Carolina Building Code
- (H) *Procedure for Approval of Planned Unit Developments.* Planned Unit Developments shall be approved by the Town Council upon recommendation of the Town Planning Board and shall be in accordance with the following procedures:
 - (1) *Who May Apply.* Any owner, group of owners, or representative of such owners of contiguous property acting jointly may submit an application for a PUD.
 - (2) *Pre-Application.* Prior to acceptance of an application for PUD approval a pre-application conference between representatives of the Town and the potential applicant is advised and may be set up by contacting the Town Planning Department.
 - (3) *Application.* The applicant(s) shall file an application for PUD approval with the Town Planning Department. All applications shall be processed in accordance with the provisions for amendments and rezonings. The application shall be accompanied by the following:
 - (a) The required filing/processing fee;
 - (b) A vicinity map;
 - (c) Sufficient copies of maps and plans, as determined by the Town Planning Department.

- (4) *PUD Development Plan.* The PUD development plan shall indicate or include the following:
- (a) Written documentation involving the following:
 - 1. Statement of Intent, including plans for selling or renting the property;
 - 2. Approximate timetable of development, including approximate phasing lines if project will be developed in phases; and
 - 3. Provision to assure maintenance of all common areas and open space; which includes by way of example and not limitation, property owners' association, private conservancy, and the like.
 - (b) Relationship of the property to surrounding areas including identification of adjacent property owners' existing land uses and zoning of both the proposed PUD site and adjacent properties;
 - (c) Names and right-of-way widths or pavement dimensions, in the event adjacent streets lack dedicated right-of-ways of streets bounding, traversing or touching upon the proposed site;
 - (d) Location and layout of the proposed landscape design of all common yards, open space and recreational areas;
 - (e) Location of street lighting, if any;
 - (f) Signage plan, if it will vary from base zoning ordinance;
 - (g) Approximate location, maximum size and maximum height of nonresidential structures indicating either the dimensions or the limits within which structures will be constructed;
 - (h) Total number of residential structures to be constructed with approximate number of each type. By way of example and not limitation: total 300; approximately 200 single-family and 100 multi-family; and
 - (i) Statement of understanding that the applicant will comply with items listed in division (H)(5) prior to construction commencing.
- (5) *Additional items to be submitted.* If approved, prior to construction the following items must be submitted to planning staff:
- (a) Professionally prepared plans of each phase with the items listed below as a minimum must be submitted and approved by the Planning Board. Should the Planning Board recommend denial of the proposal, the plan can move on for review by the Town Council;
 - (b) Existing site topographical conditions, showing contours at five-foot intervals, if available, and location of significant geographical features including watercourses;
 - (c) The location of drainage facilities/basins and other similar features;

- (d) A boundary survey;
 - (e) Construction specifications for streets and pedestrian ways including typical roadway sections showing locations of all utilities; these specifications must be sealed by a professional engineer licensed in the state;
 - (f) Sealed engineering plans for water, sewer, storm drainage and erosion/sedimentation;
 - (g) Preliminary subdivision plat if the property is to be subdivided;
 - (h) General concept landscape plans for open space, common areas, streets, pedestrian ways and recreational facilities;
 - (i) Location, arrangement and number of parking facilities and loading areas; and
 - (j) Architectural concept plans of typical structures.
- (6) *Planning Board Consideration.* Following consideration, the Town Planning Board shall, within 60 days upon original receipt, recommend to the Town Council approval or denial of the application and accompanying PUD plans or may recommend to the Town Council conditional approval with such conditions as are necessary to insure conformity to all applicable requirements. If conditions are placed on the approval of the PUD, a revised plan including the required changes must be submitted to the Town Council. A PUD may be recommended for approval only when it has been determined that:
- (a) The PUD will be compatible/complimentary with nearby developments and land uses;
 - (b) Peripheral treatment insures proper transition between PUD uses and nearby external developments and land uses;
 - (c) The development will be consistent with the purpose of the PUD section; and
 - (d) The health, safety, and welfare of the public have been preserved.
- (7) *Sawmills Town Council Consideration.*
- (a) After receiving Planning Board's recommendation, the applicant, through the Town Planning Department, shall submit to the Town Council an adequate number of copies of a detailed final development plan in conformity with the requirements of this Chapter and with any additional requirements specified by the Planning Board. Upon receiving the recommendation from the Planning Board, the Town Council, following a Public Hearing, shall consider the PUD request and shall approve, conditionally approve or disapprove the PUD within a period of 60 days, unless an extension is requested by the applicant.
 - (b) If the PUD is approved conditionally by the Town Council, the applicant must provide to the Town Planning Department, within 30 days of approval, a revised plan including any required changes. Approval of the PUD shall constitute a zoning map change to the PUD designation. The Ordinance establishing the PUD change shall enumerate the uses and requirements within the district.

Expiration and Time Limitations. Construction of improvements in a PUD shall begin within two years from the date of approval by the Town Council. An extension of one year for construction to begin may be granted by the Council upon written request by the applicant. If construction has not commenced within this time constraint the PUD designation shall be dropped from the official zoning map and zoning shall revert to the original zoning designation. Once construction has commenced the work shall not cease for more than 12 months unless approved by the Council.

(8) *Changes and Modification*

(a) Major changes to the approved PUD development plan shall be considered as a new application for approval. Major changes include:

1. Change in use;
2. Major realignment of vehicular circulation patterns;
3. Increase in density or relocation of density pattern;
4. Reduction of open space;
5. Change in exterior boundaries except survey adjustments;
6. Increase in number of structures;
7. Increase in structure height.

(b) The Planning Director may approve changes in the development which are minor in nature and are consistent with the intent of the approved PUD development plan.

(9) *Building Permits.* No building permits shall be issued for the PUD or phase, if a phasing schedule was approved, until the required physical infrastructure (streets, sidewalks, sewer lines, etc.) has been properly installed and inspected. The applicant/developer shall provide to the Town Planning Department a construction and inspection report certified by a professional engineer licensed in the state which verifies that the physical infrastructure has been installed as approved and inspected. The one year warranty must be approved by the Town Engineer.

(Ord. § 80J, passed 2-19-2008)

SUPPLEMENTAL REGULATIONS

§153.070 ACCESSORY DWELLINGS

- (A) The accessory dwelling shall not exceed 50% of the square footage of the livable area of the principal structure;
- (B) The accessory dwelling shall meet all setback requirements of a principal use;
- (C) The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, window detailing, and roofing materials; and
- (D) Accessory dwellings shall only be allowed on parcels that contain owner-occupied single-family dwelling units.

§153.071 ACCESSORY STRUCTURES, COMMERCIAL

May not be erected in any required front yard or within 20 feet of any street line or within ten feet of a lot line not a street line, and provided that, in case of a corner lot with reversed frontage, no accessory building shall extend beyond the front yard line of the lots in the rear. An accessory building shall never be closer than ten feet to the principal structure; and

§153.072 ACCESSORY STRUCTURES, RESIDENTIAL

- (A) May not be rented or occupied for commercial purposes;
- (B) Shall not be used for human habitation, unless an approved accessory dwelling;
- (C) May not be erected in any required front yard or within 20 feet of any street line or within ten feet of a lot line not a street line, and provided that, in case of a corner lot with reversed frontage, no accessory building shall extend beyond the front yard line of the lots in the rear. An accessory building shall never be closer than ten feet to the principal structure; and
- (D) For lots exceeding two acres, an accessory structure may be located in the front yard but not closer than 75 feet from the street right-of-way or front lot line. In the absence of dedicated right-of-way, it shall be deemed that there is a 45-foot right-of-way in which the existing street is centered.

§153.073 ADULT ESTABLISHMENTS

May not be within 500 feet of any lot this residentially zoned, or a church, daycare, school or private school, or another adult use. This then shall be measured from property line to property line. All windows, doors, entries and the like for all adult uses shall be located, covered, screened or otherwise treated (the treatment shall not include painting), so that the views of the interior of the establishment are not possible from any public or semi-public area, street or way.

§153.074 HORSES

- (A) R-20 – Must have a minimum of three acres per horse
- (B) RA-20 – Must have a minimum of one acre per horse

§153.075 MANUFACTURED HOMES ON INDIVIDUAL LOTS

The purpose of these regulations is to promote sound neighborhood development and appearance, protect community property values, and to preserve the integrity and character of neighborhoods. Manufactured homes are permitted on individual lots in the RA-20 and R-15 districts subject to the following conditions:

- (A) The lot must be recorded as an individual lot.
- (B) If municipal utilities are not available, the well and/or septic tank must be approved by the County Health Department.
- (C) All yard dimensional requirements for the respective district must be met.
- (D) The lot must front a public street and said street frontage will be considered the front of the lot.
- (E) The exterior siding shall consist predominately of vinyl or aluminum siding, wood or hardwood, comparable in composition, appearance and durability to the exterior siding used in standard residential site-built construction. The siding shall be in good repair and in no instance shall the degree of reflectivity of the exterior siding, foundation skirting and roofing exceed that of gloss white paint.
- (F) A continuous foundation enclosure, unpierced except for required ventilation and access shall be installed in accordance with *North Carolina State Building Codes*. The enclosure shall consist of brick or concrete block. Wood, vinyl, or fabrication metal will be permitted for temporary use not to exceed six months upon approval of the Zoning Enforcement Officer. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (G) Permanent steps shall be constructed at all exterior doors as necessary, and a permanent porch or patio measuring at least 35 square feet shall be constructed at the front or main entrance to the manufactured home. Steps constructed from loose, stacked materials shall not be construed as properly installed.
- (H) The running lights shall be removed and the hitch shall be removed.
- (I) At least two off-street parking spaces shall be provided.
- (J) Pitch of the main roof of the building shall have a pitch of two and half feet of every 12 feet of the horizontal run.

- (K) The manufactured home shall be constructed after July 13, 1994, and shall meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. Proof of the age of the home such as a bill of sale, title or certified appraisal must be provided at the time the zoning permit is requested.

(Ord. §90H, passed 2-19-2008; Ord. passed 10-1-2002; Ord., passed 6-21-2011)

§153.076 NURSERY SCHOOLS AND KINDERGARTEN

- (A) At least 200 square feet of outdoor play area is provided for each child.
- (B) The play area must be enclosed by a sturdy fence of at least four feet in height.

§153.077 PUBLIC SERVICE FACILITIES.

Public service facilities are permitted in all zoning districts (except the R-20 district) subject to the following requirements:

- (A) Front, rear and side setbacks shall be a minimum of 50 feet.
- (B) The facility shall blend with its surrounding. Whenever possible, such facilities shall be designed and constructed to have similar height, bulk and appearance as adjacent structures.
- (C) When operating requirements necessitate heights above the district maximum, an additional one foot setback shall be required for each foot of height above the district maximum.
- (D) Buffers and screening shall be provided as follows:
- (1) All dead or dying trees, stumps, litter, brush, weeds or other debris shall be removed from the site at the time of occupancy.
 - (2) Landscaping of all cuts and fills shall be sufficient to prevent erosion. All roadway slopes shall also be landscaped.
 - (3) Existing topography such as hills, ridges and berms shall be used, to the maximum extent possible, to screen parking and maintenance areas.
 - (4) When a public service facility directly abuts a residential zoning district, a natural buffer must be provided that includes a row of evergreen trees placed not more than five feet apart which would grow to form a continuous hedge of at least eight feet tall at planting. Low-growing evergreen shrubs shall fill in all gaps between the trees. Attractive opaque fencing (six feet tall) or existing topography may be used in place of vegetative screening for all or part of the buffer area if the same or better screening will result.
 - (5) All-loading, shipping, storage, maintenance, trash/refuse and mechanical areas shall be heavily landscaped with mature trees (at least six feet tall) or other suitable screening (also six feet tall) while providing sufficient space for ingress and egress of vehicles.
 - (6) Reasonable landscaping shall be provided at site entrances, in public spaces, parking lots, along interior streets and adjacent to buildings.

(Ord. §100G, passed 2-19-2008)

§153.078 SERVICE STATIONS

- (A) All gasoline pumps and other stationary equipment shall be located at least 12 feet from any property line.
- (B) All sides where the station abuts a residential district, a six-foot high visual barrier and suitable landscaping shall be provided.

§153.079 TELECOMMUNICATIONS TOWERS AND ANTENNAS.

All towers, antennas and dishes designed for the purpose of transmitting radio, television and telecommunications signals are permitted in the Highway Business District and the General Manufacturing District with the issuance of a Conditional Use Permit and subject to the following regulations.

- (A) Application for the permit must include construction drawings showing proposed method of installation, structural engineering analysis, failure characteristics and a site plan depicting structures and plantings on the property and all adjacent properties. At the request of administrative authority, documentation of a maintenance program may be required.
- (B) The setbacks from the base of the structure to any property line, right-of-way or occupied building shall be as specified below.
 - (1) For structures up to 50 feet, the setbacks shall be equal to the proposed structure plus five feet.
 - (2) For structures greater than 50 feet, the setbacks shall be one foot for every four feet in height of the proposed structure.
 - (3) The site must be large enough to contain on-site substantially all ice-fall or debris from tower failure. If engineering specifications indicate that the minimum required setbacks are too small to contain any debris from the proposed tower, the administrative authority may require increased setbacks up to the height of the proposed structure plus five feet.
 - (4) The distance of any guy anchorage or similar device shall be at least 30 feet from any property line. An additional 15 feet must be provided if the site abuts a residential district.
- (C) Suitable anti-climb fencing and a landscape planting screen shall be required and maintained around the structure and accessory attachments, including all guy anchor points. Additionally, along any property lines where the site abuts residentially zoned property, a continuous screen of evergreen plant, with an initial height of six feet within a two-year period, must be planted and maintained. Existing on-site vegetation shall be preserved to the maximum extent possible.
- (D) The applicant shall present documentation of the possession of any required license by any federal, state or local agency.
- (E) If any modifications are made to the structure, the Zoning Enforcement Officer shall have the authority to require proof that said addition, change or modification is in authority with the Zoning Permit and applicable Building Codes.

- (F) The owner of such a structure shall assume complete liability in case of personal property damage. (Ord. §100F, passed 2-19-2008)

§153.080

TEMPORARY MANUFACTURED HOME

- (A) One Class B or Class C manufactured home on the same lot as another site built or manufactured home may be permitted as a conditional use in the RA-20 and R-15 zoning districts after the Board of Adjustment hold a quasi-judicial public hearing on the matter. The Zoning Administrator shall bring the conditional use application to the Board of Adjustment within seven days after the notification of the public hearing has been advertised in accordance with §§153.150(2).
- (B) In reviewing the conditional use, the following requirement must be met:
- (1) *Dimensional requirements.* The additional unit shall be located to the rear of the principal residence. The unit shall be located no closer than 15 feet from any side property line, 35 feet from any rear property line, and 40 feet from the principal structure. The lot shall have 20,000 square feet of area for the second unit in addition to 20,000 square feet from the principal dwelling unit. If the homes are located in the Watershed Protection District, the lot size and lot coverage requirements for the appropriate zoning district shall apply.
 - (2) *Setup and appearance.* The second manufactured home shall meet each of the setup and appearance requirements of §153.077 pertaining to manufactured homes on individual lots.
 - (3) *Granted to owner.* A permit shall only be granted to the owner of the principal structure.
 - (4) *Circumstances.* The permit shall only be issued in the following cases:
 - (a) The Class B or Class C manufactured home will be occupied by relatives to the second of degree of kinship (sons, daughters, mothers, fathers, brothers, sisters, grandparents) of the principal dwelling on the lot. In addition, evidence must be submitted that indicates that the inhabitants of either the existing or proposed home will be either temporarily or permanently disabled or afflicted with a temporary or long-term medical condition that requires close supervision from the people living in the other home;
 - (b) For temporary purposes incidental to construction or development of property within the Town for a period not to exceed 180 days. Extensions may be granted for a period as may be determined by the Board of Adjustment, but no longer than construction shall continue. Furthermore, no Class B or Class C manufactured home shall be placed on land until construction commences not when there is any existing structure or facility on the property which may be suitable or designed for the purpose for which the manufactured home is sought to be used; and/or
 - (c) To be used as temporary living quarters in the event of natural disaster such as fire, flooding and the like, which would render the formal residence uninhabitable.
- (C) For the purposes of this section, **TEMPORARY** shall be determined to longer than two months but less than one year.
- (D) The Class B and Class C manufactured home shall have access to potable water and a sewage disposal system approved by the Caldwell County Health Department. The Class B or Class C

manufactured home shall also have access to electric service. In addition, the Class B or Class C manufactured home shall also have access to natural gas service if the Class B or Class C manufactured home contains appliances or other items that use natural gas.

- (E) A sketch plan of the property must be submitted to the Board of Adjustment with the conditional use permit application. At a minimum, the sketch plan must include the following information:
- (1) The size of the property and location of property lines;
 - (2) The location of existing and proposed structures;
 - (3) Existing driveways, roads, right-of-ways and approximate widths;
 - (4) The zoning classification and uses of surrounding property.
- (F) Any adverse effect this hardship case may pose to its neighbors or the public health, safety, and general welfare shall be a valid reason for denial of this permit. Additionally, the absence or inadequacy of vehicular access and/or developability of the property shall also be a valid reason to deny the permit.
- (G) The permit will be valid for one year for the date it is issued. The Board of Adjustment may renew the permit for additional one-year time periods when substantial evidence is presented that indicates that the hardship still exists. If none is presented, the home must be removed from the site within 90 days.

(Agenda Item, 8-15-2000)

GENERAL PROVISIONS

§153.090 APPLICATION.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located. (Ord. § 90A, passed 2-19-2008)

§153.091 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

No yard or lot existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of the ordinance upon which this zoning code is based shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of the ordinance upon which this zoning code is based shall meet at least the minimum requirements established by this chapter.

(Ord. § 90B, passed 2-19-2008)

§153.092 CORNER VISIBILITY

On a corner lot, within the area formed by the centerlines of the intersecting streets and a line joining points of the centerlines at a distance of 80 feet from their intersection, there shall be no obstruction to vision between the height of two feet and the height of ten feet above the average centerline grade of each street.

§153.093 RELATIONSHIP OF BUILDING TO LOT.

Every building hereafter erected, moved or structurally altered shall be located on a lot of record and in no case shall there be more than one principal building and its customary accessory buildings on any lot of record, except in the case of a specially designed complex of institutional, residential, or commercial buildings or in a Planning Unit Development in an appropriate zoning district.

§153.094 LOT OF RECORD.

- (A) Where the owner of a lot of official record in any residential district at the time of the adoption of the ordinance upon which this Zoning Code is based his or her successor in title does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this chapter, such a lot may be used as a residential building site; provided, however, that the requirements of the district are complied with or a variance is obtained from the Board of Adjustment.
- (B) (1) Notwithstanding the foregoing, whenever two or more adjoining vacant lots of records are in single ownership at any time after the adoption of the ordinance upon which this Zoning Code is based, and the lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this chapter for the district in which such lots are located.

(2) Every lot to be built upon shall abut by at least 35 feet a public street or an approved private street, and no dwelling shall be placed or built upon a lot which does not abut upon a public street or an approved private street by the same distance.

(Ord. §100A, passed 2-19-2008)

§153.095 FRONT YARD FOR DWELLINGS.

The front yard requirements of this chapter for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or in part within 100 feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In this case, the setback on such lots may be less than the required setback but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten feet from the street right-of-way, whichever is greater.

(Ord. §100A, passed 2-19-2008)

§153.096

HEIGHT LIMITATION.

- (A) Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos or similar structures may be erected above the height limits herein specified, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential use.
- (B) Building and zoning permits are required for towers. Satellite dishes and antennas must meet the height regulations.
- (Ord., §100C, passed 2-19-2008)

§153.097

VISIBILITY OF INTERSECTIONS.

On a corner lot in any residential district, no planting, structure, sign, fence, wall or obstruction to vision more than three feet in height measured from the center line of the street or road right-of-way lines and a straight line connecting points on the street or road right-of-way line, each of which is 35 feet distance from the point of intersection.

(Ord. §100D, passed 2-19-2008)

§153.098

BUFFER REQUIREMENTS

When any H-B or G-M district rear and/or side property line abuts upon a residential district, there shall be a 15-foot wide buffer strip and within a portion of the buffer strip there shall be planted a continuous screen of evergreen plants with an initial height of at least six feet by natural growth within no later than a two-year period. Existing natural buffers may substitute for screening requirements. No such buffer shall extend nearer to a street right-of-way line than the established building line of the adjoining residential lots. No buffer shall be required upon any yard that abuts a public street.

SIGN REGULATIONS

§153.110 GENERAL.

- (A) All announcement signs and structures, which include business signs as defined by this chapter, shall be approved by the Zoning Enforcement Officer and shall comply with the following regulations.
- (B) *Location.* No advertising sign or structure shall be erected, constructed or maintained so as to interfere with vision clearance along any street, road or highway or at any intersection or junction of two or more traffic arteries. Nor shall any advertising sign or structure be located within the street, road or highway right-of-way.
- (C) *Illumination.* No flashing or intermittent lights may be permitted. Only one illuminated sign per professional office per building is permitted. All illuminated signs or structures shall be placed so as to prevent the light rays or illuminations from being cast upon residential dwellings. However, any sign performing a public service function indicating time, temperature, stock market quotations or similar services shall be permitted.
- (D) *Billboards.* No billboards or other off-site signs are permitted within the jurisdiction of this chapter.
- (E) *Portable signs.* No portable or other temporary signs are permitted within the jurisdiction of this chapter.
- (F) *Maintenance.* All advertising structures, together with any supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. All signs, including political signs, erected to serve temporary purposes shall be removed within 60 days.
- (G) *Administration.* The Zoning Enforcement Officer shall refuse a permit for the erection or construction of any advertising sign or structure which does not meet the requirements of this section. The Zoning Enforcement Officer shall order the removal of any signs that are not constructed or maintained in accordance with the provisions of this section.
- (H) *Traffic safety precautions.* The following practices in relation to signs are prohibited, notwithstanding any other provisions in this chapter, in order to preserve the safety of pedestrians and vehicular movement:
 - (1) No signs shall use such words as "stop", "slow", "caution", "danger" or similar admonitions which may be confused with traffic directional signs erected by governmental agencies; and
 - (2) No sign shall be erected so as, by its location, color, nature or message, to permit it to be confused with or obstruct the view of traffic signals or signs, or so it would tend to be confused with warning lights of an emergency or public safety vehicle.
- (I) *Prohibited locations for signs.* No sign shall be attached to any utility pole, tree, rock or other natural object.
- (J) *Signs not subject to control.* The following signs are not subject to the control of this chapter:

- (1) Non-illuminated identification signs on private property not exceeding two square feet in area, not of a commercial nature and bearing only property identification numbers and names, post office box numbers and name(s) of occupants of the premises;
 - (2) Historic markers erected by a governmental body;
 - (3) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body;
 - (4) Not more than one sign total, with not more than one per public street frontage, located on private property, directing and guiding traffic on private property, with the permission of the owner, by which bear no advertising matter and do not exceed eight square feet in area on each side and do not exceed six feet in height;
 - (5) Bulletin signs incidental to churches, located on-site, provided they do not exceed 12 square feet in area and have a maximum height of six feet; or
 - (6) Non-illuminated, temporary yard sale signs located entirely on private property and less than 6 square feet containing the date of the sale and/or property address, provided such signs are removed within two days following the sale.
- (K) *Violation.* In addition to the remedies provided in GS §§14-4 and 160A-75 as amended and otherwise as law provided, whenever, by the provisions of this section, the performance of any act is prohibited, or whenever any regulation limitation is posed on the erection or removal of a sign, a failure to comply with the provision shall constitute a violation of this chapter. Violation of any provision of this chapter shall subject the offender to a civil and/or criminal penalty as set forth in §153.999.
- (Ord. §90F, passed 2-19-2008) Penalty, see §153.999

§153.111 SIGNS IN THE RESIDENTIAL ZONING DISTRICTS

Small professional or announcement sign, non-illuminated, not over two square feet in area mounted flat to the main wall of the building, and any non-illuminated real estate signs not over six square feet in area.

§153.112 SIGNS IN THE O-I ZONING DISTRICT

- (A) *Wall Signs.* Wall signs shall not exceed more than six inches from the building's wall, shall not exceed 15 square feet in area for any one premise, and shall not exceed ten feet in height above the natural ground line.
- (B) *Ground signs.* Ground signs, not exceeding one per lot, shall not exceed more than ten feet in height above the natural ground line, shall meet all yard requirements for the district and shall not exceed 15 square feet in surface area
- (C) *Roof signs.* Roof signs are not permitted.
- (D) *Window signs.* Window signs shall be placed only on the inside of professional buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

§153.113 SIGNS IN THE N-B ZONING DISTRICT

- (A) *Wall Signs.* Wall signs shall not exceed more than six inches from the building's wall, shall not exceed 100 square feet in area for any one premise, and shall not exceed 20 feet in height above the natural ground line.
- (B) *Ground signs.* Ground signs, not exceeding one per lot shall not exceed 15 feet in height above the natural ground line, shall meet all yard requirements for the district and shall not exceed 60 square feet in surface area
- (C) *Roof signs.* Roof signs are not permitted.
- (D) *Window signs.* Window signs shall be placed only on the inside of professional buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed. Only one illuminated sign per business per building is permitted.

§153.114 SIGNS IN THE H-B AND THE G-M ZONING DISTRICTS

- (A) *Wall Signs.* Wall signs shall not exceed more than six inches from the building's wall, shall not exceed 200 square feet in area for any one premise, and shall not exceed 20 feet in height above the natural ground line.
- (B) *Ground signs.* Ground signs, not exceeding one per lot, shall not exceed 20 feet in height above the natural ground line, shall meet all yard requirements for the district and shall not exceed 60 square feet in surface area.
- (C) *Roof signs.* Roof signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the zoning district and shall not exceed 200 square feet on a side for one premise.
- (D) *Window signs.* Window signs shall be placed only on the inside of professional buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed. Only one illuminated sign per business per building is permitted.
- (E) *Illumination.* Only one illuminated sign per professional office per building is permitted.

§153.115 COMPREHENSIVE SIGN PACKAGES

- (A) As an option to the permanent signage standards set forth in this section, institutional, commercial, or industrial developments shall be allowed to submit an application for a Comprehensive Sign Package. All Comprehensive Sign Packages shall be reviewed as a Conditional Use Permit in accordance with the procedures set forth in this chapter. Any signage not specifically identified in the Comprehensive Sign Package shall conform to the minimum signage criteria contained in this Chapter.
- (B) The Comprehensive Sign Package shall include a master signage plan including the following:

- (1) Site plan identifying locations of freestanding, multi-tenant, and directional signs;
- (2) List of each type of sign to be permitted in the development with accompanying allowances. At a minimum, the following information shall be provided:
 - (a) Freestanding sign regulations to include dimensions of support structures, dimensions of sign face, permitted sign copy area (maximum individual and aggregate sign area per establishment), and maximum height of sign;
 - (b) Wall sign allowances to include permitted sign copy area (maximum individual and aggregate sign area per establishment), heights (in relation to storefront height) and area (in relation to storefront area);
 - (c) Directional sign allowances to include height and sign area;
 - (d) Illumination guidelines describing the type(s) allowed, placement, intensity, and hours of illumination;
 - (e) Changeable copy guidelines ;
 - (f) Temporary signage guidelines; and
 - (g) Theme and/or color guidelines – Provide graphic depictions of sign designs, color palettes, font style and letter size, illumination, materials, and sample sign copy areas.

NONCONFORMITIES

§153.130 NONCONFORMING USES

- (A) After the effective date of the ordinance upon which this chapter is based, existing structures, or the uses of land or structures which could be prohibited under the regulations for the district in which it is located (if they existed on the adoption date of the ordinance upon which this Zoning Code is based), shall be considered as nonconforming.
- (B) Nonconforming structures or uses may be continued provided they conform to the following provisions:
 - (1) A nonconforming use of any building or land shall not be enlarged or extended, provided that a nonconforming use of any building may be extended to any portion of such building which was, at the time such use became nonconforming, manifestly arranged or designed for such use.
 - (2) A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, the premises shall not thereafter be used for any nonconforming use.
 - (3) No structural alterations shall be made in a building housing a nonconforming use, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.
 - (4) A nonconforming use of any building or structure which is damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, or act of God, shall be discontinued, and such building or structure shall thereafter be used only in compliance with the provisions of the district in which it is located.

- (5) If a nonconforming use is discontinued for a continuous period of more than 120 days, any future use of the land or building shall be in conformity with the provisions of this chapter.
(Ord. §90D, passed 2-19-2008)

§153.131 NONCONFORMING BUILDINGS AND STRUCTURES.

Nonconforming buildings or structures shall be allowed to remain subject to the following provisions:

- (A) A nonconforming building or structure shall not be enlarged or extended unless such extension shall comply with all the requirements of this chapter for the district in which it is located.
- (B) A nonconforming building or structure which is damaged to an extent exceeding 75% of its then reproduction value, exclusive of foundation, by fire, flood, explosion, earthquake, war, riot, or act of God, shall not be reconstructed except in conformity with the provisions of this chapter.

- (C) Nonconforming buildings used for residential purposes shall comply with the dimensional requirements of the R-15 Residential District.

(Ord. §90E, passed 2-19-2008)

§153.132 NONCONFORMING SIGNS.

Nonconforming signs will be allowed to remain in good repair, for a period of two years after the adoption of the ordinance upon which this zoning code is based, after which time all signs must conform to the regulations of this section.

MANUFACTURED HOME PARKS

§153.150 REGULATIONS GOVERNING MANUFACTURED HOME PARKS.

Manufactured home parks constructed after July 1, 1999 are subject to the following regulations and all other ordinances which may be applicable:

- (A) *General provisions.* Manufactured homes because of their use, transportability, manufacture and manner of construction, location and susceptibility for use in high-density concentration tend to place inhabitants of manufactured homes in an unfavorable position to obtain services necessary for a safe and healthful living environment. It is the purpose of this division to provide protection to the public against unwise and hazardous manufactured home development and provide a reasonably safe and sound environment for manufactured home inhabitants and to:

- (1) Promote public health, safety and orderly residential development;
- (2) Prevent overcrowding of the land;
- (3) Provide adequate open space to ensure privacy, natural light and ventilation for each manufactured home;
- (4) Provide sufficient open space for outdoor uses essential to the manufactured home;
- (5) Ensure the furnishing of adequate water supply and sewage disposal systems; and

- (6) To provide an acceptable environment for small communities of manufactured homes.
- (B) *Regulation.* Manufactured home parks are, therefore, strictly regulated with respect to their location, installation, provisions for services, privacy and additional specific regulations herein.
- (C) *Permits and procedure; preliminary plat.* Persons wishing to construct, maintain, occupy or operate a manufactured home park, are subject to the following requirements for a preliminary plat. The manufactured home park developer shall submit a preliminary plat containing the following information:
- (1) Name of the proposed manufactured home park;
 - (2) Name and address of owner and operator;
 - (3) Drawn to a scale of one inch equals 40 feet;
 - (4) Contain date submitted, a north arrow and scale of plat;
 - (5) Show the boundaries of the manufactured home park property to include intersections and adjacent property of the manufactured home park properties and the names and addresses of all adjoining property owners;
 - (6) Plans for continued water supply and/or sewage disposal must be accompanied by letters of approval by appropriate town, county, and state authorities;
 - (7) Existing streets on adjoining properties and in the park, right-of-way, and proposed pavement widths. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by an application for driveway approval as required by the North Carolina Department of Transportation;
 - (8) Outline of all existing spaces/buildings within the manufactured home park property with lot numbers indicated;
 - (9) Location of parking bays, patios, walkways, service and accessory buildings, utility easements, utility poles, and buffer and screening areas;
 - (10) Method of sewer disposal in accordance with existing town, county, and state regulations;
 - (11) Method of water supply in accordance with existing town, county, and state regulations; and
 - (12) Plan of electric lighting, showing location and details of the light fixtures to be used.
- (D) *Review by Planning Board.* The Planning Board shall review the preliminary plat for general compliance with the requirements of this chapter and shall advise the manufactured home park developer of the regulations pertaining to the proposed manufactured home park and the procedures to be followed in the preparation and submission of the final plat.

- (E) *Planning Board recommendations.* The Planning Board, after determining that all requirements of this chapter have been met on the preliminary plat, shall recommend approval of the submitted preliminary plat to the Town Council.
- (F) *Review by Town Council.* Upon receiving the recommendation of the Planning Board, the Town Council shall then approve, approve with conditions, or deny the manufactured home park preliminary plat.
- (G) *Final Plat.* If the preliminary plat is approved or conditionally approved, the final plat shall be prepared by a registered land surveyor and shall contain the following information:
 - (1) Name and address of the manufactured home park, name and address of the owner, name and address of the registered engineer or land surveyor responsible for preparation of the plat;
 - (2) A manufactured home park design drawn to scale of one inch equals 40 feet;
 - (3) Date, north arrow, and scale;
 - (4) Boundaries of the manufactured home park property to include intersections and adjacent property with the boundaries of the manufactured home park property and the names and addresses of all adjoining property owners;
 - (5) The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems. Plans for water supply and/or sewage disposal must be accompanied by letters of preliminary approval by appropriate town, county and state authorities. Plan must show line size, the location of fire hydrants, blow-offs, manholes, pumps, force mains and gate valves and shall include profiles based upon mean sea level datum for sanitary sewers and storm sewers;
 - (6) Proposed streets, existing streets and platted streets on adjoining properties and in the proposed manufactured home park, right-of-way, pavement widths, approximate grades, design engineering data for all corners and curves, and typical street cross-sections. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by an approved driveway permit required by the North Carolina Department of Transportation, Division of Highways' *Manual on Driveway Regulations*;
 - (7) Outline of all existing and proposed buildings within the manufactured home park property with appropriate setbacks;
 - (8) Location of parking bays, patios, walkways, service and accessory buildings, utilities easements, utility poles, and buffer and screening areas;
 - (9) The location of outlets for utilities connection to manufactured home;
 - (10) Indication of how future expansion will be made, if applicable;
 - (11) Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas, and utility rooms;

- (12) Method and plan of sewage disposal in accordance with existing town, county, and state regulations;
 - (13) Location and quantity of refuse containers;
 - (14) Plan of water supply in accordance with existing town, county, and state regulations;
 - (15) Plan of electric lighting; and
 - (16) In the case of land with irregular topographic features, show finished contours, and (by separate map or otherwise) existing contours.
- (H) *Final approval.* Upon approval of the final plat, the Zoning Enforcement Officer may issue a permit to proceed and construction of the park may begin, provided that all applicable county and state laws and regulations have been met.
- (I) *Manufactured home park development standards.*
- (1) A site, tract of land, or lot to be developed as a manufactured home park shall be not less than two acres in area, excluding street right-of-way, but including utility easements, and it shall have not less than nine manufactured home spaces completed at first occupancy.

Two-way access streets within the site proposed shall have a pavement width of at least 20 feet. One-way access streets shall have a pavement width of no less than 18 feet. Permanent dead-end streets or cul-de-sacs shall not exceed 600 feet in length unless necessitated by topography and shall be provided with a turnaround of at least 80 feet in diameter. Streets shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees. Where a street intersects a highway, the design standards of the North Carolina Department of Transportation shall apply. Street jogs of less than 150 feet shall not be allowed. All manufactured home spaces shall have access to a street and there shall be no less than two off-street parking spaces per manufactured home space, which shall be accommodated in parking bays. Each parking space shall be provided by the owner or operator of the park.
 - (2) All manufactured home shall be properly tied down in accordance with the provisions of the *North Carolina Uniform Residential Building Code*.
 - (3) The manufactured home park shall be divided into lots, the limits of which shall be clearly marked on the ground by permanent flush stakes or markers. No manufactured home lot shall be occupied or partially occupied by any structure, park driveway or common area or facility, other than:
 - (a) The manufactured home;
 - (b) Its related automobile parking spaces; and
 - (c) Utility storage.

- (4) Every manufactured home park shall be located on ground that is above any probable flooding from any natural watercourse and shall be graded so as to prevent the accumulation or ponding of water on the premises.
- (5) The minimum area of a manufactured home lot shall be 5,000 square feet and shall not have a width of less than 40 feet or a length of less than 80 feet at the narrowest point of the width or length. When individual septic tanks are proposed, the minimum space size shall be 7,500 square feet and it shall be increased if the results of percolation test and subsoil investigations or other Health Department requirements indicate a need for a larger lot size.
- (6) No manufactured home or other structures within a manufactured home park shall be closer to each other than 20 feet, except that storage or other auxiliary structures for the exclusive use of the manufactured home may be closer to that manufactured home than 20 feet.
- (7) No manufactured home or other structure shall be located closer than 30 feet to an exterior boundary of the park or a bounding street light-of-way.
- (8) All manufactured home lots shall abut upon a paved street.
- (9) At least 10% of the gross land area of the manufactured home park shall be designed and developed as a recreation area. Recreation areas shall be located so as to be free of traffic hazards and easily accessible to the park residents.
- (10) A densely planted buffer strip consisting of trees, shrubs, other planting, or screen fence, at least ten feet in height shall be provided along the rear and side lines of the manufactured home park, or park property. No such buffer shall, however, be upon or extend into a street right-of-way.
- (11) The site proposed shall provide covered racks or holders for all refuse containers at each manufactured home space. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. There shall be one rack or holder to each manufactured home space of sufficient size to accommodate a refuse container of 30-gallon capacity. The site proposed shall also provide racks or holders for large commercial type containers. Such container racks or holders shall be designed to facilitate cleaning around them and shall be located not more than 150 feet from the manufactured home space served.
- (12) The site proposed shall provide area lighting adequate to meet the requirements of the County Electrical Department.
- (13) In every Manufactured Home Park and related building, all installations of plumbing, electrical wiring, and all gas and oil appliances shall comply with the provisions of the *North Carolina State Building Code* and any other applicable regulation of the town. In addition the following must be met:
 - (a) Each manufactured home lot shall be provided with plumbing and electrical connections; and
 - (b) The water supply for each manufactured home shall be obtained only from faucets located inside each mobile home.

- (14) A manufactured home park shall have direct access to a dedicated street or road.
- (15) No parking bay shall be located with direct access to a public street or road.
- (16) The site proposed shall have an office either as a separate structure or in connection with the dwelling quarters of the owner or operator.
- (17) The water system shall be in conformance with applicable state, county, and town regulations.
- (18) Sewage disposal shall be in conformance with applicable state, county, and town regulations.
(Ord. §90G, passed 2019-2008; Ord. passed 10-1-2002)

§153.151 PROVISIONS FOR MANUFACTURED HOMES IN MANUFACTURED HOME PARKS

- (A) The purpose of these regulations is to promote a safe and aesthetic environment inside manufactured home parks, protect community property values and to preserve the integrity and character of neighborhoods.
- (B) If municipal utilities are not available, the well and/or septic tank must be approved by the County Health Department.
- (C) The exterior siding of each manufactured home shall consist predominately of vinyl or aluminum siding, wood or hardwood, comparable in composition, appearance and durability to the exterior siding used in standard residential site-built construction. The siding shall be in good repair and in no instance shall the degree of reflectivity of the exterior siding, foundation skirting and roofing exceed that of gloss white paint.
- (D) A continuous foundation enclosure, unpierced except for required ventilation and access, shall be installed in accordance with *North Carolina State Building Codes*. The enclosure shall consist of brick, concrete block, vinyl or fabricated metal. Any wood framing for foundation skirting shall be constructed with treated lumber.
- (E) Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least 35 square feet shall be constructed at the front or main entrances to the manufactured home. Steps constructed from loose, stacked materials shall not be constructed as being properly installed.
- (F) The running lights shall be removed and the hitch shall be screened or removed.
- (G) At least two off-street parking spaces shall be provided.

- (H) The manufactured home shall be constructed after July 13, 1994, and shall meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. Proof of the age of the home such as a bill of sale, title or certified appraisal must be provided at the time the zoning permit is requested.
(Ord. passed 10-1-2002; Ord., passed 6-21-2011)

§153.152 REGULATIONS GOVERNING NONCONFORMING MANUFACTURED HOME PARKS.

To achieve the purpose of this section all existing manufactured home parks must meet the following minimum standards.

- (A) *Paving width and condition.* All streets in the manufactured home park must be paved to a minimum of 16 feet for all streets. All streets must be in good repair and all streets must meet or exceed North Carolina Department of Transportation *Minimum Standards*. **GOOD REPAIR** is defined as being free of potholes, cracks and other conditions that would make the road a hazard to motorists.
- (B) *Lighting.* Lighting inside the park shall be provided in sufficient numbers and spacing to provide continuous and uninterrupted lighting pattern to the streets within the parks. The light fixture shall not exceed 175 watts.
- (C) *Minimum manufactured housing standards; existing stock.*
- (1) All manufactured homes in a nonconforming manufactured home park shall meet the following standards for existing manufactured housing stock.
 - (2) Existing manufactured housing stock located in the town as of January 1, 2003, may remain within a nonconforming manufactured home park, provided that the following conditions are met.
 - (a) A continuous foundation enclosure unpierced, except for required ventilation and access, shall be installed in accordance with *North Carolina State Building Codes*. The enclosure shall consist of brick, concrete block, vinyl or fabricated metal. Any wood framing for foundation skirting shall be constructed with treated lumber.
 - (b) Permanent steps shall be constructed at all exterior doors as necessary, and a permanent porch or patio measuring at least 35 square feet shall be constructed at the front or main entrance to the manufactured home. Steps constructed from loose, stacked materials shall not be construed as being properly installed.
 - (c) The running lights shall be removed and the hitch shall be screened or removed.
 - (d) When replaced, the replacement home must meet or exceed the provisions of §153.077(A).
- (D) *Numbering.* All lots must display a lot number or address. The number must be displayed in a fashion that is visible from the street and must be consistent throughout the park.

- (E) *Solid waste disposal.* All garbage and waste disposal within the town must be in accordance with the Town Code Chapter 50.
- (F) *Compliance schedule.* All nonconforming manufactured home parks shall conform to the improvement requirements listed herein within the following phased time schedule:
- (1) Within six months of notification, the property owner shall submit, and have approved, a preliminary improvement proposal, including a plat for upgrading the park. Deadline for compliance: December 31, 1999.
 - (2) (a) Within 24 months of notification, the property owner shall have completed an approved improvement proposal, and have submitted to the town a final plat for upgrading the park. Deadline for compliance: December 31, 2002.
(b) If at the end of the 24-month period, a manufactured home park owners has not submitted the final plat and improvement schedule then the Zoning Enforcement Officer shall notify the park owner via certified mail that when a space within the nonconforming park is vacated, no further zoning permits shall be issued for the manufactured home park in question until the park meet the standards set forth in this division (F)(2).
 - (3) At the end of the 24 months, the manufactured home park owners that did not comply with the minimum standards will also be given notification via certified mail that they have 60 months to either comply with the town's manufactured home park regulations as set forth in §153.076 or be ordered by the town to cease and desist. Deadline for compliance: December 31, 2008.
 - (4) At the end of the 60 months, the town may use any and all remedies listed in §§153.134 and 153.999.
- (G) *Contents of improvement schedule.* The park improvement schedule must include the following:
- (1) A list of improvements done to date;
 - (2) A list of work remaining to be done to bring the park into compliance;
 - (3) A schedule listing each individual action needed to bring the park into compliance and a date when each action will be completed; and
 - (4) Signed statement by the owner agreeing to abide by the time frame listed on the improvement schedule.
- (H) *Contents of preliminary and final plat.* The preliminary and final plat shall include the following:
- (1) Must include the name of the manufactured home park;
 - (2) Must include the name and address of the owner and operator;
 - (3) Must be drawn to a scale of one inch equals 40 feet;

- (4) Must contain date submitted, a north arrow and scale of plat;
 - (5) Must shown the boundaries of the manufactured home park property to include intersections and adjacent property with the boundaries of the manufactured home park properties and the names of addresses of all adjoining property owners;
 - (6) Plans for continued water supply and/or sewage disposal must be accompanied by letters of approval by appropriate town, county and state authorities;
 - (7) Existing streets on adjoining properties and in the park, right-of-way and proposed pavement widths. If any street is proposed to intersect with a state maintained road, the plat shall be accompanied by an application for driveway approval as required by the North Carolina Department of Transportation;
 - (8) Outline of all existing spaces/buildings within the manufactured home park property with lot numbers indicated;
 - (9) Location of parking bays, patios, walkways, service and accessory buildings, utility easements, utility poles, and buffer and screening areas;
 - (10) Method of sewer disposal in accordance with existing town, county and state regulations;
 - (11) Method of water supply in accordance with existing town, county and state regulations;
 - (12) Plan of electric lighting, showing location and details of the light fixtures to be used.
- (I) *Approval process.* No improvements will be accepted as meeting the minimum standards of this section without submitted of a final plat and improvement schedule. The final plat shall be reviewed by the Planning Board and approved by Town Council. Upon completion of all items listed in this section, the park will have met the minimum requirements and will be allowed to continue to operate as a nonconforming manufactured home park.
(Ord. passed 10-1-2002)

OFF-STREET PARKING AND LOADING**§153.170 OFF-STREET PARKING REQUIREMENTS.**

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this subchapter. The parking space may be provided in a parking garage or properly graded open space.

(Ord. §110A, passed 2-19-2008)

§153.171 LOCATION.

Off-street parking as required by this section in the H-B and G-M zoning districts may be permitted in required yards but shall be no closer than ten feet from the front property line or any street right-of-way or railroad right-of-way line.

§153.172 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS.

Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this chapter shall include information as to the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this section are met.

(Ord. §110B, passed 2-19-2008)

§153.173 MINIMUM OFF-STREET PARKING REQUIREMENTS.

The following off-street parking spaces shall be required:

Residential and Related Uses	Required Off-Street Parking
Any residential use consisting of one or more dwelling units	Two parking spaces for each dwelling unit
Customary home occupations	In addition to residential requirements, one parking space per 100 square feet devoted to home occupation
Manufactured and modular homes	Two space for each manufactured or modular home
Rooming/board homes	One space for each two guest rooms, plus two additional spaces for the owner or manager
Institutional, Public and Semipublic Public Uses	Required Off-Street Parking
Apartment complexes for the elderly	One space for each apartment
Churches and funeral homes	One space for every four seats in the main chapel
Hospitals	Two spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater
Libraries	One space for every four seats provide for patron use
Medical offices and clinics	One space per 150 square feet of gross floor area
Mini-warehouse	One space per 150 square feet in the office space plus one additional space for each five employees

Places of public assembly, including private clubs and lodges, auditorium, dance halls, pool halls, theaters, stadiums, gymnasiums, amusement parks, community centers and all similar places of public assembly	One space for each four fixed seats provided for patron use, plus one space for each 100 square feet of floor or ground area used for amusement or assembly not including fixed seats
Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions	One space for each six patients beds, plus one space for each staff or visiting doctor plus one space for each four employees
Schools	1.75 spaces per classroom in elementary schools; 1 space per 100 square feet of gross floor area for trade or vocational schools; 1 space per 150 square feet of gross floor area for colleges, universities and community colleges

Business Uses	Required Off-Street Parking
Hotels	One space for each two rooms plus one additional space for each five employees
Hotels, tourist homes, inns	One space for each accommodation plus four additional spaces for employees
Offices, including banks	One space for each 200 square feet of gross floor area
Restaurants	One space for each three seating accommodations, plus one space for each two employees of the shift of largest employment
Restaurant, drive-in	One space for each 100 square feet of gross floor area
Retail business	One space for each 200 square feet of gross floor area
Service stations	One space per 200 square feet of gross floor area of building devoted primarily to gas sales operation
Shopping centers	One space for each 200 square feet of gross floor area
Wholesale and industrial operations	One space for each two employees at maximum employment on a single shift

(Ord. §110C, passed 2-19-2008)

§153.174 OFF-STREET LOADING AND UNLOADING SPACE.

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley, or if there is no alley available, then to a street. For the purpose of this section, an off-street loading space shall have a minimum dimension of 12 feet by 40 feet and overhead clearance of 14 feet in height above the alley or street grade.

Retail operations	One loading space for each 5,000 square feet of gross floor area or fraction thereof
Wholesale/industrial operation	One loading space for each 10,000 square feet of gross floor area or fraction thereof

(Ord. §110D, passed 2-19-2008)

ADMINISTRATION AND ENFORCEMENT

§153.190 ZONING ENFORCEMENT OFFICER.

- (A) It shall be the duty of the Zoning Enforcement Officer to enforce and administer the provisions of this chapter. The assistance of other persons may be provided as the Town Council may direct.
- (B) If the Zoning Enforcement Officer finds that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal use of land, buildings or structures; removal of illegal buildings or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions. No zoning permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustments.
- (C) If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

(Ord. §120A, passed 2-19-2008)

§153.191 ZONING PERMIT REQUIRED.

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot of record for the construction of any building be commenced until the Zoning Enforcement Officer has issued a zoning permit for such work. Every person obtaining a zoning permit hereunder shall pay a fee as provided in a schedule of zoning permit fees to be adopted by the governing body.

(Ord. §120B, passed 2-19-2008)

§153.192 APPLICATION FOR ZONING PERMIT.

- (A) Each application to the Zoning Enforcement Officer for a zoning permit shall be accompanied by plot plans in duplicate showing:
 - (1) The actual dimensions of the lot to be built upon;
 - (2) The size of the building to be erected;
 - (3) The location of the building on the lot;

- (4) The location of existing structures on the lot, if any;
 - (5) The number of dwelling units the building is designed to accommodate;
 - (6) The approximate setback lines of buildings on adjoining lots;
 - (7) The intended use of the property;
 - (8) The county tax map identification number of the property and a copy of the metes and bounds description of the lot of record; and
 - (9) Such other information as may be essential for determining whether the provisions of this chapter are being observed.
- (B) Any zoning permit issued shall expire and be cancelled unless the work authorized by it shall have begun within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until another zoning permit has been obtained.
- (Ord. §120C, passed 2-19-2008)

§153.193 CERTIFICATE OF OCCUPANCY REQUIRED.

- (A) A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of:
- (1) Occupancy or use of a commercial or industrial building hereafter erected, altered or moved for commercial or industrial purposes;
 - (2) Change of use of any building or land;
 - (3) A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning permit. The certificate of occupancy shall be issued within ten days after the erection or structural alteration of such building, or part, has been completed in conformity with the provisions of this chapter. If a certificate of occupancy is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or the land involved.
 - (4) In addition, a certificate of occupancy shall be required for each non-conforming use created by the passage and subsequent amendments to this chapter.
- (B) The owner of such non-conforming use shall obtain a certificate of occupancy within 30 days of the date of said passage or amendments.
- (Ord. §120D, passed 2-19-2008)

§153.194 VIOLATION OF CHAPTER; PENALTIES AND REMEDIES.

- (A) *Complaints regarding violations.* Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Town Clerk. The Zoning Enforcement Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.
 - (B) *Violation.* In addition to those remedies provided in G.S. §§14-4 and 160-175, as amended and otherwise as law provided, whenever, by the provisions of this chapter, the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection or removal or alteration of a structure, a failure to comply with such provision shall constitute a violation of this chapter.
 - (C) *Liability.* The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter shall be held responsible for the violation and be subject to the penalties and remedies herein.
 - (D) *Procedures upon discovery of violation.* Upon the determination that any provision of this chapter is being violated, the Zoning Enforcement Officer shall send, within five working days, a written notice by registered mail to the person(s) responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Zoning Enforcement Officer's discretion.
 - (E) *Final written notice.* The final written notice, which may also be the initial notice, shall state the action the Zoning Enforcement Officer intends to take, if the violation is not corrected, and shall advise that the Zoning Enforcement Officer may seek enforcement without prior written notice by invoking any of the remedies contained in this section.
 - (F) *Town Attorney may prevent violation.* If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any structure or land is used in violation of this chapter, the Zoning Enforcement Officer shall inform the Town Attorney. In addition to other remedies, the Town Attorney may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such structure or land or to prevent any illegal act, conduct, business or use in or about such premises.
- (Ord. §120E, passed 2-19-2008) Penalty, see §153.999

BOARD OF ADJUSTMENT

§153.205 ESTABLISHMENT OF BOARD OF ADJUSTMENT.

- (A) A Board of Adjustment is hereby created as provided in G.S. §160A-388. Said Board shall consist of five members to be appointed by the Town Council for the overlapping terms of three years. Initial terms of office shall be as follows: one member appointed for a term of one year; two members appointed for terms of two years; and two members appointed for terms of three years. Upon completion of the initial term of office for each member, all additional appointments to vacancies on the Board shall be for three year terms. The members of the Board of Adjustment shall be residents of the county. Any vacancy in the membership shall be filled for the unexpired

term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board of Adjustment.

- (B) The Town Council may, in its discretion, appoint not more than two alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. This alternate member or members shall be appointed in the same manner as regular members and at the regular times for appointment. The alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.
- (Ord. §130A, passed 2-19-2008)

§153.206 DECISIONS OF THE BOARD OF ADJUSTMENT.

- (A) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer pertaining to the town or to decide in favor of the applicant any matter upon which it is required to pass under the Zoning Code or to effect any variation of such code in the town.
- (B) On all appeals, applications and other matters brought before the Board of Adjustment, the Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and shall decide the same within a reasonable time. The Board shall inform all parties involved of its decision in writing, stating the reasons therefore.
- (Ord. §130B, passed 2-19-2008)

§153.207 PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall elect a chairman and vice-chairman from its members, each of whom shall serve for one year or until re-elected or until their successors are elected and qualify. This year shall run from July 1 to June 30. The Board shall adopt rules and bylaws in accordance with the provisions of this chapter and G.S. Ch. 160A, Art. 19. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his or her absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public. The secretary shall keep a record of all proceedings of meetings but shall not have a vote unless he or she is also a regular or alternate member of the Board.

(Ord. §130C, passed 2-19-2008)

§153.208 APPEALS, HEARINGS AND NOTICE.

An appeal from the decision of the Zoning Enforcement Officer may be taken by any person aggrieved or affected by such decision to the Board of Adjustment. Such appeal shall be taken within 45 days by filing with the Zoning Enforcement Officer and with the Secretary of the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(Ord. §130D, passed 2-19-2008)

§153.209 STAY OF PROCEEDINGS.

An appeal stays in all legal proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certified to the Board of Adjustment after the notice of appeal has been filed with him or her that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record, upon appropriate application, on notice to the Zoning Enforcement Officer and on due cause shown.
(Ord. §130E, passed 2-19-2008)

§153.210 DECISION OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment may reverse or reaffirm, wholly or in part, or may modify any order, requirements, decision or determination and to that end shall have the powers of the administrative official from whom the appeal is taken.
(Ord. §130F, passed 2-19-2008)

§153.211 DUTIES OF THE ZONING ENFORCEMENT OFFICER, BOARD OF ADJUSTMENT, COURTS AND TOWN COUNCIL ON MATTERS OF APPEAL.

It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented to the Zoning Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer, and that from the decision of the Board of Adjustment recourse shall be had to courts as prescribed by law. It is further the intention of this chapter that the duties of the Town Council in connection with the chapter shall not include the hearing and passing upon disputed question that may arise in connection with the enforcement thereof. The duties of the Town Council in connection with this chapter shall be only the duty of considering and passing upon any proposed amendments or repeal of this chapter.
(Ord. §130I, passed 2-19-2008)

§153.212 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT.

- (A) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer in the enforcement of this chapter.
- (B) *Conditional uses; conditions governing application.* To grant in particular cases and subject to appropriate conditions and safeguards, permits for conditional uses under the various use districts, the Board of Adjustment shall not grant a conditional use permit unless and until:
 - (1) A written application for a conditional use permit is submitted indicating the section of this chapter under which the conditional use permit is sought;
 - (2) A quasi-judicial public hearing is held. A notice of the public hearing shall be given once a week for two consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for this hearing (G.S. §160A-364). Any petition may be withdrawn at any time by written notice to the Town Clerk. All property owners within 100 feet of the property in question shall be notified of this hearing by first class mail; and

- (3) The Board of Adjustment finds that in the particular case, the use for which the conditional use permit is sought will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. In granting such a permit, the Board of Adjustment may designate such conditions in connection therewith as will conform to the requirements and spirit of this chapter.
- (C) *Compliance with other codes.* Granting a conditional use permit does not exempt the applicant from complying with all of the requirements of building codes or other ordinances.
- (D) *Revocation.* If at any time after a conditional use permit has been issued, the Board of Adjustment finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a conditional use permit, the permit shall be terminated and the operation of such use discontinued. If a conditional use permit is terminated for any reason, it may be reinstated only after a public hearing is held.
- (E) *Expiration.*
- (1) In any case where a conditional use permit has not been exercised within the time limit set by the Board of Adjustment, or within one year if no specific time limit has been set, then without further action the permit shall be null and void.
- (2) **EXERCISED** as set forth in this division shall mean that binding contracts for the construction of the main building shall have been let; or in the absence of contracts, that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, and the like). When construction is not a part of the use, **EXERCISED** shall mean that the use is in operation in compliance with the conditions set forth in the permit.
- (F) *Careful record.* A careful record of such application and plat, together with a record of the action taken thereon, shall be kept in the office of the zoning enforcement officer.
- (G) *Variances.* Any application for a Variance shall be filed with the Town Clerk at least 20 days prior to the date on which it is to be introduced to the Board of Adjustment. The Town Clerk or designated staff member shall be responsible for presenting the application to the Board of Adjustment. Each variance application shall be accompanied by a fee (as adopted by the Town Council) to help defray the costs of advertising the public hearing required by G.S. §160A-364.19.
- (H) *Variance application requirements.* A Variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating that:
- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same district;
- (2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

- (3) The circumstances do not result from the action of the applicant;
 - (4) Granting the variance requested will not confer upon the applicant any special privileges that are denied by this chapter to other lands, structures, or buildings in the same district;
 - (5) No nonconforming use of neighboring land, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts will be considered grounds for the issuance of a variance.
 - (I) *Hearing.* Notice of a public hearing shall be given as set forth in division (A)(2). At the quasi-judicial public hearing, any party may appear in person or by agent or attorney.
 - (J) *Findings, general.* The Board of Adjustment shall make findings that the requirements of division (G) shall have been met for a variance.
 - (K) *Findings, specific.* The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance is the minimum one that will make possible the reasonable use of the land, building or structure.
 - (L) *Findings, environment.* The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - (M) *Conditions attached.* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under §153.134.
 - (N) *Prohibition.* Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in the district.
- (Ord. §130F, passed 2-19-2008)

AMENDMENTS AND CHANGES

§153.225 PROCEDURE FOR AMENDMENTS.

A petition for an amendment to this chapter and to the Official Zoning Map may be initiated by the town, the Planning Board, any department or agency of the town, the owner of any property within the town, or any interested citizen who can show just cause for an amendment. Applications submitted by individual property owners or interested citizens who are not acting in an official capacity for the town shall comply with the following procedural requirements:

- (A) *Application submission.* Any petition for an amendment to this chapter shall be filed with the Town Clerk at least 20 days prior to the date on which it is to be introduced to the Planning Board. Each petition for an amendment shall be accompanied by a fee (as adopted by the Town Council) to help defray the costs of advertising the public hearing required by G.S. §160A-364.19.
- (B) *Change to Zoning Map.* Each application involving a change to the Official Zoning Map shall be signed, be in duplicate, and shall contain at least the following information:

- (1) The applicant's name in full, applicant's address, address or description of the property to be rezoned, including the tax map number;
 - (2) The applicant's interest in the property and the type of rezoning requested;
 - (3) If the proposed change would require a change in the Zoning Map, an accurate diagrams of the property proposed for rezoning, showing:
 - (a) All property lines with dimensions, including north arrow;
 - (b) Adjoining streets with rights-of-way and paving widths;
 - (c) The location of all structures, existing and proposed, and the use of the land;
 - (d) Zoning classification of all abutting property owners; and
 - (e) Names and address of all adjoining property owners.
 - (4) A statement regarding the changing conditions, if any, in the area or in the town generally that makes the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- (C) *Planning Board consideration.* All proposed amendments to this chapter shall be submitted to the Planning Board for review and recommendation. At the discretion of the Planning Board, a public hearing may be conducted to consider the proposed amendment. The Planning Board shall have 30 days from the time the proposed amendment was first considered by the Planning Board to submit its report. If the Planning Board fails to submit a report within the above period, it shall be deemed to have approved the proposed amendment.
- (D) *Town Council consideration.* Before adopting or amending this chapter, the Town Council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two consecutive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days nor more than 25 days before the date fixed for this hearing (G.S. 160A-364). Any petition for an amendment to this chapter may be withdrawn at any time by written notice to the Town Clerk.
- (Ord. §140A, passed 2-19-2008)

§153.226 PROTEST PETITION.

General. A protest petition may be presented against any proposed amendment signed by the owners of 20% or more either of the area of the lots included in the proposed changes, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from, or of those directly opposite thereto extending 100 feet from the street fronting on the opposite lots. In this case the amendment shall not become effective except by favorable vote of three-fourths of all members of the Town Council.

- (A) *Petition requirements.* No protest against any change in or amendment to the Zoning Code or Zoning Map shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, unless it shall have been received by the Town Clerk in sufficient

time to allow the town at least two normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition (G.S. §160A-387).

(Ord. §140B, passed 2-19-2008)

LEGAL PROVISIONS

§153.270 INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this Zoning Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern, provided that nothing in this chapter shall be construed to amend or repeal any other existing ordinance of the town.

(Ord. §150A, passed 2-19-2008)

§153.299 PENALTY.

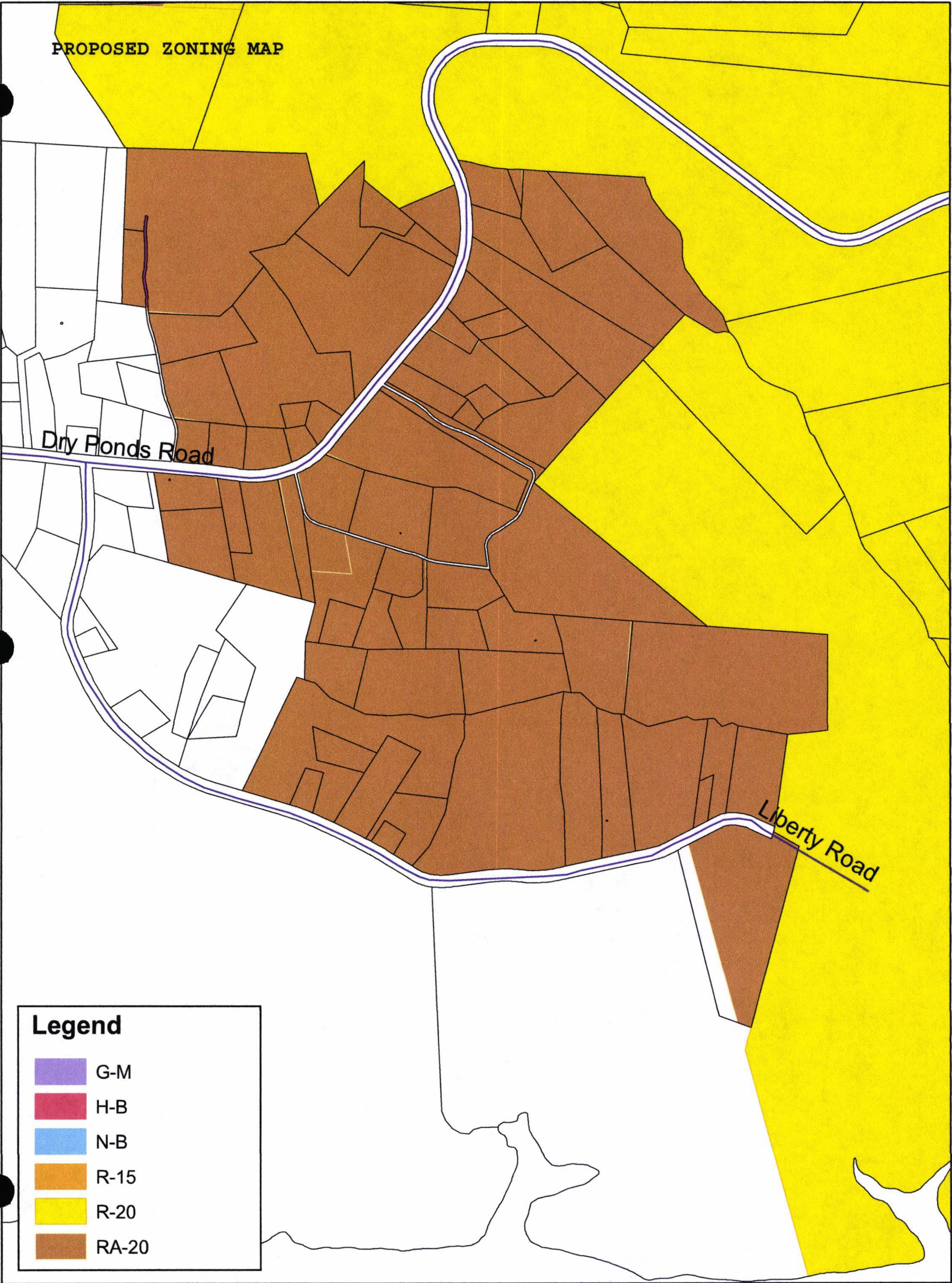
- (A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.
- (B) *Civil penalties.* Violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his or her residence or at his or her place of business or at the place where the violation occurred.
- (C) *Criminal penalties for violation.* Any person, firm or corporation who violated the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not 30 days. Each day that a violation continues to exist shall be considered a separate offence, provided that violation of this chapter is not corrected within 30 days after the notice of the violation has been given.

(Ord. §120E, passed 2-19-2008)

ncpin	Property Address	Owner	Acreage
2755534460	5396 NORTHSIDE CHURCH RD	ANDERSON DAVID L & SHIRLEY J	2.07310652
2755632544	1654 DRY PONDS RD	BEANE TIM WILLIE	8.53147551
2755635143	1651 DRY PONDS RD	BENTLEY THOMAS E	0.9855227
2755637051	1653 DRY PONDS RD	BENTLEY THOMAS E	0.26787736
2755631942	1702 DRY PONDS RD	BRISTOL KENNETH L & TERRI ANNE	2.86393306
2755603967	5544 LIBERTY RD	BROWN JANET M & GARRY A	0.33064253
2755523521	0 0	BRYANT RALPH L	1.27
2755523674	1533 DRY PONDS RD	BRYANT RALPH L	1.14542796
2755524453	2831 DRY PONDS RD	BRYANT RALPH LORE & LANTHA	2.12550224
2755636925	1712 DRY PONDS RD	BURLESON LINDA INGLE	1.20885384
2755534966	5356 NORTHSIDE CHURCH RD	CARR DAVID PATRICK	12.8825133
2755800589	5621 LIBERTY RD	COFFEY BILL S & DORIS B	8.04156371
2755616988	1436 URBAN LN	COLLIER RUFUS & EVELYN	1.23515194
2755730267	1683 DRY PONDS RD	CORNETTE RONNIE	1.72517028
2755633957	1704 DRY PONDS RD	CURTIS RONALD EARL	0.87858603
2755619295	1506 BUCK BRANCH CR	DALTON DAN B & JEANETTE C	10.3789082
2755624083	5491 DUGGER ST	DUGGER TERRY CECIL	1.0194796
2755637555	1687 DRY PONDS RD	DULA MARY LAVERNE	0.8508382
2755714270	5606 LIBERTY RD	EPPS MICHELINE	2.18227678
2755712280	5594 LIBERTY RD	EPPS RONALD LEE & MICHELINE	3.36835861
2755716295	5616 LIBERTY RD	EPPS SARAH MAE	4.66803247
2755620685	5454 DUGGER ST	FARTHING JOHN	1.87734008
2755620366	5471 DUGGER ST	FARTHING JOHN SMITH	2.86138131
2755731972	1751 DRY PONDS RD	FOSTER TIMOTHY J & CAROLYN O	2.61096015
2755649195	1749 DRY PONDS RD	FOSTER TIMOTHY J & CAROLYN O	0.1655775
2755627902	0 0	GRYDER HAROLD	1.3187181
2755722255	1637 DRY PONDS RD	GRYDER HAROLD D	8.10588194
2755529423	5459 DUGGER ST	HALL LEONARD GROVER	1.09687295
2755710918	1417 URBAN LN	HAMBY JOHN LAWRENCE	1.76608931
2755619786	1413 URBAN LN	HAMBY JOHN LAWRENCE	2.97787291
2755810717	0 URBAN LN	HAMBY JOHN LAWRENCE	10.5542622
2755713894	0 DUGGER ST	HAMBY ROBERT L	3.01073018
2755611338	5524 LIBERTY RD	HAMBY ROBERT L	0.85307888
2755721927	1633 DRY PONDS RD	HAMES LOYD ALBERT SR	3.15440519
2755637294	1661 DRY PONDS RD	HAMES LOYD ALBERT SR	2.62374823
2755638038	1675 DRY PONDS RD	HAMES LOYD ALBERT SR	0.41015853
2755526513	0 DRY PONDS RD	HOOD EARL FRANKLIN	0.85882303
2755527394	1561 DRY PONDS RD	HOOD EARL FRANKLIN	2.78967053
2755524910	1532 DRY PONDS RD	HOOD GWYN E	0.73488087
2755625853	1597 DRY PONDS RD	HOOD VERGIE	5.5133035
2755529838	1584 DRY PONDS RD	HUFFMAN LARRY L	0.40967267
2755611708	1450 URBAN LN	JOHNSON KENNETH MICHAEL	1.5532176
2755614772	1450 URBAN LN	JOHNSON KENNETH WALTER	3.62046628
2755732695	0 DRY PONDS RD	KIRBY JOHNNY C & PAULA W	5.04561152
2755732435	0 DRY PONDS RD	KIRBY JOHNNY C & PAULA W	5.34526403
2755620939	1606 DRY PONDS RD	MILLER LARRY ALLAN & NAOMI J	0.47996007
2755648161	1749 DRY PONDS RD	MINTON TERRY	1.17586334

2755624225	5489 DUGGER ST	MOORE RICHARD ALAN	0.99943161
2755621011	5485 DUGGER ST	MULLINAX DARLA	0.81327954
2755638486	1685 DRY PONDS RD	MURPHY RANDY L	0.61283105
2755531732	5375 NORTHSIDE CHURCH RD	NORTHSIDE BAPTIST CHURCH	0.87697054
2755636480	1679 DRY PONDS RD	POWELL JESSE	0.55037023
2755525886	1538 DRY PONDS RD	SAUNDERS JOEL	0.84029617
2755627118	5505 DUGGER ST	SHOOK ESSIE MAE	1.56101989
2755534154	5412 NORTHSIDE CHURCH RD	SMITH DARRELL E & ROBIN R	2.34193901
2755538235	1620 DRY PONDS RD	SMITH ROBERT VERNEL & BARBARA	6.14737203
2755539010	0 DRY PONDS RD	SMITH ROBERT VERNEL & BARBARA	0.32479857
2755719116	5616 LIBERTY RD	STAMEY KEVIN A	0.33853922
2755811256	5636 LIBERTY RD	STAMEY KEVIN A	2.38265756
2755627438	5502 DUGGER ST	WILLIX KENNETH DAVID & ALICE	2.57404875
2755624505	5482 DUGGER ST	WILLIX KENNETH DAVID & ALICE	2.75049704
2755615018	5540 LIBERTY RD	WILSON KENNETH & KENNETH JR	1.62668791
2755736818	0 DRY PONDS RD	WILSON MARVIN RAY	5.31199538
2755612189	5532 LIBERTY RD	WILSON ROBERT	1.99068069
2755519271	5518 LIBERTY RD	WILSON ROBERT & KIM	0.46304905
2755719373	5632 LIBERTY RD	WILSON ROBERT KENT	1.27878413
2755519229	5518 LIBERTY RD	WILSON ROBERT S ETAL	7.56146287

PROPOSED ZONING MAP



Legend

- G-M
- H-B
- N-B
- R-15
- R-20
- RA-20



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

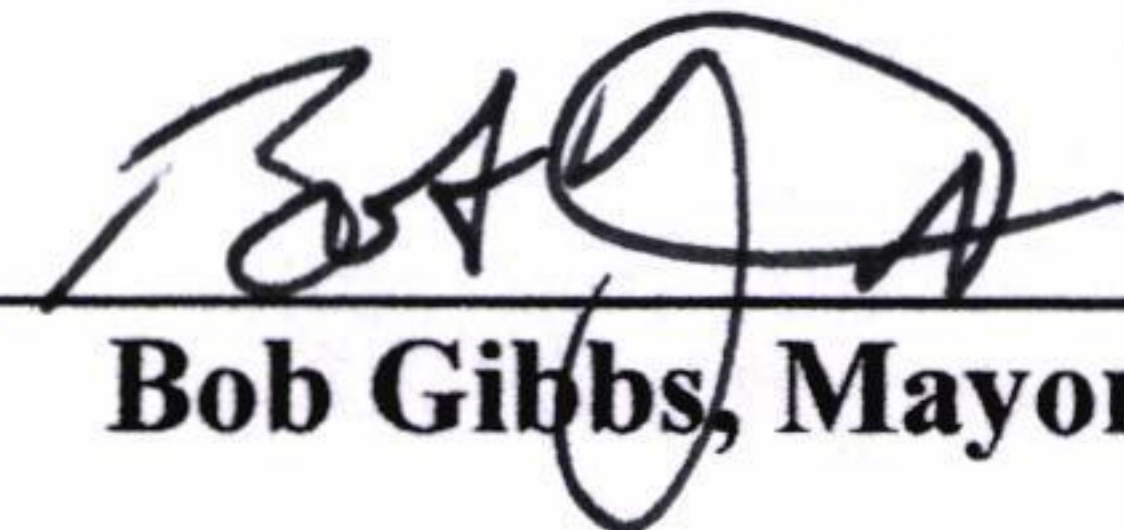
TOWN OF SAWMILLS RESOLUTION

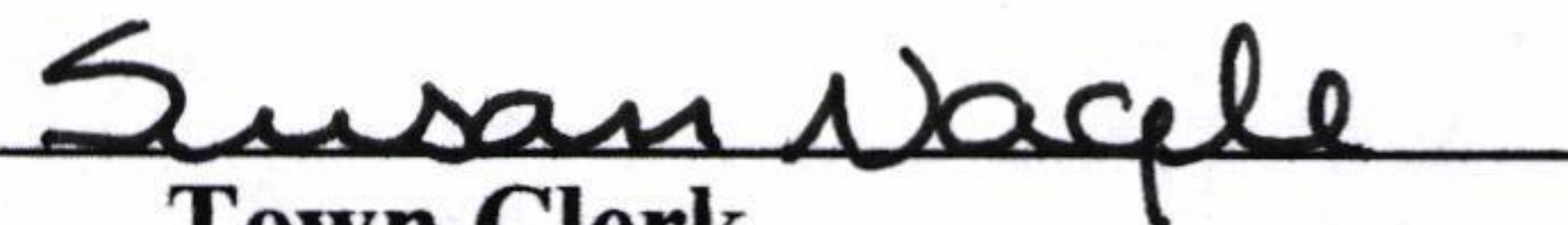
THAT WHEREAS, the Town of Sawmills maintains a firm commitment to provide a safe and healthy work environment for its employees and customers; and

THAT WHEREAS, the Town of Sawmills does desire to adopt updated policies applying to the appointment, classification, benefits, salary, promotion, demotion, dismissal and conditions of employment of the employees of the Town of Sawmills.

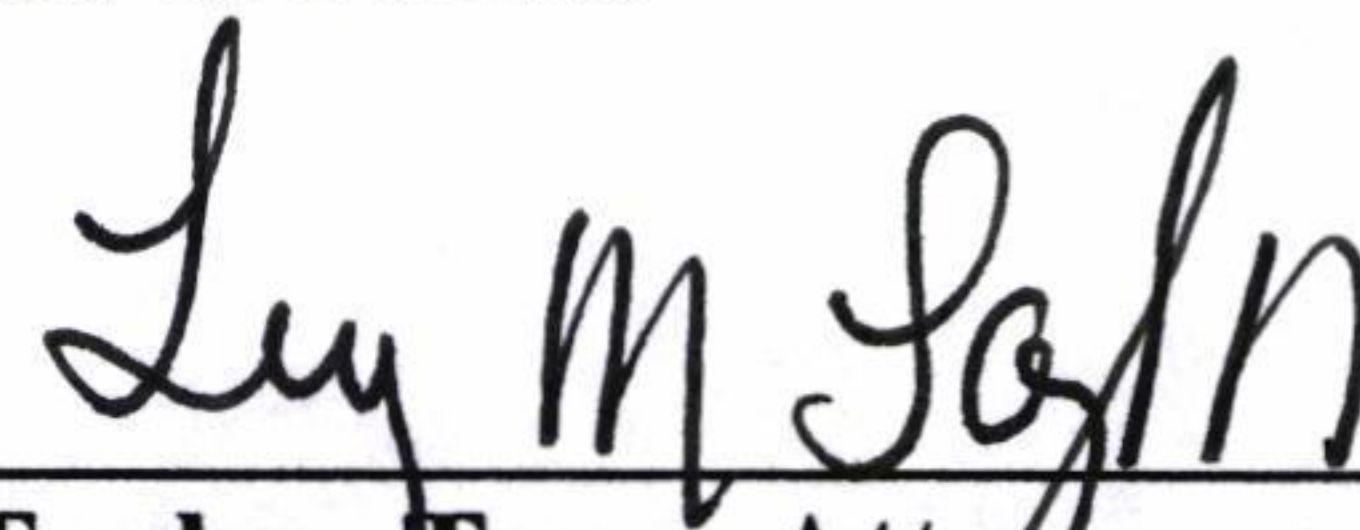
NOW, THEREFORE, BE IT RESOLVED that the Town of Sawmills Substance Abuse Policy as attached hereto and the Town of Sawmills Personnel Policy as also attached hereto shall now be the Updated Substance Abuse Policy and Personnel Policy of the Town of Sawmills to be effective as of this the 17th day of April, 2012.

TOWN OF SAWMILLS

By: 
Bob Gibbs, Mayor

ATTEST: 
Town Clerk

Approved as to Form:


Terry M. Taylor, Town Attorney

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.



TOWN OF SAWMILLS

- PERSONNEL POLICY

TOWN OF SAWMILLS

PERSONNEL POLICY

BE IT RESOLVED by the Town Council of the Town of Sawmills that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Sawmills.

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ARTICLE I GENERAL PROVISIONS

Section 1. Purpose of the Chapter

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town. (Nothing in this policy creates an employment contract or term between the Town and its employees.) This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay rates and may change the policies and benefits as necessary. They also shall make and confirm appointments of Town Staff. The Town Council shall make appointments, dismissals and suspensions in accordance with the Town Charter and other policies and procedures spelled out in other Articles in this Chapter.

Section 3. Application of Policies, Plan, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 4. "At-Will Statement"

Employment with the Town of Sawmills is a voluntary one and is subject to termination by the employee or the Town of Sawmills at will, with or without cause and with or without notice at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in anyway the employment-at-will status of the Town of Sawmills employees.

This policy of employment-at-will may not be modified by any officer or employee and shall not be modified in any publication or document. The only exception to this policy is a written employment agreement approved by the Town Council and signed by both the employee and the Town Administrator.

These personnel policies are not intended to be a contract of employment or a legal document.

Section 5. Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Council, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

Section 6. Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, or marital status. Applicants with physical handicaps shall be given equal consideration with other applicants for positions in which their physical handicaps do not represent an unreasonable barrier to satisfactory performance of duties.

Section 7. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 8. Harassment and Sexual Harassment

The Town of Sawmills has adopted a policy of "zero-tolerance" with respect to unlawful discrimination or employee harassment. In this connection, the Town expressly prohibits any form of unlawful discrimination or employee harassment based on race, color, religion, sex, national origin, age, disability, citizenship, status as a Vietnam-era, special disabled, or other covered veteran, or status in any group protected by state or local law. Improper interference with the ability of the Town's employees to perform their expected job duties is not tolerated.

With respect to sexual harassment, the Town prohibits the following:

1 Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

2 Offensive comments, jokes, innuendos, and other sexually oriented statements.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Violating someone's "personal space."
- Offensive whistling.
- Lewd, off-color, sexually oriented comments or jokes.
- Derogatory comments or jokes about any person's race, religion, ethnicity, sexual orientation, and the like.
- Foul or obscene language.
- Leering, staring, stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Offensive e-mail or voice-mail messages.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
- Questions about one's sex life or experiences.

- Repeated requests for dates.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Sexual assault or rape.
- Any other conduct or behavior deemed inappropriate by the Town .

Complaint Procedure

Each supervisor and department head is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

Any employee who believes that he or she may have a complaint of any job-related harassment based on your sex, race, national origin, disability, or another factor, or believe that you have been treated in an unlawful, discriminatory manner, may follow the Grievance Procedure described in this Chapter, Article X or may file the complaint directly with the Town Council, department head, or other Town official. The Town Council will insure that an investigation is conducted into any allegation of sexual harassment and advise the employee and appropriate officials of the outcome of the investigation.

This policy applies to all incidents of alleged discrimination or harassment, including those which occur off-premises, or off-hours, where the alleged offender is a supervisor, coworker, or even a nonemployee with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Should the alleged discrimination or harassment occur at a time other than your normal business hours, your complaint should be filed as early as practicable on the first business day following the alleged incident.

Please understand that the Town of Sawmills takes complaints of discrimination and harassment very seriously. Thus, there is no need to follow any formal chain of command when filing a complaint when discussing or expressing any issue of concern regarding alleged discrimination or harassment, and you may bypass anyone in your direct chain of command and file your complaint or discuss or express any issue of concern with Town Administrator or the Town Attorney at any time. The Town or the Town Attorney will undertake an investigation of any complaints. All complaints will be kept confidential to the maximum extent possible. All employees have a duty to cooperate fully with the Town Administrator or the Town Attorney in connection with any such investigation.

If the Town determines that an employee is guilty of discriminating or harassing another individual, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

The Town prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the Town determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

Section 9. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full-time employee: An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, are required by the Town.

Part-time employee: An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the Town.

Regular employee: An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

Probationary employee: An employee appointed to a full or part-time Position who has not yet successfully completed the designated probationary period.

Temporary employee: An employee appointed to a position for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town in less than 12 months.

Trainee: An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

ARTICLE II POSITION CLASSIFICATION PLAN

Section 1. Purpose

The position classification plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and

specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) written specifications for each position; and
- c) an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) to assist in determining salary to be paid for, various types of work;
- d) to assist in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Town Council shall periodically review portions of the classification plan and make appropriate changes. The Town Administrator may make recommendations to the Town Council for changes to the Classification Plan to the Town Council.

ARTICLE III EMPLOYEE PAY

Section 1. Administration and Maintenance

The Town Council shall be responsible for administration and maintenance of the Town's employee's pay. Individual employees' beginning pay as well as merit, promotional or cost of living increases will be reviewed and approved by the Town Council

Employee's pay is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of Hiring, the financial conditions of the Town, and other factors. To this end, from time to time the Town Council may make comparative studies of all factors affecting the level of salary paid for each position and make such changes in the salary paid for each position as appears to be pertinent.. Adjustments to employees pay may be made as a result of any such comparative study which may be in addition to any merit salary increase an employee may receive.

Section 2. Pay Periods, Pay Days and Direct Deposit

Pay periods begin on Thursday and end on Wednesdays.

The town of Sawmills pays weekly.

All employees are required to maintain a bank checking or saving account in order for their pay to be directly deposited to a bank account. The Town will assist an employee establishing an account if they do not have one.

Section 3. Starting Salaries

Employee's starting salary shall be recommended by the Town Administrator and approved by the Town Council

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries may be paid below the normal salary paid for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed as planned, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be eligible for a pay increase for the position for which the employee was trained

Section 5. Performance Evaluation and Merit Pay Increases

Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing. Employees may be considered for advancement

within the established salary range based on the quality of their overall work performance.

Section 6. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Town Council.

Section 7. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. To the extent that local governmental jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Council shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and word periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA overtime calculation purposes.

Non-exempt employees may be granted compensatory leave in lieu of receiving overtime pay for applicable overtime hours worked in accordance with FLSA regulations. Compensatory leave requires approval by the Town Council when an employee's balance of compensatory leave hours exceeds 60 hours.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Council. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

Section 8. Call-back and Stand-by Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its' customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Department Head.

Call-back: Non-exempt employees will be guaranteed a minimum of two additional hours of work for when they are called back to work outside of normal working hours. Employees who have overtime hours in a pay period as a result of call-back are eligible to be paid at the overtime rate or accruing compensatory time with the approval of their Department Supervisor. "Call-back" provisions do not apply to previously scheduled overtime work.

Section 9. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Council as to capability of payroll equipment and appropriateness of the deduction.

ARTICLE IV. RECRUITMENT AND EMPLOYEMENT

Section 1. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of the Equal Employment Opportunity Policy (Article I, Section 5) personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 2. Recruitment, Selection and Appointment

Recruitment Sources: When position vacancies occur, Department Heads shall publicize these opportunities for employment, including applicable salary information and employment qualifications, information on job openings and hiring practices shall be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. The North Carolina Division of Employment Security shall normally be used as a recruitment, source.

Job Advertisements: Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment: All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant.

Application Reserve File: Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

Selection: Department heads shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Town shall be valid measures of job performance.

Appointment: Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Town Administrator who will make recommendations to the Town Council with a recommendation of the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Council shall approve appointments and the starting salary for all applicants.

Section 3. Probationary Period

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a three-month probationary period, except that department heads shall serve a six-month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion may be documented and included in the employee's personnel file. The supervisor shall recommend in

writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months. Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Chapter. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Section 4. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. However, if other applicants possess comparable qualifications and if the town would continue any historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, the Town must carefully consider the qualifications of other applicants in filling the position. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.

Section 5. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outline in this chapter.

Section 6. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this chapter. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department heads shall establish work schedules, with the approval of the Town Administrator, which meet the operational needs of the department in the most cost effective manner possible. The number of hours of work assigned to each position should be listed on the "Assignment of Classes to Grades and Ranges" as adopted by the Town Council.

Department heads shall schedule meal breaks and rest breaks with the approval of the Town Administrator, which meet the operational needs of the department in the most cost effective manner possible.

Hours of work and meal and rest break schedules may be revised to meet the operational needs of the department in the most cost effective manner possible.

Employees must record their hours of work to comply with FLSA regulation. Employees in departments with time clocks must punch in at the beginning of their shift, punch out and in for meal breaks and when leaving the premise for personal reasons and out at the end of each work day. Administrative employees must sign in at the beginning of their shift on the Administrative office Time Sheets, sign out and in for meal breaks and when leaving the premise for personal reasons and out at the end of each work day.

Falsifying your own work hours or punching in/out or signing in/out for another employee is considered fraud and will subject the employee to disciplinary action up to and including discharge.

Employees leaving the premise to volunteer as members of the Fire Department, Emergency Medical Technicians, or other volunteer services are reminded that they are also required to clock out when leaving. The Town of Sawmills will make every effort to allow these employees to make up missed hours of work for performing these volunteer services in the same pay period.

Section 2. Attendance

Town employees are responsible for arranging and conducting their personal affairs and health care in a manner that minimizes their absence from work. Employees who will miss work, arrive late, leave early or must miss a portion of the day must notify their supervisor or phone into a number designated by their supervisor as soon as possible and not later than one hour prior to their shift for each day of absence or each occasion of being tardy. The supervisor may authorize exceptions to the call-in requirement of an extended absence or in unusual circumstances. If an employee is absent for

three entire workdays without notifying the supervisor, the employee will be subject to disciplinary action up to and including discharge.

Tardiness is defined as being late reporting for work or punching a time card at the start of a scheduled work day and returning from meal breaks or returning late from a rest break.

Supervisors will monitor the attendance of all employees who report to them, determining and recording the excitability of absences and tardiness uniformly as specified in this personnel policy. Supervisors will counsel and discipline employee who have poor attendance or punctuality. Supervisors will regularly communicate attendance policies, including the necessity of advance notification of absences to all employees who report to them.

Excused/Unexcused Absences and Tardiness

The time that an employee is not at work will be considered and counted as either time off-unexcused and not paid; time off-excused and paid; time-off excused and not paid; or leave time. Supervisors will determine how to count time not at work based upon the following guidelines in consideration of the reason and the employee's past attendance record:

Reason/Condition of Employee's Tardiness or Absence

How Counted And Recorded

Employee was able but did not call-in

Unexcused, not paid*

Absence or tardiness is for one (1) hour or more, employee has Annual Leave or accumulated leave time, and reason fulfills leave time criteria

Sick Leave

Absence or tardiness is for a reason that fulfills criteria for Sick Leave but employee has exhausted accumulated Sick Leave

Excused, not paid*

Reason/Condition of Employee's Tardiness or Absence

How Counted And Recorded

Tardiness is for less than one (1) hour but fulfills criteria for Sick Leave

Excused, paid

Tardiness is for less than one (1) hour and reason is compelling or unavoidable

Excused, not paid*

Absence or tardiness is for a reason that is not compelling or was avoidable

Unexcused, not paid*

* Note: Time not paid must be in increments of fifteen (15) minutes or more.

Section 3. Computer, Email, Internet and Social Media Usage

All Town employees must comply with the Employee Computer, Email, Internet and Social Media Usage Policy.

All forms of data and information stored or transmitted on or with Town computer and network resources are the property of the Town of Sawmills. Each employee is responsible to all other Town network users, including respecting and valuing the rights of privacy for all, to recognize and respect the diversity of the population and opinion in the community, to behave ethically and to comply with all legal restriction regarding the use of information that is the property of others.

No employee of the Town may, under any circumstances, use Town computer and network resources to libel, slander, or harass any other person.

Employees should not have any expectation of privacy with respect to messages or files sent, received or stored on the Town's computer or network resources. All files can be accessed and read by authorized Town personnel and may be subject to the NC Open Records Act.

All existing Town personnel policies apply to employee conduct on the internet. Employees must conduct themselves honestly and appropriately on the internet and respect the copyrights, software licensing rules, property rights, privacy and prerogatives of others. Unlawful or inappropriate internet usage may result in negative publicity for the Town and expose the Town to significant legal liabilities.

In the area of social media (print, broadcast, digital, blogs, personal websites, and online services such as Facebook, LinkedIn, MySpace, Plaxo, Twitter, news media comment boards, and others), employees may use such media in any way they choose as long as such use does not interfere with their job duties and responsibilities and does not produce adverse consequences for the Town.

Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both

Town computer facilities, services, and networks may not be used in connection with compensated outside work or for the benefit of individuals or organizations not related to Town of Sawmills, except in connection with official Town activities (such as employees publishing public and employee activities when directed by a Department Head or the Town Council to do so.)

The full Employee Computer, Email, Internet and Social Media Usage Policy is available from the Town Administrator. All employees are expected to read the policy in its entirety and comply with its provisions.

Section 4. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty or in the workplace;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes;
- f) Be a candidate for nomination or election to office under the Town Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 5. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment and review to the employee *and* the personnel file. Employees who's proposed outside employment is considered to be conflicting with their Town position are not eligible to continue employment with the Town if they accept the conflicting work. Conflicting or unreported outside employment is grounds for disciplinary action up to and including dismissal.

Section 6. Dual Employment

A full or part-time employee of the Town may simultaneously hold another position with the Town if the secondary position is in a different department and/or clearly different program area from that of the full or part-time primary position and the secondary position work is occasional and/or sporadic. However, the work of the full or part-time primary position shall take precedence over the secondary, and such work will not count toward the calculation of overtime for pay or time off.

Section 7. Employment of Relatives,

The Town prohibits the hiring and employment of immediate family in permanent positions within the Town to work in the same department. An immediate family member may not be placed in a supervisory position over another immediate family member. "Immediate Family" is defined in Article VII, Section 12. The Town also prohibits the employment of any person into a position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, Town Council Member, or Town Attorney.

Section 8. Acceptance of Gifts and Favors

No official or employee of the Town shall accept any gift, favor, or thing of value that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value. Inquiries into whether or not the employee may be in a position that the employee may be influenced in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value are to be directed to Town Administrator

Section 9. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety-training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

The Town of Sawmills Safety Policy and information on the safety program can be found in file with the Public Works Director.

Section 10. Smoking

All Town of Sawmills employees must follow the Town of Sawmills Ordinance Regulation Smoking in Municipal Buildings and Vehicles. Violation of this ordinance will be grounds for disciplinary action up to and including discharge. A copy of the Ordinance is available from the Town Administrator.

Section 11. Inclement Weather

Employees are expected to report for work whenever the Town of Sawmills is open for business. Employees who feel they are unable to safely get to work may be provided transportation by the Town. Employees who are absent from work due to inclement weather will be paid in accordance with the attendance and leave policies.

Section 12. Use of Cell Phones While Driving

Employees driving on town business or in town vehicles are required to follow all Federal, State and local regulations when using cell phones or other mobile communication devices. Employees are expected to limit the use of mobile communication devices while driving for your own safety and the safety of others on the road.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article and as amended from time to time, which are subject to change at any time at the Town's discretion. Other employees are eligible only for workers' compensation.

Section 2. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance programs for full-time employees. Information concerning cost and benefits shall be available to all employees from the Town Administrator.

Section 3. Group Life Insurance

The Town will provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense.

Section 4. Other Optional Group Insurance Plans

The Town may make other group insurance plans available to employees upon authorization of the Town Council.

Section 5. Retirement

Each employee who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment.

Section 6. Benefit Plan Information

Our group health and hospitalization and group life insurance programs are described more fully in summary plan description booklets, with which you are provided once you are eligible to participate in these programs. Complete descriptions of our group insurance programs are also in the Town's master insurance contracts with insurance carriers, which are maintained in the Town Hall. Complete descriptions of our retirement program are in the appropriate master plan documents, which are likewise maintained in the Town Hall. If information in this Policy Manual and our summary plan descriptions contradicts information in these master contracts or master plan documents, the master contracts/documents shall govern in all cases.

Section 7. Social Security

The Town, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 8. Workers' Compensation

All employees of the Town (full-time, part-time and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries or illnesses arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Employees who receive treatment for a workplace illness or injury are required to submit to a drug and alcohol test at the time treatment is received in accordance with the Town of Sawmills Drug Policy.

Failure to report an injury or illness in a timely manner may result in a delay of benefits and the employee may be subject to disciplinary action.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and such must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The department head will assist the employee in filing the claim.

Section 9. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Division of Employment Security office, where a determination of eligibility will be made.

Section 10. Longevity Pay

A program of longevity pay may be provided to recognize and reward the length of service of town employees. The annual payment will be made the first week in December to those full-time and part-time non-seasonal employees who are on the last payroll in November. Those who are eligible to receive longevity pay must have completed the required number of years of service by December first of the year the payment is made.

0 mths-6mths	\$ 0.00
7 mths-1 year	\$ 50.00
2-5 years	\$ 150.00
6-9 years	\$ 300.00
10-15 years	\$ 450.00
16-20 years	\$ 600.00
21 & up years	\$ 750.00

Section 11. Educational or Tuition Aid.

Employees may be eligible for education and tuition fees reimbursement for courses and/or training required for their job or to enhance their job performance. Employees must have written approval from their Department Head prior to registering for a course or training to be reimbursed for the fees.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide annual leave, sick leave, and holiday leave to all full-time employees.

Section 2. Holidays

The following days, and other such days as the Town Council may designate, are holidays with full pay for employees and officers of the Town:

New Year's Day	Labor Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas (see schedule)

When any recognized holiday falls on Saturday or Sunday, the following Monday will be the designated holiday. When Christmas Day falls on the day of the week indicated below, the days set forth will be observed as holidays:

Sunday	Monday and Tuesday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday, and Wednesday
Wednesday	Wednesday, Thursday, and Friday
Thursday	Wednesday, Thursday, and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave.

Section 3. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible and taken within three months from the time it is earned. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave at another time.

Section 5. Vacation Leave

Vacation leave shall be used for rest and relaxation, and may be used for medical appointments or to receive treatments for disabilities.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Employees shall be allowed to take accumulated vacation leave after successfully completing their probationary period.

Section 7. Vacation Leave: Accrual Rate

Each full-time employee of the Town shall accrue annual leave (pro-rated by the average hours in the workweek) by the following schedule. Each full-time employee must have completed the required number of years of service by December 31st of the current year to advance to the next level.

Years of Service	Days Accrued Per Year
0-4 years	10 days (6.67 hrs per month)
5-9 years	12 days (8 hrs per month)
10-14 years	15 days (10 hrs per month)
15-19 years	18 days (12 hrs per month)
20 & up years	20 days (13.34 hrs per month)

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31st of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 30 days (240 hrs). On December 31, any employee with more than 30 days (240 hrs) of accumulated leave shall have the excess accumulation forwarded to their sick leave so that only 30 days (240 hrs) vacation days are carried forward to January 1st, of the next calendar year.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner to Taking

Employees shall be granted the use of earned vacation leave upon request at least one week in advance, in writing, at those times designated by the Department Head which will least obstruct normal operations of the Town.

When more employees request time off than can be accommodated due to town business requirements, requests will be granted in order of seniority.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed their probationary period will normally be paid for accumulated vacation leave upon separation not to exceed the maximum as stated in Section 8 of this Article, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Council when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 30 day maximum established above.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximum established in Section 8 of this Article.

Section 12. Sick Leave

Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. However, sick leave may not be used to care for a healthy child when a spouse or other family member is ill.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision. "Immediate family" shall be defined as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of the scheduled workday.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force.

Section 14. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including discharge.

Section 15. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.

Section 16. Parental Leave

Parental leave may be granted to an employee for a period of up to three months for pregnancy, miscarriage, abortion, childbirth, recovery, or adoption. Employees may be granted an extension by the Town Council when medically necessary. This leave would be without pay unless the employee elected to use sick or annual leave as provided in this article. A

parental leave request, including the tentative duration of the leave requested, must be submitted to the Town Council two weeks in advance of the leave whenever possible.

Vacation leave may be used during the period before and after childbirth when no actual disability is present, or during an adoption. Sick leave may be taken during the period of actual disability as certified by the attending physician of the mother. If an employee wishes to retain all accumulated sick and annual leave, leave without pay may be taken for the entire period. For the balance of the parental leave, the employee shall be on leave without pay.

Section 17. Military Leave

The Town of Sawmills provides military leaves of absence to all regular and part-time employees in compliance with applicable federal and state laws.

Upon notification, employees are eligible for a leave of absence to serve in the active or reserve military services of the United States in accordance with applicable law. The Town of Sawmills complies with the Uniform Services Employment and Re-employment Rights Act (USERRA). This act applies to all employees who voluntarily perform services in the Armed Forces, Army National Guard, Public Health Services, or any other category of service designated by the President in time of war or emergency.

Notification for military leave should be submitted promptly to your Department Head and accompanied by a copy of military orders indicating the beginning and end dates of the duty period.

Section 18. Reinstatement Following Military Service

The Town of Sawmills complies with the Uniformed Services Employment and Reemployment Rights Act with regards to employees returning from military service. Employees returning to work from military service within the USERRA guidelines in effect at the time of their discharge from service will be reemployed in the job that they would have attained had they not been absent for military service and with the same seniority, status and pay, as well as other rights and benefits determined by seniority. Reasonable efforts will be made to enable returning employees to refresh or upgrade their skills to enable them to qualify for reemployment. If refresher training is not successful, the employee will be reinstated in a position that most nearly approximates their originally held position. Employees who are disabled (temporarily or permanently) due to military service will be accommodated in a position most nearly approximating their original position.

Section 19. Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such

duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Employees must inform supervisors within three (3) days of receiving a notice to appear for jury duty.

Upon completion of jury duty, employees must provide a verification of attendance form from the court

Employees who are excused from jury duty for the day, or are excused early, should report to work when practicable to do so.

Section 20. Bereavement Leave

Employees will be granted excused time off, with pay, for funerals and deaths as follows:

Three days for the death of an immediate family member: spouse, parent, grandparent, grandchild, sibling child or parent-in-law.

One day for the death of a relative other than an immediate family member.

Two hours to attend the funeral of a co-worker.

Any employee who requires additional time off for bereavement may use vacation time with the approval of their supervisor.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 2. Resignation

An employee should resign in writing to their Department Head as far in advance as possible. In all instances, the minimum expected notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the Department Head and approval by the Town Council.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two week's notice of the anticipated action. No regular employee shall be separated while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

An employee who cannot perform the essential function of the job because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In all cases, such action must be accompanied by medical evidence in compliance with the Americans With Disabilities Act and approved by the Town Council. The Town may require a second medical opinion at the Town's expense, performed by a physician of the Town's choice.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employees Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Council. An employee who is

reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Council, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be given oral and/or written warnings, placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Council prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or Town -Council. Examples of unsatisfactory job performance include, but are not limited to, the following:

1. Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
2. Careless, negligent or improper use of Town property or equipment;
3. Physical or mental incapacity to perform duties;
4. Discourteous treatment of the public or other employees'
5. Displaying a poor attitude or lack of professionalism in the workplace either co-workers and/or the public.
6. Absence without approved leave;
7. Repeated improper use of leave privileges;

8. Habitual pattern of failure to report for duty at the assigned time and place;
9. Failure to complete work within time frames established in work plan or work standards;
10. Failure to meet work standards over a period of time; or
11. Insubordination.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the Town Council. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following disciplinary steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Town Council for disciplinary action such as suspension, demotion, or dismissal.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the Town Council, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to:

- avoid undue disruption of work;
- to protect the safety of persons or property; or
- for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. Examples of detrimental person conduct include, but are not limited to, the following:

- 1) Fraud;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of Town funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or servicing a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this chapter;
- 13) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- 14) Willful violation of the Town's Policies and Procedures.

Section 6. Pre-disciplinary Conference

Before any disciplinary action is taken, whether for failure in personal conduct or failure in performance of duties, the Town Council shall provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Town Council. The Town Council will consider the employee's response, if any to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to

disciplinary action. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal rights,

Section 7. Non-Disciplinary Suspension

during the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head, be in the best interest of the Town, the Department Head may suspend the employee for part or all of the proceedings as non-disciplinary action. In such cases, the Town Council may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following an unpaid suspension such employee shall lose any benefits to which otherwise employee would have been entitled had suspension not occurred. If the employee is to terminate employment following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation leave and sick leave shall be maintained during the period of suspension.

Section 8. Substance Abuse Policy

The Town may establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. See The Town of Sawmills Drug Policy and Procedure available from the Town Administrator for the full Substance Abuse Policy.

Section 9. Employee Appeal

An employee who has completed the initial probation may appeal the disciplinary action in accordance with the grievance procedure, except that the employee shall be required to do so within fifteen days from written notice of disciplinary action.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

Section 4. Procedure

When an employee or group of employees has a complaint or grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Town Council before the decision becomes effective.

Informal Resolution:

Prior to the submission of a formal complaint or grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve any employee or official as a resource to help resolve the complaint or grievance.

Step 1: If no resolution to the complaint or grievance is reached informally, the employee who wishes to pursue a grievance shall present the complaint or grievance to their immediate supervisor in writing. The complaint or grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the complaint or grievance within ten calendar days after receipt of the written complaint or grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the complaint or grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

If the immediate supervisor is included in the complaint or grievance, the complaint or grievance may be presented to their department head or the Town Administrator.

The response from the supervisor/department head/Town Administrator for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Town Administrator.

Step 2: If the complaint or grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to their Department Head or the Town Administrator within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3: If the complaint or grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Council within ten calendar days after receipt of the response from Step 2. The Town Council shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Council decision shall be the final decision. The Town Council should notify the Town Attorney of any impending legal action.

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination

Any applicant for Town employment, Town employee, or former Town employee, who has reason to believe that any employment action, including promotion, training, classification, disability, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment was based on age, sex, race, color, national origin, religion, creed, political affiliation, or handicap status, has the right to appeal such action using the grievance procedure outlined in this Article if he or she desires. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Town Administrator.

Section 6. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, dismissal and discrimination cases upon approval of the Town Council.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, and 2010 N.C. Sess. Laws c. 169 the following information with respect to each Town employee is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current. To the extent that the Town of Sawmills has the written contract or a record of the oral contract in possession; current position title; current salary; date and amount of each increase or decrease in salary; date and type of each promotion, demotion, transfer, suspension, separation; or other change in position classification; the office to which the employee is currently assigned; date and general description of the reasons for each promotion; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken; if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal.. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt.

Section 2. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

1. The employee or his/her duly authorized agent may examine **all** portions of his/her personnel file except letters of reference solicited prior to employment,
2. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
3. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
4. An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Council to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
5. An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
6. The Town Council may inform any person of the employment, Non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Council shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Administrator's office, is a record for public inspection, and shall become a part of the employee's personnel file.

The Town Council shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have material removed from the file or may place in the file a statement relating to the material.

Section 3. Personnel Actions

The Town Council will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. Penalties for Permitting Access to Confidential Records

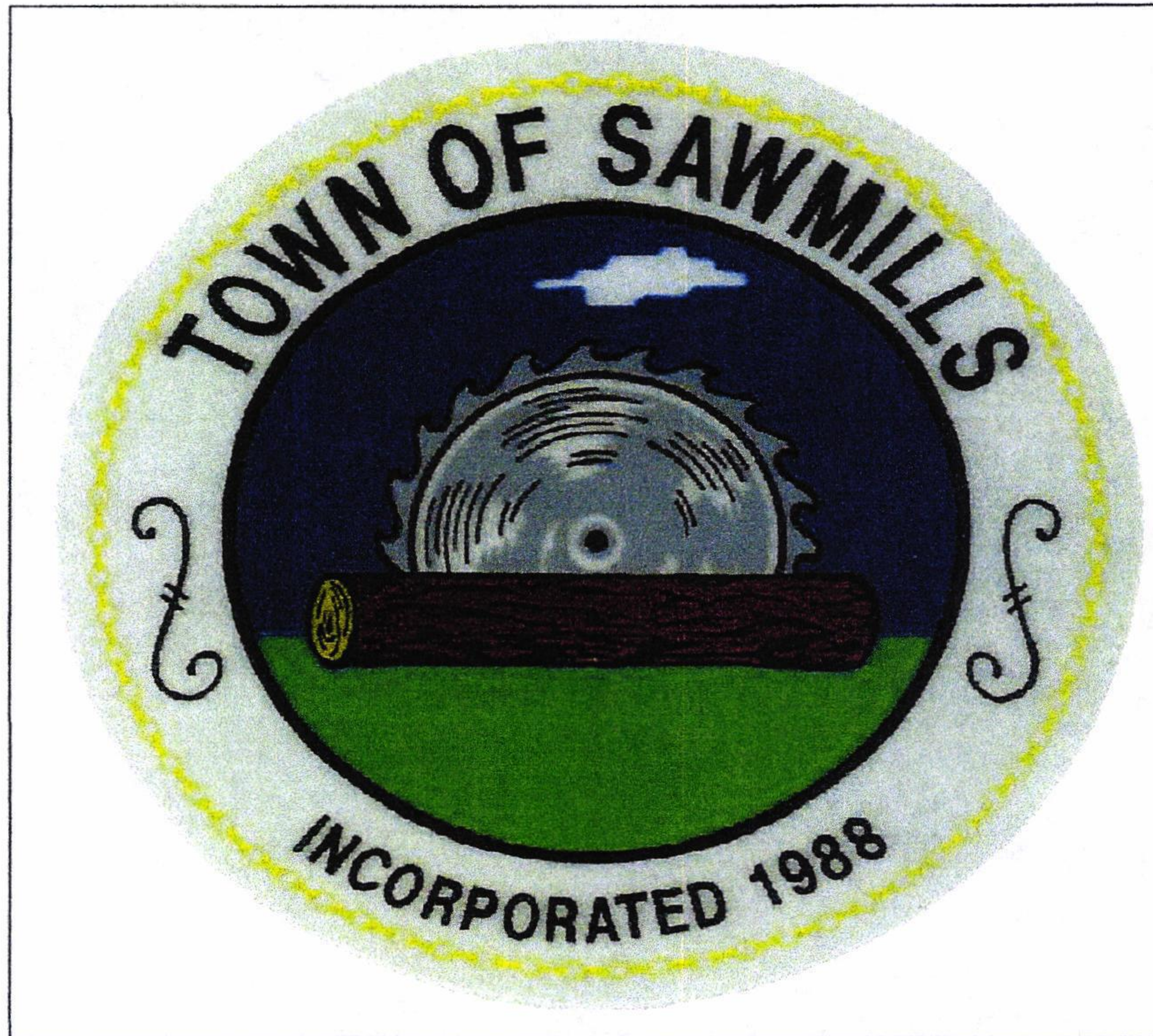
Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.



TOWN OF SAWMILLS

- DRUG POLICY

TOWN OF SAWMILLS SUBSTANCE ABUSE POLICY

I. PURPOSE

The Town of Sawmills (hereinafter "Town") maintains a firm commitment to provide a safe and healthy work environment for its Employees and clients. Employees who abuse drugs and alcohol are not only a danger to themselves, but they have an adverse impact on the work place and impair the Town's ability to maintain a safe and healthy working environment for all employees and they also impair the Town's reputation with citizens. In light of these concerns, the Town intends to maintain a work place free of the problems associated with the illegal use of drugs and the abuse of alcohol.

II. SCOPE AND APPLICATION

This policy covers all applicants for employment (hereinafter "Candidates") and all employees of the Town and applies to all Town property which for purposes of this policy, includes the surrounding grounds and parking lots, leased space, Town vehicles and personal vehicles used for Town purposes.

Candidates for employment who are identified as substance abusers will be denied employment. The Town reserves the right to immediately terminate any employee who is identified as being a substance abuser. An employees who refuses to participate in, cooperate with, or abide by the rules of this policy will be terminated from employment with the Town.

III. DEFINITIONS

A. Substance Abuse: (1) Reporting to work or working while "under the influence" of or "impaired" by alcohol or any other drug; (2) Chemical dependency on, or abuse of alcohol or other drugs where job performance is or may be adversely affected; or (3) The use of "illegal drugs."

B. Under the Influence/Impaired: (1) A positive drug or alcohol screen test result, or (2) Behavior adversely affecting job performance, mobility, safety, or speech that appears to be caused by drug or alcohol usage.

C. Illegal Drugs: (1) Those drugs defined as illegal under federal, state, or local laws including, but not limited to marijuana, cocaine, heroin, hashish, or any other hallucinogens, opiates, amphetamines or similar drugs; (2) Depressants, stimulants, and other prescription drugs unless validly prescribed by an employee's physician and used in the manner and by the person(s) prescribed by the issuing physician; (3) So-called designer drugs, look-alike or similar counterfeit substances even if not specifically prohibited by state and federal laws; and (4) Drugs which are abused even though available legally (such as cough syrup, over-the-counter medication, or drugs for which an employee has a valid prescription) and products never intended for human consumption, i.e. glue.

D. Drug Screen Test: A medically accepted test for detecting the presence of drugs or alcohol with a person's body.

IV. SPECIFIC PROVISIONS

A. Prohibited Conduct:

1. The possession, use, transfer or sale of alcohol or illegal drugs on Town property or while on the job by any employee is specifically prohibited, and disciplinary action up to and including discharge is appropriate. Any circumstances that indicate the violation of state, federal, or local laws may be reported to appropriate law enforcement officials, and the Town will cooperate in any criminal prosecutions.

2. Off-the-job use of alcohol or illegal drugs which could adversely affect an employee's job performance, or which could jeopardize the safety of other employees, the public, Town equipment, or which could subject the Town to adverse publicity, is proper cause for disciplinary action up to and including termination of employment.

B. Special Drug and Alcohol Searches:

Whenever the Town has reason to believe that violations of this policy are occurring or have occurred, the employee(s) may be required, as a condition of employment, to submit to a reasonable search of his or her clothing, personal lockers, purses, lunch boxes or other containers, desk, or personal vehicles while on Town property.

C. Candidate Testing:

1. All Candidates for employment will be advised of the Town's Substance Abuse Policy and will be required to undergo a drug screening test as part of their routine pre-employment application if the applicant is made a conditional offer of employment. Employment will be denied to any candidate whose test reveals the presence of illegal drugs or alcohol.

2. All Candidates for employment will be required to sign an Informed Consent and Release of Liability Form. Candidates refusing to sign this form will not receive further consideration for employment.

D. Employee Testing:

1. Employees can be required without prior notice to undergo a drug screen test under the following circumstances:

- (a) If the employee is involved in an accident which caused or reasonably could have caused, injury to persons or property; or
- (b) If the Town has reason to believe the employee is a substance abuser, impaired or under the influence; or
- (c) Randomly as determined by Town; or

- (d) If the employee is required to submit to a drug screen or alcohol test under such other circumstances as may be required by any governmental entity or regulation.
- 2. Failure or refusal by an employee to submit to a drug screen test when requested to do so under the terms of this policy will be grounds of termination of employment.
- 3. Any employee scheduled to undergo a drug screen test who is currently taking or has recently taken a prescription drug for which the employee possesses valid prescription should report this fact to the Town's representative prior to the test.
- 4. Before a drug screen test is administered to an employee under this policy, the employee will be required to sign an Informed Consent and Release of Liability Form. An employee who refuses to sign the form may be subject to disciplinary action up to and including termination.

E. Results of Positive Drug Screen Test:

- 1. An employee or candidate who has a positive drug screen test will be notified of the test results. If the employee or candidate desires a retest or disputes the results, an additional confirming test may be conducted on the same specimen at the employee's or candidate's request and cost. An employee or candidate who receives a positive confirmed drug test result and desires an additional confirming test or to contest or explain the result must give notice within five (5) working days after receiving the result to the Town's Supervisor that requested the test. If the original test or additional confirming test, if requested, is positive the employee or candidate will be subject to disciplinary action up to and including termination.
- 2. The Town reserves the right to suspend an employee without pay pending the results of any drug screen test.

F. Employees Entering Rehabilitation Program:

If an employee enters into an alcohol or drug rehabilitation program and the employee is allowed to continue employment, the employee will be required to submit to a drug screen test at the time the employee returns to work and quarterly thereafter for a period of two (2) years at his or her expense.

VII. CONFIDENTIALITY

All information involving drug screen test results of an individual employee or candidate shall be treated as confidential medical information and maintained in a separate medical file. No data concerning this information will be made a part of the employee's personnel file. All such information will be accessible only to those person with a valid need to know. No information will be provided to any other party without the written consent of the employee or candidate except pursuant to administrative or legal procedure or process.

VIII. SEVERABILITY

If any part of this policy is determined to be unenforceable under state or federal law, the remainder of the policy, to the extent possible will remain in full force and effect. No part of this policy is intended to affect the Town's right to manage its work place, to discipline its employees, or to guarantee employment, continued employment or terms and conditions of employment.

TOWN OF SAWMILLS
4076 us Highway 321-A
Sawmills, NC 28630

(Date)

Certified Mail/Return Receipt Requested

(Employee's Address)

RE: Notification of Positive Drug Test and Rights

Dear (Employee)

I am writing to confirm that pursuant to the Town of Sawmills' Policy, your employment with the Town of Sawmills has been terminated on (date) _____ as a result of the positive result on a drug test. Pursuant to N.C.G.S. §95-232 (f) you have a right to retest a confirmed positive sample at the same or another approved laboratory. The Town of Sawmills, through the approved laboratory, shall make confirmed positive samples available to you, or your designated agent, during the time which the sample is required to be retained. You must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. You will incur all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request. These fees will include the actual cost of the retest charged by the approved laboratory, fees assessed by the approved laboratory for expenses associated with the retest and the actual cost of any shipping expenses incurred related to the retest.

If you desire a retest pursuant to North Carolina law, please contact me immediately to advise where you would like the test performed and obtain a full list of the cost of the retest.

Very truly yours,

Town of Sawmills

(HUMAN RESOURCE CONTACT)

TOWN OF SAWMILLS
ACKNOWLEDGE OF RECEIPT

I, _____, hereby acknowledge receipt of the Town's Substance Abuse Policy and Procedure. I certify that I have read and understand said Substance Abuse Policy and Procedure, and that my failure to abide by the requirements of said Policy is grounds for discipline up to and including termination of my employment.

Employee Signature

Date: _____

Witness

CONSENT TO CHEMICAL TEST FOR IMPAIRMENT

Under the authority of the Town's Substance Abuse Policy, you have been requested to submit to an immediate test to determine if you are impaired.

The results of the test will be used by the Town to make decisions about appropriate administrative or disciplinary actions; the test results will not be used against you in any criminal proceeding, unless subpoenaed by a court of competent jurisdiction.

Refusal to take the test may result in termination of your employment with the Town.

By signing here, you consent to the test to determine if you are impaired or using a control substance.

Witness

Employee

Date

Date

_____ Employee refused to sign (witness should initial and sign above).

**POLICY AND PROCEDURE HANDOUT
AND SUBSTANCE ABUSE POLICY RECEIPT**

I, _____, acknowledge receipt of the Town of Sawmills' Policies and Procedures Manual. I have read the manual and understand it's terms and provisions. I further understand that the manual will be kept in my personnel file, and I will have access to the manual at any time, upon request from my supervisor or practice manager. I agree to follow the rules and regulations contained in the manual, as well as other rules, regulations and policies that may be established. I also understand the employer has the right to change its policies, procedures and working conditions from time to time without notice to me.

I understand and agree that nothing contained in the manual, employment application, or any other Town rules, regulations, policies or practices shall be interpreted or construed as conferring employment for specific term or as an employment contract. I further understand that the employer and I both have the right to discontinue the employment relationship at any time and for any reason.

I further understand that it is my responsibility to familiarize myself with all of the information contained in the employee manual. I acknowledge that this manual supersedes all prior manuals or handbooks which I might have received and that any oral or written statements to the contrary are disavowed by the employer.

I further acknowledge receipt of the Town's Substance Abuse Policy and Procedures. I certify that I have read and understand the Substance Abuse Policy and Procedures, and my failure to abide by the requirements of said policy is ground for discipline, up to and including termination of my employment.

Employee signature

Please print

Date



TOWN OF SAWMILLS

- COMPUTER, EMAIL, INTERNET
&
SOCIAL MEDIA USAGE POLICY

EMPLOYEE COMPUTER, EMAIL, INTERNET, and SOCIAL MEDIA USAGE POLICY

Adopted:

I. Overview

This document constitutes a Town-wide policy intended to outline the proper use of all Town of Sawmills computer and network resources, the effective protection of individual employees, and proper management of those resources. These guidelines are intended to supplement, not replace, any and all existing laws, regulations, policies, agreements, and contracts which may apply to these resources,

Employee access to computers and network resources owned or operated by the Town of Sawmills imposes certain responsibilities and obligations and is granted subject to relevant Town policies and local, State, and Federal laws. Appropriate use should always be legal, ethical, for the furtherance of the Town's mission and goals, reflect community values, uphold the Town's reputation, maintain public confidence in the Town organization, and show restraint in the consumption of shared resources.

This policy also addresses the use of various forms of social media by Town employees, either with Town computer and network resources or their own personal computer and network resources, to insure that such usage is not detrimental to other Town employees or the Town organization.

II. Employee Responsibilities and Rights

a. Use of resources

Town computer, email, network, and internet resources are provided to assist the employee in performing assigned work in an efficient and effective manner for the benefit of the citizens of Sawmills. The resources should be used for official Town business only, with the exception of incidental personal use outlined in Section VI of this policy.

b. Privacy

To the greatest extent possible in a public setting, the Town seeks to preserve the employee's privacy. Electronic and other technological methods must not be used to infringe upon privacy. However, users must recognize that Town computer and network resources are public, the property of the Town of Sawmills, and as such may be subject to review under the NC Open Records Act, and are subject to periodic review by authorized Town personnel. Employees should utilize such systems at their own risk, and with the awareness that Town computer and network resources are not to be treated in the same way as one's personal computer and network resources.

c. Freedom of expression

The constitutional right to freedom of speech applies to all employees of the Town no matter the medium used. However, Town employees are liable and accountable for all words and forms of expression exhibited during the performance of official Town duties. Thus, in accordance with this policy, Town employee's should recognize the difference between freedom of expression as a general citizen and freedom of expression as a public employee of the Town of Sawmills.

Electronic communication systems provide a useful way to exchange ideas, share files, and maintain relationships with colleagues, and are a valuable asset. Messages sent and received through the Town network, email, the Internet, and social media sites (including notes, memos, purchase orders, letters, and other documents created on Town computer and network resources) are the property of the Town.

Employees should not have any expectation of privacy with respect to messages or files sent, received, or stored on the Town's computer or network resources. Messages and files, like other types of correspondence and Town documents, can be accessed and read by authorized Town personnel and may be subject to the NC Open Records Act. Authorized access to employees' electronic communications by other employees or authorized individual includes, but is not limited to, the following:

- a. access by Information Technology staff during the course of system maintenance or administration,
- b. access approved by the employee, the employee's supervisor, or the Town Administrator when there is an urgent need to access the employee's mailbox or other computer files,
- c. access approved by the employee's supervisor and the Town Administrator when there is reason to believe the employee is using the communication system in violation of the Town's policy, and
- d. access approved by the Town's legal counsel in response to the Town's receipt of a court order or request from law enforcement officials for disclosure of an employee's email messages.

The Town's computer and network resources should not be used to communicate sensitive or confidential information. Employees should appreciate that an electronic message might be disclosed to or read by individuals other than the intended recipient(s), since the message can easily be forwarded to other individuals. In addition, while the Town endeavors to maintain the reliability of its electronic communication system, employees should be aware that a variety of human and system errors have the potential to cause inadvertent or accidental disclosure of electronic messages.

IV. Use of the Internet

The Town of Sawmills provides access to the vast information resources of the internet to help employees perform their work in an efficient and effective manner. The Town's facilities that provide access to the internet represent a considerable commitment of resources for telecommunications, networking, software, storage, etc. Town computing and network resources are provided for Town employees for official Town business activities only, with the exception of incidental personal use outlined in Section VI of this policy.

All existing Town personnel policies apply to employee conduct on the internet, especially (but not exclusively) those that deal with employee performance, personal conduct, intellectual property protection, privacy, misuse of Town resources, sexual harassment, information and data security, and confidentiality. Employees must conduct themselves honestly and appropriately on the internet, and respect the copyrights, software licensing rules, property rights, privacy, and prerogatives of others. Unlawful or inappropriate Internet usage may garner negative publicity for the Town and expose the Town to significant legal liabilities.

V. Social media

While the Town encourages its employees to enjoy and make productive use of their personal time, certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee, harassing, demeaning, or creating a hostile working environment for any employee, disrupting the smooth and orderly flow of work within the organization, harming the goodwill and reputation of the Town

among its citizens, or eroding public confidence in the Town organization.

In the area of social media (print, broadcast, digital, blogs, personal websites, and online services such as Facebook, LinkedIn, MySpace, Plaxo, Twitter, news media comment boards, and others), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above for the Town. For this reason, the Town of Sawmills reminds its employees that the following guidelines apply in their use of social media on their own personal time and personal computer resources.

If an employee publishes any personal information about the employee, another employee of the Town, the organization, a citizen, or a customer in any public medium (print, broadcast, digital, or online) that:

- a. has the potential or effect of involving the employee, their coworkers, or the Town in any kind of dispute or conflict with other employees or third parties,
- b. interferes with the work of any employee,
- c. creates a harassing, demeaning, or hostile working environment for any employee,
- d. disrupts the smooth and orderly flow of work, or the delivery of services to the Town's citizens,
- e. harms the goodwill and reputation of the Town among its citizens or in the community at large,
- f. erodes the public's confidence in the Town organization, or
- g. tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information, then

the employee(s) responsible for such problems will be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the severity and repeat nature of the offense.

Employees who conduct themselves in such a way that their actions toward and relationships with each other interfere with or damage work relationships, disrupt the flow of work or customer relations, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from their supervisor to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.

Social media access and use involving Town equipment and resources are subject to the Town of Sawmills Computer, Network, Email, and Internet Usage Policy at all times.

How an employee uses social media is not a matter of concern as long as it is consistent with the above guidelines. Employees may address any questions on this policy to the respective department head.

VI. Personal use of Town computer and network resources

Town computer facilities, services, and networks may not be used in connection with compensated outside work or for the benefit of individuals or organizations not related to Town of Sawmills, except in connection

with official Town activities (such as employees publishing public and employee activities).

Provided, however, incidental and short duration personal use of Town computer and network resources, including access to the Internet, is authorized, provided such use occurs on the employee's own time and such use is legal, ethical, reflects community values, does not compromise the Town's reputation or the public's confidence in the Town organization, and does not compromise the Town's networks and systems.

Any incidental use (such as electronic communications or storing data on single-user machines) must not interfere with other users' access to resources (computer cycles, network bandwidth, disk space, printers, etc.) and must not be excessive

TOWN OF SAWMILLS

EMPLOYEE COMPUTER, EMAIL, INTERNET, and SOCIAL MEDIA USAGE POLICY

Adopted:

EMPLOYEE CONSENT FORM

Print Employee Name: _____

I, the above-named employee of the Town of Sawmills, North Carolina (hereinafter referred to as "Town"), have read this policy and agree to comply with all its terms and conditions. I agree that all computer and network activity conducted while doing business on behalf of the Town and being conducted with Town resources is the property of the Town.

The Town reserves the right to monitor and log all computer and network activity including e-mail and other electronic communications, with or without notice, and therefore users should have no expectations of privacy in the use of these resources,

Employee Signature: _____

Date: _____

Supervisor: Signature: _____

Date: _____



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

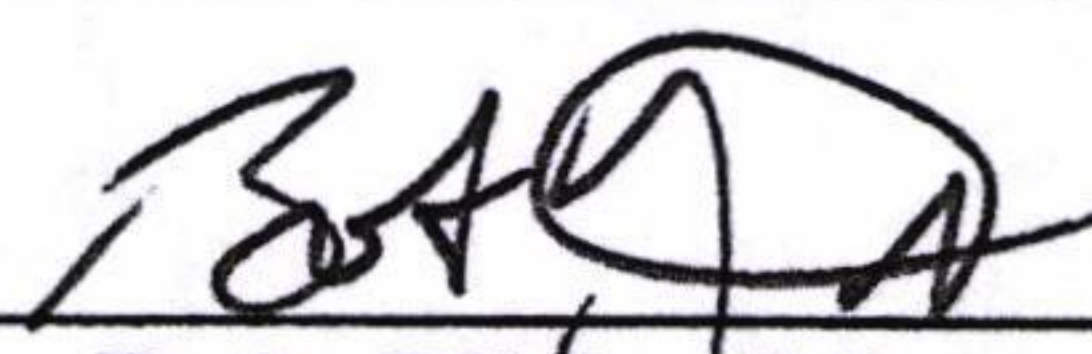
TOWN OF SAWMILLS RESOLUTION

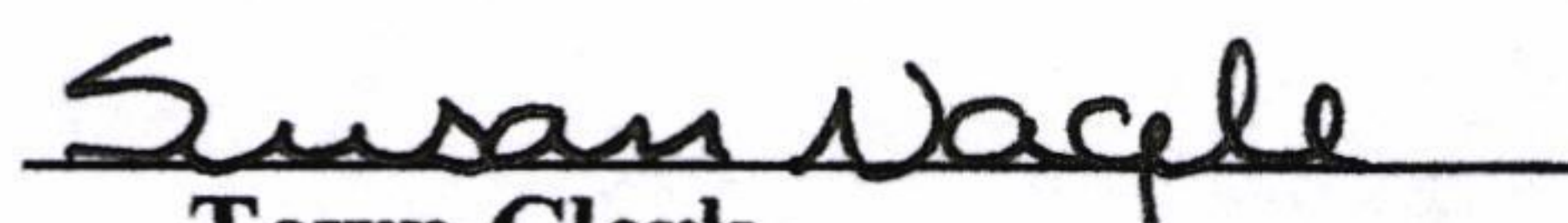
THAT WHEREAS, the Town of Sawmills maintains a firm commitment to provide a safe and healthy work environment for its employees and customers; and

THAT WHEREAS, the Town of Sawmills does desire to adopt updated policies applying to the appointment, classification, benefits, salary, promotion, demotion, dismissal and conditions of employment of the employees of the Town of Sawmills.

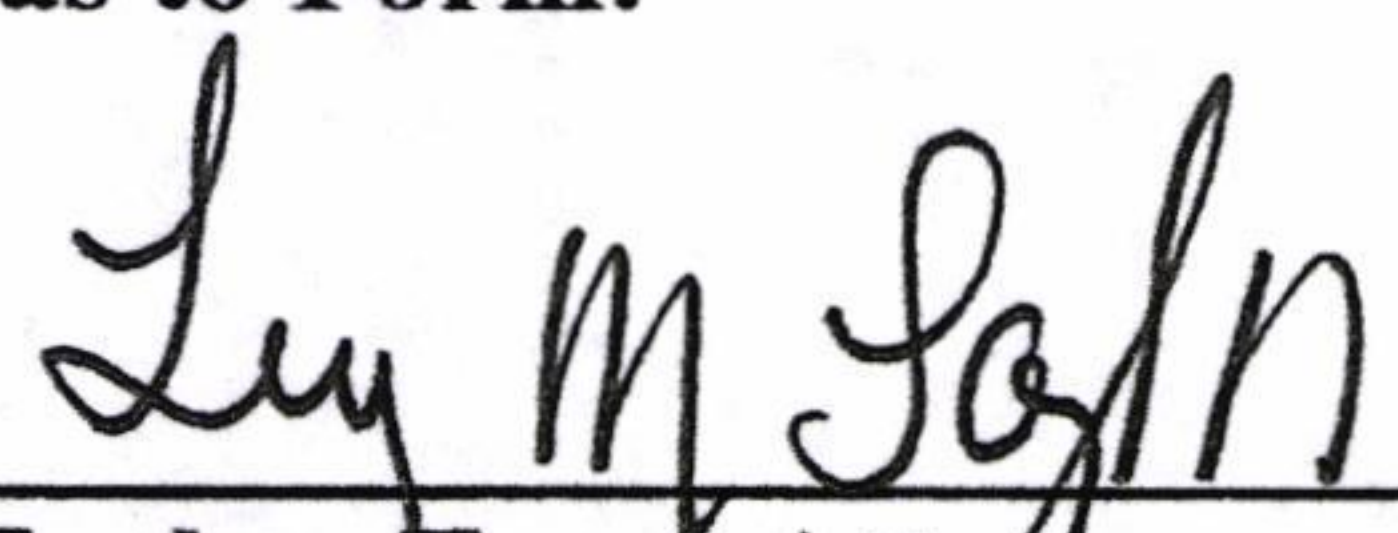
NOW, THEREFORE, BE IT RESOLVED that the Town of Sawmills Substance Abuse Policy as attached hereto and the Town of Sawmills Personnel Policy as also attached hereto shall now be the Updated Substance Abuse Policy and Personnel Policy of the Town of Sawmills to be effective as of this the 17th day of April, 2012.

TOWN OF SAWMILLS

By: 
Bob Gibbs, Mayor

ATTEST: 
Town Clerk

Approved as to Form:


Terry M. Taylor, Town Attorney

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.

Account Number 1275 ✓☒ New Contract☐ Modified Contract☐ RenewalJob Code H01002-003

**NC DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
INMATE LABOR CONTRACT**

RECEIVED

MAR 29 2012

PROGRAM SERVICES

FACILITY NAME AND NUMBER Caldwell Correctional Center 4625DATE 6/1/10AGENCY NAME AND BILLING ADDRESS Town Of Saw Mills Leiner NC 28645

Attn: Mayor Bob Gibbs

4076 US Hwy 321 - A -
Saw Mills, NC 28630Project Beginning Date: 04/02/12Project Ending Date: 6/30/12

PROJECT DESCRIPTION: Duties will include, but are not limited to, janitorial, grounds/building maintenance, cleaning park/recreation area maintenance, public works projects, roadside cleaning, recycling projects and other governmental agency projects.

RECEIVED

APR 9 2012

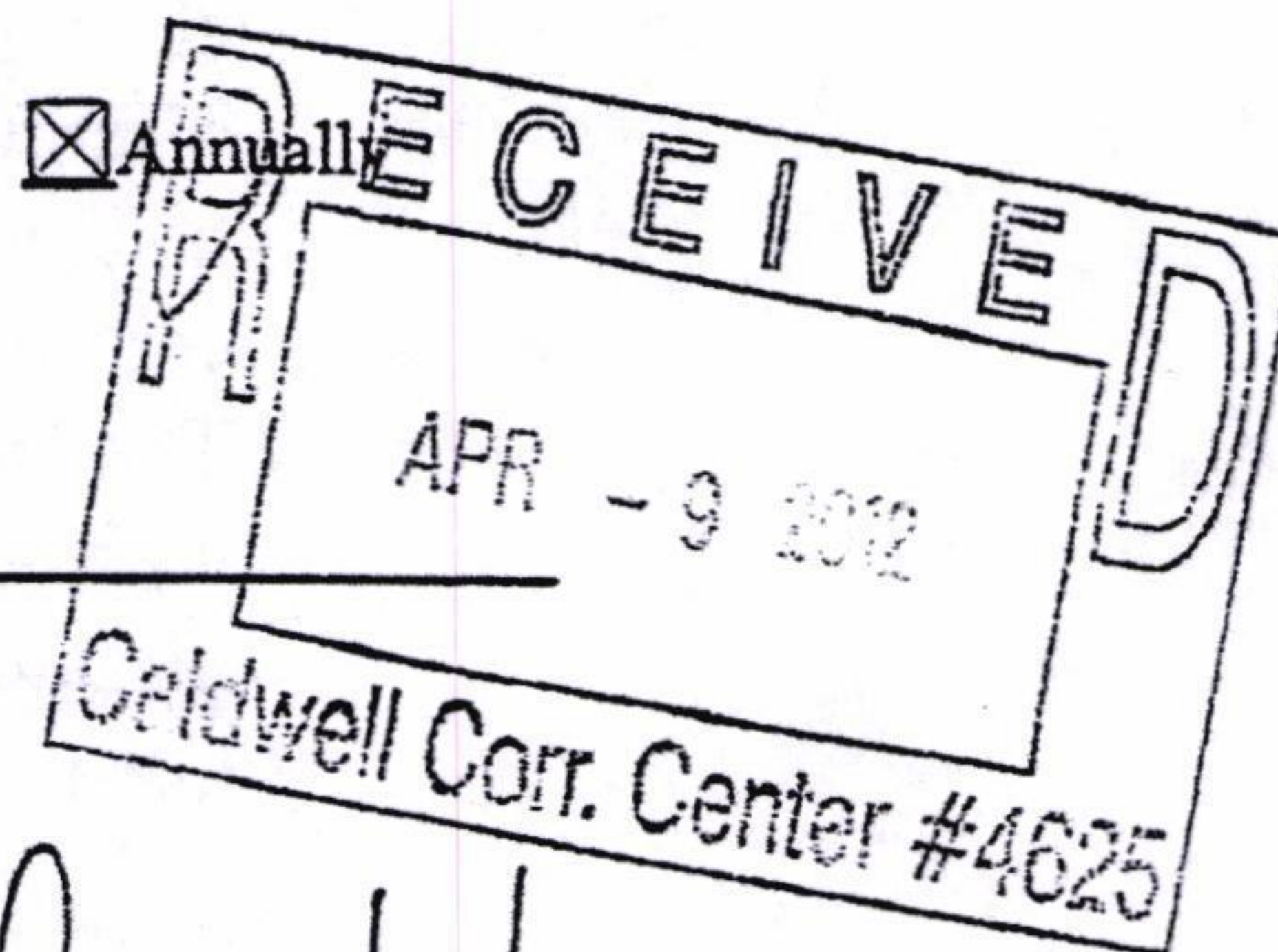
PROGRAM SERVICES

PROJECT COST**LABOR:**Number of Laborers 2 x \$1.00 per 8 hour work day = 2x65 Projected Number of Days of Project =

\$130 Total Projected Labor Cost

ADMINISTRATIVE:Administrative Cost ☒ Waived ☐ Not Waived(Region Director Signature) Date 3/26/12**PROJECT TOTAL COST TO BE BILLED \$130.00** ("Total Projected Labor COST" plus "Administrative COST"

above)

INVOICE TO BE SUBMITTED: ☐ Monthly ☐ Quarterly ☐ Semi-annually ☒ Annually☐ Other (specify) _____**APPROVED BY:**

[Signature] 1. Governmental Agency authority 3/25/12 Date

[Signature] 2. Facility Head 3/23/12 Date

[Signature] 3. Region Director 3/26/12 Date

[Signature] 4. Program Services Manager 3/29/12 Date

Form Distribution by Program Services: Original -Facility Copy -Program Services, Region Office, and Accounting

8h 6 Wd 08 480 2102
01000 REC M 0.030

**NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS**

INMATE LABOR AGREEMENT

DATE: 04/02/12

For the purpose of employing inmate labor from the Division of Prisons, the following terms are agreed upon by the Division of Prisons and the Town Of Sawmills.

I. Logistics

- A. Inmate labor will be supplied by Division of Prisons. All inmates assigned to labor contracts will be English speaking or have completed English as a second language training.
- B. Inmates will be provided lunch by Division of Prisons.
- C. Transportation will be supplied by DOC. Work schedules will also be furnished by Town Of Sawmills.
- D. Inmates may work eight (8) hours per day, seven (7) days per week. This will include travel time to and from the correctional facility. Schedules may be varied or staggered depending upon the assigned work station. Inmates may be authorized to work in excess of eight (8) hours per day, with the authorization of Division of Prisons. (Note: The agency will be billed \$1.00 per 8 hour workday, even if the inmate(s) work less than an eight (8) hour day.)
- E. No inmate will be allowed to work in an area that is not supervised by a Custodial Agent.
- F. No inmate will be allowed to work on school property, e.g., private or public elementary, middle or high schools, while students are on the property. No sex offender inmate will be assigned or allowed to work on the property of any educational facility, e.g., private or public elementary, middle, high school, community college or university, etc.
- G. The Division of Prisons has zero-tolerance for undue familiarity or sexual abuse with an offender. It is the contract agency's duty to report any allegations of inmate sexual violence either by another inmate, correctional staff, correctional agents, agency vendors and/or volunteers. (see Section VIII below)

II. Work Station/Duties

- A. Work stations may be any property owned or leased by: Town Of Sawmills.
- B. Inmates are allowed to perform manual labor tasks such as the following:
 - 1. Floor care duties including sweeping, mopping, vacuuming and buffing. *Inmates are not allowed to operate motorized floor cleaning equipment designed to transport the operator.*
 - 2. Furniture, fixtures, windows and cabinetry cleaning, dusting and/or polishing that is done from the floor or a step ladder.

3. Custodial duties such as emptying trash cans, carrying out trash, restocking supplies in restrooms, moving furniture, and setting up furniture.
4. Motor vehicle maintenance, washing and vacuuming which does not require the inmate to be on elevated surfaces more than four feet tall, without appropriate fall protection. Acceptable fall protection would include ladders, standard railings on working surfaces, properly erected scaffolding or a personal fall arrest system. *Inmates are not allowed to operate motor vehicles for any reason and cannot be allowed to have the keys for operating a motor vehicle for any reason.*
5. Grounds care duties including litter pick up, grass mowing, weed eating, pruning, hedge trimming, leaf blowing, raking, applying herbicides and pesticides, setting out and taking up small plants and bushes. *Inmates must be trained by managers and supervisors in the safe operation of any powered equipment. Inmates can be trained to operate riding mowers. All equipment must have manufacturer and OSHA required warning labels, safety guards and devices in good condition. Inmates applying herbicides and pesticides must be trained and closely supervised by a duly licensed applicator responsible to insure the inmate follow regulations and safe work practices. Inmates must receive hazard communication training on all chemicals they work with. They must be provided with all necessary personal protective equipment for the task they are performing.*
6. Minor building maintenance duties including painting, caulking, clearing rain gutters and power washing that can be done from the ground, ladder, properly constructed and erected scaffolding or with an approved personal fall arrest system.
7. Right of way & drainage maintenance using bush axes & shovels.

Inmate labor contract duties and tasks are expected to be for basic manual labor, such as those listed above, and normally utilizing manual tools such as shovels, brooms, mops, bush axes, etc. Inmates can be trained to use basic powered lawn care equipment, including riding mowers. This list of tasks is not exclusive of others but anything outside the scope of these types of work activities should be discussed with, and approved by, the correctional facility's management before assigning the inmate to perform the proposed duties.

- C. Inmates are not allowed to perform hazardous duties such as the following:
1. Work with electric transmission utility line crews in any capacity.
 2. Work within ten feet of any unguarded, energized electrical transmission lines or high voltage equipment, and/or within ten feet of any conductive object involved in a task near unguarded, energized electrical transmission lines or high voltage equipment.
 3. Enter any permit required confined space including but not limited to sewer manholes, lift stations, water tanks, chlorine contact chambers, utility vaults, salt bins, etc.
 4. Disturb any suspected or confirmed asbestos containing materials including but not limited to thermal system insulation, vinyl floor tiles, flooring mastic, roofing, roofing felts, exterior shingle siding, acoustical ceiling tiles, fire proofing materials, solid wallboard (transite), cement water pipes, cement

asbestos, sheetrock or fire doors. *Typical work activities which would disturb suspected or confirmed asbestos containing materials are normally part of renovation or demolition projects which require removal or destruction of existing materials, equipment or structures.*

5. Disturb any suspected or confirmed lead based paint by sanding, scraping, cutting, sawing, welding or power washing. *Typical work activities which could disturb suspected or confirmed lead based paint are normally part of remodeling, renovation, repair, window case replacement, electrical/plumbing/carpentry work and preparing surfaces for painting.*
6. Perform or participate in sandblasting work.
7. Operate heavy equipment or aerial man lifts of any kind. Some examples of prohibited equipment are: tractors, bull dozers, back hoes, cranes, grade alls, road construction equipment, fork lifts, boom trucks, etc. *(However, inmates are allowed to perform maintenance and repair work on this type of equipment.)*
8. Perform any task that requires the use of a respirator due to exceeding the contaminant's permissible exposure limits.
9. Work over or in water where a drowning hazard exists, without the appropriate protection, such as: standard railings, personal fall arrest systems, personal flotation devices, ring buoys and/or skiffs, as required by the OSHA standards.
10. Work in trenches or excavations four feet deep or greater.
11. Work on or adjacent to public roads and highways without the proper Manual on Uniform Traffic Control Device (MUTCD) work zone safety set up utilizing the correct traffic control devices and high visibility vests, provided by Division of Prisons.
12. Operate chain saws.
13. Sit, stand or ride on any piece of equipment in a manner not consistent with the design of said vehicle or machinery while that equipment has its motor running or is moving. Examples of prohibited practices include, but are by no means limited to: standing on mower deck, riding in bucket of a loader, riding seated on a trailer hitch.

This list of tasks is not exclusive of others that might be considered too hazardous for inmate labor contracts. Any tasks or duties similar to these or in question, in regards to personnel safety, should be addressed with the correctional facility's management before assigning the inmate to perform the proposed duties. Failure to follow these guidelines may result in suspension of this contract and the removal of inmate labor.

III. Supervision

- A. **Town of Sawmills** agrees all inmate project supervisors will receive the Department of Corrections Inmate Orientation Training. Project Supervisors, upon successful participation in Orientation Training, are designated as Custodial Agents. New employees will be scheduled to receive this orientation training prior to being allowed to supervise inmate projects without being accompanied by Correctional Officers.

B.

1. Custodial Agent will be on-site at each workstation.
2. Each Custodial Agent will provide the inmate with a job description and will provide the Department of Correction with a periodic inmate work performance evaluation if requested for classification purposes.
3. The Custodial Agents of the inmates working under labor contract will provide all safety training, appropriate to the hazards and duties of each task to be performed by the inmate, in accordance with OSHA regulations. This training will include the hazards associated with the task, the proper and safe use of any equipment assigned for performing the work, the hazards associated with any chemicals used in the work, the proper safe work methods for performing the task and the correct use of any personal protective equipment needed to perform the task. This training will be ongoing and documented by the managers and supervisors for the duration of the inmate labor contract. These training records will be made available upon request from any DOP or DOC facility, region or state official, and/or safety inspectors. The training documentation must be signed and dated by the inmate and manager/supervisor who conducted the training.
4. Work schedules will be provided by Town Of Sawmills.
5. Custodial Agents will designate break areas and ensure that inmates are supervised during all breaks.
6. Custodial Agents are to receive annual Orientation training.
7. Custodial Agents are to receive briefing in Undue Familiarity and Prison Rape Elimination Act (PREA) as part of Orientation training.

IV. Safety Equipment

- A. The Division of Prisons will provide state issued steel-toed shoes. No inmate will be allowed to work without steel-toed shoes.
- B. Inmates are required to wear DOP issued high visibility vests where required by safety rules and regulations and/or by Division of Prisons manager's request.
- C. The town/county/DOT and State will furnish all other personal protective equipment needed according to the OSHA standards, other regulatory guidelines and hazard analyses of the task to be performed. All equipment to be used by inmates in the performance of their assigned tasks must meet all safety requirements for guarding, warning labels, condition and operation as required by OSHA and the manufacturer.
- D. The Custodial Agents of the town/county/DOT and State shall insure that all inmates utilize all required safety equipment and safe work procedures in the performance of their assigned tasks.
- E. The town/county/DOT and State supervisors, who act as the Custodial Agents shall insure that all inmates have completed all required safety training in the use of approved equipment, hazards communication and the proper use of personal protective equipment. All training has been documented and maintained on file by the agency.

- F. Inmate injury due to failure to follow safety regulations and/or use required safety equipment may result in suspension of this contract and removal of inmate labor.

V. Waiver and Billing Information

It is agreed that the North Carolina Department of Correction will waive administrative cost, transportation and custody supervision cost.

VI. Medical

Whenever any inmate assigned to the State Department of Correction shall suffer accidental injury or accidental death arising out of and in the course of employment, to which the inmate has been assigned, the provisions of G.S. 97-13, shall apply. The governmental agency shall compensate the Department of Correction.

The following procedures are to be followed when an inmate sustains an injury while on work assignment for an agency:

- 1) If the injury is serious or life threatening: the agency will contact EMS and have the injured inmate transported to the nearest medical facility. The agency must immediately notify the inmate's prison facility of the incident.
- 2) If the injury is non-serious or is non-life threatening: When the agency has trained first aid personnel on-site at the time the inmate is injured, they may provide the inmate first aid, and immediately notify the inmate's prison facility of the incident.
- 3) If the injury is non-serious or is non-life threatening: and the agency does not have trained first aid personnel onsite to render first aid that may be needed, the agency is to transport the inmate to the nearest medical facility for treatment and immediately notify the inmate's prison facility of the incident.
- 4) If the injury is non-serious or is non-life threatening: and the agency can not provide first aid or transportation to the nearest medical facility, the agency is to immediately notify the inmate's prison facility to transport the inmate for first aid.

When any inmate injury occurs on a labor contract project, whether first-aid and/or medical assistance is rendered, the agency is to provide the inmate's prison facility written documentation of the incident as soon as possible.

VII. Inmate Conduct

DOC reserves the right to refuse or return an inmate should safety, security or order is questionable and agrees to follow North Carolina Department of Correction rules and regulations as stipulated in the Supervisory Orientation Training session. Division of Prisons will be the sole party responsible for issuing disciplinary action against any

inmate employed by **Town Of Sawmills**. Any misconduct will be reported immediately to Division of Prisons facility superintendent. Either party with a 30-day notice may terminate the contract at any time.

VIII. PREA

The Department of Correction has zero-tolerance for behavior with an offender that is unduly familiar or sexually abusive. Departmental staff, correctional agents, agency vendors and volunteers are strictly prohibited from engaging in personal dealings or any conduct of a sexual nature with offenders. Conversation and conduct with offenders is to be professional at all times. Sexual acts between an offender and departmental staff, correctional agents, agency vendors and volunteers violates the federal Prison Rape Elimination Act of 2003 (PREA) and is punishable as a Class E felony in North Carolina. Under North Carolina and federal law an offender CAN NOT consent to engage in sexual activity with departmental staff, correctional agents, agency vendors and volunteers, and all such activity legally is against the will of the offender- no matter what the offender says. Additionally, it is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate or stimulant drug, or any narcotic, poison or poisonous substance, except upon the prescription of a physician, or to convey to or from an inmate any letters or oral messages or any instrument or weapon by which to effect an escape, or that will aid in an assault or insurrection, or to trade with an inmate for clothing or stolen goods or to sell an inmate any article forbidden by prison rules.

“As a valued Correctional Agent of the Division of Prisons, it is important to remember that any knowledge of or a report of any incidents of unduly familiar and sexual abuse involving a labor contract inmate, you have a duty to report this information immediately to your contact person at the facility of housing for the inmate and/or to the office of the Division of Prisons. You may also report the information to the Office of PREA Administration at prea@doc.state.nc.us . By signing this contract you acknowledge that you understand and will abide by this policy as outlined above.”



405 South Sterling Street, Morganton NC 28655

828 433 5661 / fax 828 433 5662 / info@west-consultants.com

March 15, 2012

Seth Eckard
Town Administrator
Town of Sawmills
4076 US Hwy 321-A
Sawmills, NC 28630

Re: Analysis of Waterworks Road
For Evaluation of Posted Speed Limit

Dear Mr. Eckard:

As requested we have analyzed Waterworks Road with regards to its safe design speed. The analysis results show there is reason to reduce the posted speed limit of 35 miles per hour.

Approximately 1800 feet from the Dry Ponds Road intersection begins a dip that leads to a hill top. In roadway design terminology this pair of features would be called a sag followed by a crest. Our calculations show that the safe design speed for the sag and crest is approximately 20 miles per hour. Therefore, a posted speed limit of 20 miles per hour or even 15 miles per hour is recommended. This analysis is based on AASHTO criteria for allowing enough driver reaction time and stopping time, based on the available sight distance at the sag and at the crest.

I hope this provides the information needed. If you have questions or comments please let me know.

Sincerely,

WEST CONSULTANTS, PLLC

Benjamin B. Thomas, P.E.

/cab

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
4/13/2012	101	4095 Jay St Hudson, NC 28638	Micky D & Janet E Thomas	[Open] High Grass at unoccupied home - (Friendly letter sent 4/17/12)
4/13/2012	102	2530 Sigmon Dr Granite Falls, NC 28630	Blue Ridge Electric	[Closed] Standing Water, 4 wheelers, Loud Noises - (No standing water found, naturally wooded area, no violations found)
4/6/2012	103	4845 Holly Springs Dr Granite Falls, NC 28630	Charles & Toma C Bouchard	[Closed] Septic System Failing, Overflowing in Yard, standing water, unoccupied home - (No evidence of standing water, referred plaintiff to county health department)
4/7/2012	104	Crotts Mobile Home Park	Charles & Pansey Crotts	[Open] Trash, Litter & Debris Everywhere - (Work with Town Attorney on next step, code enforcement committee would like to clean up now)