

Chapter 2

**ADMINISTRATION\***

- Art. I. In General, §§ 2-1–2-19
- Art. II. Council Meetings, §§ 2-20–2-29
- Art. III. Planning Board, §§ 2-30–2-49
- Art. IV. Emergencies, §§ 2-50–2-59

**ARTICLE I. IN GENERAL**

**Sec. 2-1. Compensation of councilmembers and mayor.**

The compensation of the mayor and councilmembers of the city shall be set by the adoption of the annual budget ordinance pursuant to G.S. 160A-64.  
(Code 1976, § 2.13; Ord. No. 0-34-90, 5-3-90)

**State law reference**—Compensation of governing board members, G.S. 160A-64.

**Sec. 2-2. Disqualifications of councilmembers and mayor for nonresidence.**

If any member of the city council or the mayor shall move such person's residence from the city, the office shall at once be declared vacant, and shall be filled as provided by G.S. 160A-63.

(Code 1976, § 2.14)

**State law reference**—Disqualifications for office, Constitution, Article VI, § 8.

**Sec. 2-3. Resignation of councilmember or mayor.**

Resignation of any member of the city council or the mayor shall be in writing. Such resignation shall lie on the table until the next regular meeting unless considered by unanimous consent.

(Code 1976, § 2.12)

**Secs. 2-4–2-19. Reserved.**

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\***Charter references**—Mayor and city council, § 2.1 et seq.; elections, § 3.1 et seq.; organization and administration, § 4.1 et seq.

**ARTICLE II. COUNCIL MEETINGS**

**Sec. 2-20. Time, day and place of regular meetings.**

There shall be a regular meeting of the city council held at city hall at 7:00 p.m. on such dates as set by the council's annual calendar.

(Code 1976, § 2.3)

**State law references**—Authority to fix time and place, G.S. 160A-71; open meetings law, G.S. 143-318.9 et seq.

**Sec. 2-21. Adjourned meetings.**

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

(Code 1976, § 2.4)

**State law reference**—Notice of meetings, G.S. 143-318.12.

**Sec. 2-22. Rules of procedure.**

Except as otherwise provided by resolution the procedure of the council shall be governed by Robert's Rules of Order.

(Code 1976, § 2.6)

**State law reference**—Authority to adopt rules, G.S. 160A-71(c).

**Sec. 2-23. Effective time of ordinance.**

Every ordinance shall be in force immediately upon its passage, except as otherwise hereinafter provided, or as provided by applicable provision of the General Statutes.

(Code 1976, § 2.17)

**State law reference**—Voting, G.S. 160A-75.

**Secs. 2-24–2-29. Reserved.**

**ARTICLE III. PLANNING BOARD\***

**Sec. 2-30. Creation.**

Pursuant to G.S. 160A-361, there is hereby created a planning board of the city, to perform the functions and duties herein prescribed.

(Code 1976, § 12.1; Ord. No. 0-04-86, 11-6-86)

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\*Cross reference—Zoning, App. A.

**Sec. 2-31. Membership and vacancies; attendance.**

The planning board shall consist of five (5) members, who shall be residents of the city and who shall be appointed by the city council. The members of the planning board shall serve for three-year terms, initially to be staggered as follows and to be appointed effective January 1, 1987; One (1) member for a term of one (1) year, term expiring January 1, 1988; two (2) members for a term of two (2) years, term expiring January 1, 1989; two (2) members for a term of three (3) years, term expiring January 1, 1990. Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term.

Faithful attendance at meetings of the board is to be considered a prerequisite to continued membership. The city council may remove and replace any members continually delinquent in their duty to attend.

(Code 1976, § 12.2; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-32. Organization; rules; meetings; records.**

The planning board shall elect a chairman and create and fill such other offices as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for reelection. The board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The board shall hold at least one (1) meeting monthly. All of its meetings shall be open to the public. There shall be a quorum of three (3) members for the purpose of taking any official action.

(Code 1976, § 12.3; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-33. General powers and duties.**

It shall be the duty of the planning board, in general:

- (1) To make studies of the area within its jurisdiction;
- (2) To determine objectives to be sought in the development of the study area;
- (3) To prepare and adopt plans for achieving these objectives;
- (4) To develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the city council may direct;
- (5) To advise the city council the use and amendment of means for carrying out plans;
- (6) To exercise any functions in the administration and enforcement of various means for carrying out plans that the city council may direct;
- (7) To perform any other related duties that the city council may direct.

(Code 1976, § 12.4; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-34. Studies; cooperation of officials; right-of-entry.**

(a) As background for its comprehensive plans and any ordinance it may prepare, the planning board may gather maps and aerial photographs of manmade and natural physical

features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

(b) In addition, the planning board may make, cause to be made, or obtain special studies on the location, condition and adequacy of special facilities, which may include, but be not limited to, studies of housing, commercial and industrial facilities, parks, playgrounds, and recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

(c) All officials of the city shall, upon request, furnish to the planning board such available records or information as it may require in its work.

(d) The board or its agent may, in the performance of its official duties, enter upon lands and make examination or surveys and maintain necessary monuments thereon.

(Code 1976, § 12.5; Ord. No. 0-04-86, 11-6-86)

#### **Sec. 2-35. Comprehensive plans.**

(a) The comprehensive plans, with the accompanying maps, plats, charts and descriptive matter, shall be and show the planning board's recommendation to the city council for the development of the area, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, communication, and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open space, properties, utilities or terminals.

(b) The comprehensive plans and any ordinances or other measures to effectuate the plans shall be made with the general purposes of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distributions of population, the promotion of good civic design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.

(Code 1976, § 12.6; Ord. No. 0-04-86, 11-6-86)

#### **Sec. 2-36. Zoning amendment.**

The planning board may initiate from time to time proposals for amendment of the zoning ordinance and map, based upon its studies and plans. In addition, it shall review and make

recommendations to the city council concerning all proposed amendments to the zoning ordinance and map.

(Code 1976, § 12.7; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-37. Subdivisions.**

(a) The planning board shall review, from time to time, the existing regulation for the control of land subdivision in the area and submit to the city council its recommendations, if any, for the revision of such regulations.

(b) The planning board shall review and make recommendations to the city council concerning all proposed plats of land subdivision.

(Code 1976, § 12.8; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-38. Public facilities.**

The planning board shall review with the city manager and city council/officials and report its recommendations to the city council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, whether or not there is a recommendation from the planning board, the city council may, if it deems wise, take final action on any such matter at any time.

(Code 1976, § 12.9; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-39. Public hearings; publicity.**

(a) The planning board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the plans. Before recommending any such plans to the city council, the planning board shall hold at least one (1) public hearing thereon.

(b) The planning board shall have power to promote public interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

(Code 1976, § 12.10; Ord. No. 0-04-86, 11-6-86)

**Sec. 2-40. Annual report; analysis of expenditures; budget request.**

The planning board shall, in May of each year, submit in writing to the city manager, and city council a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and shall submit to the city manager, and city council for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year.

(Code 1976, § 12.10(a); Ord. No. 0-04-86, 11-6-86)

**Secs. 2-41–2-49. Reserved.**

**ARTICLE IV. EMERGENCIES\*****Sec. 2-50. Proclamation imposing prohibitions and restrictions.**

(a) The mayor by proclamation may impose the prohibitions and restrictions specified in sections 2-51 through 2-54 in the manner described in those sections. The mayor may impose as many of those specified prohibitions and restrictions as such official finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The mayor shall recite such findings that a state of emergency exists in the proclamation.

(b) The proclamation shall be in writing. The mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the city hall. The mayor shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

(Code 1976, § 2.121)

**Sec. 2-51. Curfew.**

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

(b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the mayor by proclamation removes the curfew.

(Code 1976, § 2.122)

**Sec. 2-52. Restrictions on possession, consumption, or transfer of intoxicating liquor.**

(a) The proclamation may prohibit the possession or consumption of any intoxicating liquor, including beer and wine, other than on one's own premises, and may prohibit the transfer of any intoxicating liquor. The prohibition, if imposed, shall apply to transfers of intoxicating liquor by employees of alcoholic beverage control stores as well as by anyone else within the city.

(b) If imposed, the restrictions shall apply throughout the city.

(Code 1976, § 2.123)

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\*State law references—Authority to enact ordinances to deal with states of emergency, G.S. 14-288.12; authority to tax therefor, G.S. 160A-209(c)(9); county and municipal emergency management, G.S. 166A-7.

**Sec. 2-53. Restrictions on possession, transportation, and transfer of dangerous weapons and substances.**

(a) The proclamation may prohibit the possession of any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises, or, if the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer or the transportation of any dangerous weapon or substance. The mayor may exempt from some or all of the restrictions classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) "Dangerous weapon or substance" means:

- (1) Any deadly weapon, ammunition, incendiary device, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property;
- (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or property destruction, when the circumstances indicate that there is some probability that such instrument or substance will be so destructively used;
- (3) Any part or ingredient in any instrument or substance included above.

(c) If imposed, the restrictions shall apply throughout the jurisdiction of the city.  
(Code 1976, § 2.124)

**Sec. 2-54. Restrictions on access to areas.**

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

(b) Areas to which access is denied or restricted shall be designated by the chief of police and the chief's subordinates when directed in the proclamation to do so by the mayor. When acting under this authority, the chief of police and the chief's subordinates may restrict or deny access to any area, street, or location within the city if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.  
(Code 1976, § 2.125)

**Sec. 2-55. Proclamation imposing restrictions on assemblies.**

(a) The proclamation may prohibit assemblies of three (3) or more persons in specified geographic areas of the city after the mayor finds that any such assemblies constitute a clear and present danger of prolonging or aggravating an existing emergency which endangers lives, safety, and property. The proclamation shall be in writing and state the mayor's

findings. The mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it, and shall post a copy of it in the city hall. The mayor shall retain a text of the proclamation and upon request shall furnish certified copies of it for use as evidence.

(b) The proclamation shall specify the geographical areas in which the restrictions apply.

(c) The mayor may amend the proclamation from time to time, making such modifications in the geographical areas to which it applies as such official determines to be necessary to maintain the purposes of the prohibition.

(d) The mayor shall by proclamation remove the prohibition when the emergency no longer requires it, or when directed to do so by the governing body.

(Code 1976, § 2.126)

**Sec. 2-56. Dispersal of prohibited assemblies.**

Any police officer may order any assembly prohibited by a proclamation authorized by this article to disperse, and any individual member of an assembly who fails to disperse after being so ordered shall be guilty of a misdemeanor.

(Code 1976, § 2.127)

**Sec. 2-57. Amendments of the proclamation.**

The mayor may amend the proclamation from time to time, making such modifications as such official would have been authorized to include in the original proclamation.

(Code 1976, § 2.128)

**Sec. 2-58. Removal of prohibitions and restrictions.**

The mayor shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the governing body.

(Code 1976, § 2.129)

**Sec. 2-59. Separate and superseding proclamations.**

The mayor in such official's discretion may invoke the restrictions authorized by this article in separate proclamations, and may amend any proclamation by means of a superseding proclamation.

(Code 1976, § 2.130)