



AGENDA
MAYODAN TOWN COUNCIL
March 9, 2026
6:00 p.m.
James A. Collins Municipal Building

CALL TO ORDER

PRAYER:

Given by Torrey Easler of Mayodan First Baptist Church

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance led by Mayor Dwight Lake and Town Council members

PUBLIC COMMENTS

RECOGNITION:

- A. Brandon Butler has successfully passed the Physical Chemical Grade 1 examination and is now eligible to receive his operator certification.
- B. Mayodan Fire Relief Fund scholarship awards for Brett Menard & Christian Joyce
- C. Introduction of Police Chaplains program

CONSENT AGENDA :

- A. Approval of Minutes
 - a. Agenda Meeting Minutes of February 5, 2026
 - b. Regular Meeting Minutes of February 9, 2026
 - c. Budget Retreat Meeting Minutes of February 16, 2026
- B. Budget Amendment #11
- C. Resolution Opposing the Reassignment of River's Edge Voters to the Comers Chapel Polling Location
- D. Ratification of Amended Resolution of Endorsement for LWF Planning Grant

PUBLIC HEARING:

- A. Public Hearing & Consideration of Adoption - Comprehensive Land Development Plan

OLD BUSINESS:

- B. Amended Strategic Priorities

NEW BUSINESS:

- A. Alley Closure
- B. Award Solid Waste and Recycling Contract
- C. General Ordinance Rewrite
- D. Utility Billing and Collections Policy and Utility Close Out Policy Amendment
- E. Pay & Classification Study

CLOSED SESSION:

N.C.G.S. 143-318.11(a)(3)] to consult with the Attorney

MANAGER COMMENTS/ANNOUNCEMENTS

DEPARTMENT HEAD COMMENTS/ANNOUNCEMENTS

COUNCIL COMMENTS/ANNOUNCEMENTS

ADJOURN

AGENDA ITEM COVER

Item for Agenda:	Recognition of Accomplishment
Placement on Agenda:	Recognition
Presenter:	Mike Sears
Description of Agenda Item or Other Pertinent Information for Council:	Brandon Butler has successfully passed the Physical/Chemical Grade 1 exam and is now eligible to receive his operator certification.

AGENDA ITEM COVER

Item for Agenda:	Mayodan Fire Relief Fund Scholarship
Placement on Agenda:	Recognition
Presenter:	Fire Chief, Dylan Garner
Description of Agenda Item or Other Pertinent Information for Council:	<p>Councilmember Miller has requested that this item be added to the agenda.</p> <p>The State has approved the Mayodan Fire Relief Fund scholarship awards for Brett Menard and Christian Joyce, both sons of active Mayodan firefighters, in the amount of \$250 each.</p> <p>A brief recognition and presentation is proposed for the meeting. Fire Chief Dylan Garner will speak on behalf of the Fire Relief Fund Board and present the scholarship checks to the recipients. This presentation will also highlight the Fire Relief Fund Board's continued commitment to supporting and benefiting the local community.</p>

**CERTIFICATION BY THE EXECUTIVE DIRECTOR
NORTH CAROLINA STATE FIREFIGHTERS' ASSOCIATION
FOR USE OF FIREFIGHTERS' LOCAL RELIEF FUNDS PURSUANT TO
G. S. 58-84-35 SUBSECTIONS (2a), (4), (5), (6) AND (7)**

The undersigned Executive Director of the North Carolina State Firefighters' Association having received and reviewed the application of the Trustees of the Firefighters' Relief Fund for

Mayodan Fire Department

for certification to use Local Relief Funds pursuant to G. S. 58-84-35 subsections (2a), (4), (5), (6) and (7), finds:

A. The balance in the Local Relief Fund of

Mayodan Fire Department

exceeds the minimum balance required by G.S. 58-84-35 (c)(1)(2); and

B. The proposed use is authorized by North Carolina G. S. 58-84-35 subsections (2a), (4), (5), (6) and (7).

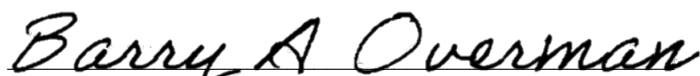
It is certified that the Local Relief Fund for

Mayodan Fire Department

is financially sound, and the Trustees may use a portion of the amount in said Local Relief Fund above the required minimum as follows:

On February 23, 2026, a request was received from John Miller, Relief Fund Treasurer for the Mayodan Fire Department, to support a one-time disbursement of \$3,000.00 to assist with supplemental retirement payments to 15 eligible department members, to provide a scholarship in the amount of \$250.00 to Brett Menard, and to provide a scholarship in the amount of \$250.00 to Christian Joyce. These requests are approved. Please submit a copy of the relief fund check(s) or a cashier's check(s) with the relief fund Chairman and Treasurer signatures affixed to the NCSFA once the funds are disbursed. A copy of the request and this approval document remains on file in the office of the NCSFA.

This the 23rd day of February, 2026



Barry Overman

Executive Director

North Carolina State Firefighters' Association

AGENDA ITEM COVER

Item for Agenda:	Introduction of Police Chaplain Program
Placement on Agenda:	Recognition
Presenter:	Chief Knight and Captain Stanley
<p style="text-align: center;">Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Presentation of a Police Chaplain Program designed to provide spiritual, emotional, and practical support to officers and their families. The program will assist with officer wellness, family support, and community care during times of crisis, while strengthening relationships between the department and the community. Participation in the Police Chaplain Program is completely voluntary and available to officers and their families as a confidential support resource.</p> <p>Chaplains include:</p> <ul style="list-style-type: none"> • Torrey Easler – Mayodan First Baptist Church • Michael Lindsay – Westside Baptist Church • Mark Smith – True Gospel Baptist Church • William Phillips – Fountain of Youth Church • Randy Jessup – Ayersville Baptist Church



AGENDA *MINUTES*
MAYODAN TOWN COUNCIL
February 5, 2026
6:00 p.m.
James A. Collins Municipal Building

MAYOR AND COUNCIL PRESENT:

Mayor Dwight Lake
Mayor Pro Tem John Miller
Melanie Barnes
Doug Cardwell
Buck Shelton

ABSENT:

Letitia Goard

STAFF PRESENT:

Town Manager Melody Shuler
Town Clerk Sarah Hopper

The Mayodan Town Council met at 6:00 p.m. on Thursday, February 5, 2025, in the Council Chambers of the James A. Collins Municipal Building, and with a quorum present, Mayor Dwight Lake called the meeting to order. Mayor Lake went over the agenda items for the regular meeting scheduled for Monday, February 9, 2026

Motion by Councilmember Cardwell, seconded by Councilmember Miller, to adjourn meeting.

Ayes: Councilmembers Barnes, Cardwell, Miller and Shelton

Nays: None.

Motion: carried unanimously

Meeting adjourned at 6:53 p.m.

ATTEST:

Sarah Hopper, Town Clerk

E. Dwight Lake, Mayor

AGENDA ITEM COVER

Item for Agenda:	Budget Amendments
Placement on Agenda:	Consent Agenda
Presenter:	Brianna Cardwell, Finance Director
Description of Agenda Item or Other Pertinent Information for Council:	Budget Amendment #11 to allocate Fund Balance for FY25 budgeted Funds for WWTP Equipment Repair, installed in FY26.



**REGULAR
MEETING *MINUTES*
MAYODAN TOWN COUNCIL
February 9, 2026
6:00 p.m.
James A. Collins Municipal Building**

MAYOR AND COUNCIL PRESENT:

Mayor Dwight Lake
Mayor ProTem John Miller
Doug Cardwell
Letitia Goard
Buck Shelton

ABSENT:

Melanie Barnes

STAFF PRESENT:

Town Attorney Eugene Russell
Town Manager Melody Shuler
Town Clerk Sarah Hopper

The Mayodan Town Council met at 6:00 pm on February 9, 2026, in the Council room of the James A. Collins Municipal Building, and with a quorum present, Mayor Lake called the meeting to order.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Mayor and Town Council members.

RECOGNITION:

- 1. Recognition of Macy Hurd for Successfully Earning a certification as a playground inspector.**
- 2. Recognition new police officer Jordan Neal**

Mayor Lake recognized Rockingham County Manager Lance Metzler and thanked him for attending the meeting.

APPROVAL OF CONSENT ITEMS:

- A. Approval of Minutes
 - a. Agenda Meeting Minutes of January 8, 2026
 - b. Regular Meeting Minutes of January 12, 2026
- B. Budget Amendments
- C. Amended Capital Project Ordinance Town Hall Conversion and Police Department Expansion

Motion by Councilmember Goard, seconded by Councilmember Shelton, to approve the consent Agenda, as presented.

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None

Motion carried unanimously.

OLD BUSINESS:

A. Washington Mills Park Design

Ed McLean of Destination by Design presented an update to Council regarding continued design development for Phase 1 of Washington Mills Park. The presentation included a refined site layout incorporating feedback received from Council at the December meeting. Ben Schwabof STITCH Design Shop also participated, providing additional details and answering questions while presenting a slideshow outlining the proposed layout and planned improvements.

Phase 1 focuses on core park infrastructure and recreational amenities identified through awarded grant funding. Proposed improvements include pickleball courts, basketball courts, approximately 1,320 linear feet of multi-use trail, approximately 2,080 linear feet of natural surface trail, river access improvements, and stormwater bioretention.

Although the existing building is not included in Phase 1 construction, the project team provided background information to assist with long-term planning. This included a preliminary scope of work and cost estimate to convert the structure into an open-air flexible space, provide restrooms, and address safety concerns, as well as conceptual alternatives illustrating potential future uses of the building. No action was requested from Council regarding the building at this time.

At the conclusion of the presentation, the project team requested Council approval to move forward with the Phase 1 Park Construction layout at Washington Mills Park.

Council asked how the roof issues were identified and whether an inspection report was available. Representatives from STITCH Design explained that a structural engineer, architect, and local contractor conducted a visual inspection of the building, including drone footage of the roof. They observed ponding water, low areas, and signs of water intrusion, particularly where wood joists meet the masonry walls. Interior areas also showed signs of damage and need for reinforcement. The estimated roof repair cost is approximately \$21,000, with additional structural repairs needed at certain columns and girders.

Council inquired about the extent of decking damage and whether the recently installed TPO roof was failing. The presenters clarified that the TPO membrane itself is not failing; however, ponding water was observed in certain areas, making the roof more susceptible to future issues. Approximately 20–25% of the decking showed visible concerns during inspection. They confirmed that architectural and structural reports, along with drone footage, were included in the packet and could be shared again for review. Motion by Councilmember Goard, seconded by Councilmember Miller, to approve moving forward with Phase 1.

Ayes: Councilmember Cardwell, Goard, Miller and Shelton

Nays: None

Motion carried unanimously

B. Amended Strategic Priorities

As part of the FY 26-27 Budgeting process, staff reviewed the Town's strategic priorities to ensure goals and proposed funding for the upcoming fiscal year. During this review, it was determined that certain priorities required adjustments to timing and sequencing in order to make the plan more functional and achievable within a reasonable timeframe.

One proposed revision involves the transparency initiative previously listed under Infrastructure (Priority #4). Staff recommended elevating this item to a town-wide goal rather than limiting it to infrastructure, as it includes broader communication efforts such as website improvements, newsletters, and expanded social media engagement.

Staff also proposed conducting a community survey in the next fiscal year to better assess how the Town is serving residents, identify areas for improvement, and gather feedback on citizen priorities. The results would help guide service delivery and future planning efforts.

Under Workforce Analysis (Priority #4), staff recommended expanding the focus to include employee retention and benefits. Proposed initiatives for the upcoming fiscal year include conducting an updated compensation and market rate review to ensure pay remains competitive, continuing to evaluate employee benefits, and identifying opportunities to strengthen the Town's competitiveness in the labor market. Additionally, staff emphasized aligning performance evaluations, merit increases, and career progression with the adopted pay plan and integrating retention strategies into the annual budgeting process.

Staff confirmed that funding associated with established timelines has been appropriately aligned and that no proposed adjustments would negatively impact grant or externally funded project deadlines. Where appropriate, modest scheduling flexibility has been incorporated to provide sufficient time to accomplish stated goals effectively.

Town Manager Shuler stated that a comprehensive group training on the evaluation process has already been conducted, including department heads, to outline expectations and reduce concerns about the new system. She noted that a refresher training will be held prior to implementation, with continued guidance provided during the evaluation cycle to ensure consistency.

Councilmember Goard emphasized the importance of properly modeling the process from the outset, including coaching supervisors and ensuring evaluations are delivered appropriately to prevent poor habits from developing.

Town Manager Shuler acknowledged this is a significant change for employees and stressed the importance of delivering constructive feedback appropriately while maintaining accountability. She confirmed the timeline remains on track to implement the pay plan by April 27, pending completion of final preparations.

Town Manager Shuler explained that she has obtained quotes for a new pay plan study, which would begin in July. The consultant would collect updated information on all positions and revise job descriptions, noting that the Town's job descriptions have not been formally updated since 2013. She stated that, in practice, many organizations update pay plans approximately every three years due to market changes and evolving job responsibilities.

Council questioned the need for another pay plan so soon after the previous study. Town Manager Shuler explained that the prior plan began in 2022 but was not adopted until 2024, raising concerns about data accuracy. She also noted that job descriptions were not updated and some positions do not align with the current structure, recommending a comprehensive review to ensure an accurate compensation framework.

Council asked whether a different firm would be used. Town Manager Shuler confirmed that a new firm would be selected, noting she has received one quote and is seeking another, with further discussion planned for the retreat.

Council then discussed adopting the amended strategic priorities. It was clarified that the action would update the existing plan. Members agreed it may be best to consider adoption at the budget retreat after reviewing departmental and capital requests.

Motion by Councilmember Cardwell, seconded by Councilmember Miller, to table until after budget retreat.

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None.

Motion carried unanimously.

NEW BUSINESS:

C. Appoint Ross Vaden to Madison Mayodan Recreation Commission

A vacancy currently exists on the Madison–Mayodan Recreation Commission. Sarah spoke with Ross Vaden regarding the open position, and Mr. Vaden expressed his willingness to serve if appointed. Tracy Blackard had agreed to continue serving on the Commission until a replacement was identified. Council considered the appointment of Ross Vaden to fill the vacancy on the Madison–Mayodan Recreation Commission.

Motion by Councilmember Cardwell, seconded by Councilmember Miller, to appoint Ross Vaden to the Madison-Maodan Recreation Commission.

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None.

Motion carried unanimously.

D. Western Rockingham Chamber of Commerce Update

Mavis Dillon, President of the Western Rockingham Chamber of Commerce, thanked the Mayor, Board, Town Manager, and department heads for their continued support and partnership. She shared that Walmart has rejoined the Chamber after several years of non-membership and expressed appreciation to Chief Knight for assisting with that connection. She also thanked Dylan and the Fire Department for assisting her family's restaurant with a recent event.

Ms. Dillon reported that the Chamber recently hired Maria Bridges to assist with website management and marketing efforts. She noted that Chamber membership has increased, with 32 new members this year compared to 25 the previous year.

She announced that the Chamber's annual dinner will be held on April 16 at White Oak Terrace, with limited seating available. She also promoted the Roco Is Hong Foundation's upcoming countywide chili cook-off, which will rotate locations annually. She encouraged community participation, noting the event will take place from 12:00 to 2:00 p.m., with a \$25 registration fee and a \$100 cash prize for the winner.

Mavis Dillon also shared information about the formation of the Western Rockingham Alliance, a proposed nonprofit organization that will operate under the Chamber's umbrella. She explained that while chambers are 501(c)(6) organizations, this new entity will be established as a nonprofit to expand opportunities for grant funding and community-based initiatives benefiting Madison, Mayodan, and Stoneville. The Alliance's mission will focus broadly on beautification, revitalization, quality-of-life improvements, and inclusive community programs, particularly important given Rockingham County's Tier One designation.

She noted that once the nonprofit's tax identification number is received, fundraising efforts will begin, including corporate partnerships, grant applications, and outreach to industries operating in the area. She

emphasized the importance of volunteer support and regional collaboration to ensure the organization's success.

Ms. Dillon also highlighted several upcoming initiatives, including participation in the America 250 celebration by recognizing local industries that manufacture products in Western Rockingham, as well as launching a youth leadership program in partnership with local schools. The program will include industry tours, leadership development opportunities, and future job shadowing experiences.

In response to questions about long-term operations, Ms. Dillon explained that while a nonprofit in North Carolina can legally operate with only one officer, the Alliance will establish a full board. She has secured interest from several community members, including Christy Smith, and is in discussions with others who are rooted in the community and bring professional experience. The goal is to implement staggered terms, such as three-year cycles, to ensure continuity and stability.

She stated that the Alliance's focus will be community-wide impact rather than scholarships. The intent is to pursue grants and matching funds for local projects, such as beautification efforts, murals, or community improvements. For example, the Alliance could potentially provide matching funds for municipal or community projects to help leverage additional investment. She emphasized that the organization's purpose is to serve the broader community and support meaningful local initiatives. She concluded by expressing appreciation for the Town's continued partnership and support.

E. Resolution of Endorsement for LWF Planning Grant

Council discussed applying for a Land and Water Fund planning grant to evaluate long-term opportunities related to the Mayo River, including water supply infrastructure, dam removal alternatives, and river restoration concepts. The total grant amount would be \$75,000, with \$56,250 requested from LWF and a required Town match of \$18,750. The project would support the ongoing river restoration efforts and address potential impacts to the Town's water intake.

Motion by Councilmember Cardwell, seconded by Councilmember Shelton, to approve **the Resolution of Endorsement for LWF Planning Grant**

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None.

Motion carried unanimously.

Mayor Lake recognized Lindsay Pegg in attendance and thanked her for being present once again.

MANAGER/ COUNCIL COMMENTS/ANNOUNCEMENTS:

Town Manager Shuler reported that she attended a meeting regarding the multi-use path project and confirmed that the Town's required match remains \$156,000, as originally anticipated. If the agreement is adopted within the next couple of months, approximately \$86,000 will need to be budgeted to cover the remaining balance, which is less than initially projected.

In response to questions about the timeline, she stated that right-of-way acquisition is currently projected to begin in 2030, with construction anticipated in 2032. Although the toll credit pilot program aims to accelerate projects, the timeline has not yet been adjusted. She noted that as the project progresses and is further evaluated, there may be opportunities to move the schedule forward.

Councilmember Goard suggested considering whether the Town should change the mayoral term from two years to four years, noting that many neighboring municipalities have already made that transition. The member stated that running every two years may not be practical and that extending the term could

provide greater continuity. It was acknowledged that such a change would require a charter amendment and approval by the legislature.

Council briefly discussed pros and cons of the proposal, including concerns about extending terms if an ineffective mayor were elected. No action was taken, and the item was presented for future consideration.

Councilmember Goard asked for an update regarding the Madison–Mayodan Recreation State Championships.

Councilmember Miller stated the Mayodan Merchants Association will host a carnival May 7–9 (Mother’s Day weekend) in the grassy area behind Mavis Tire near Walmart. There is no overhead cost to the merchants; they will assist with promotion, and once a financial threshold is met, a percentage of the proceeds will benefit the Merchants Association to support events such as the Hayodan Festival.

Councilmember Cardwell thanked the Public Works Department for their efforts during recent weather events and for their work maintaining the roads.

The Mayor announced plans to attend the North Carolina Mayors Association meeting and the Essentials of Municipal Government class. Council also discussed the upcoming State Dinner on March 25, with members indicating interest in attending.

Motion by Councilmember Goard, seconded by Councilmember Shelton, to enter into closed session to consult with the Attorney N.C.G.S. 143.318.11(a)(3)] and discuss personnel-related matter N.C.G.S. 143-318.11(a)(6)]
Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton.

Nays: None

Motion Carried.

Council entered closed session at 7:04 p.m.

Motion by Councilmember Shelton, seconded by Councilmember Goard, to return to open session.

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None.

Motion carried unanimously.

Council returned to open session at 8:04 p.m.

Motion by Councilmember Shelton, seconded by Councilmember Goard, to adjourn the meeting.

Ayes: Councilmembers Cardwell, Goard, Miller, and Shelton

Nays: None.

Motion carried unanimously.

Meeting adjourned at 8:04 p.m.

ATTEST:

Sarah Hopper, Town Clerk

E. Dwight Lake, Mayor



TOWN OF MAYODAN

OFFICE OF THE FINANCE DIRECTOR

210 W. MAIN STREET • MAYODAN, N.C. 27027

(336) 427-0241

FAX (336) 427-7592

bcardwell@mayodannc.org

DATE: March 5, 2026

FROM: Brianna Cardwell CPA, Finance Director

TO: Mayodan Town Council

RE: Town Council Budget Amendment to appropriate fund balance for
Sewer Plant equipment and repairs ordered in FY25, not completed until FY26

Town Council Budget Amendment #11

<u>REVENUE:</u>	<u>Decrease</u>	<u>Increase</u>
51-4999 Water and Sewer Fund Balance		\$45,000
<u>EXPENDITURE:</u>	<u>Increase</u>	<u>Decrease</u>
51-5870-523 Maintenance & Repair-Equipment	\$45,000	
	\$ 45,000.00	\$ 45,000.00

Signature

Date

AGENDA ITEM COVER

Item for Agenda:	Resolution
Placement on Agenda:	Consent Agenda
Presenter:	Melody Shuler, Town Manager
Description of Agenda Item or Other Pertinent Information for Council:	<p>Action Requested: Consider and vote on a resolution requesting that the Rockingham County Board of Elections reconsider the reassignment of Rivers Edge residents to the Comers Chapel polling location and restore their polling place to the Mayodan Public Library.</p> <p>Background: The Town was recently informed that residents of the Rivers Edge precinct have been reassigned to vote at the Comers Chapel polling location. This results in two polling locations serving Mayodan residents that are approximately 15 miles apart. Given the Town's population of approximately 2,500 and the importance of accessibility in municipal elections, Council may wish to formally request that the Board of Elections reconsider this change and return the Rivers Edge precinct to the Mayodan Public Library polling location.</p>



*Town of Mayodan. 210 W. Main Street. Mayodan. NC. 27027. (336)427.0241. www.townofmayodan.com
James A. Collins Municipal Building*

**TOWN OF MAYODAN
RESOLUTION REQUESTING ROCKINGHAM COUNTY BOARD OF ELECTIONS TO
RECONSIDER POLLING LOCATION ASSIGNMENT**

WHEREAS, the Town of Mayodan has recently been informed that residents of the Rivers Edge precinct have been reassigned to the Comers Chapel polling location; and

WHEREAS, the Town of Mayodan has a population of approximately 2,500 residents and conducts municipal elections that directly impact its local governance; and

WHEREAS, the reassignment results in two polling locations serving Mayodan residents that are approximately fifteen (15) miles apart; and

WHEREAS, maintaining polling locations within reasonable proximity to residents encourages voter participation, reduces confusion, and improves accessibility; and

WHEREAS, the Town believes that utilizing the Mayodan Public Library as a polling location has historically provided a centralized, convenient, and accessible voting site for residents;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Tow Council of the Town of Mayodan that the Rockingham County Board of Elections is respectfully requested to reconsider the reassignment of Rivers Edge residents and restore their polling location to the Mayodan Public Library.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Rockingham County Board of Elections for consideration.

Adopted this ____ day of _____, 2026.

Sarah Hopper, Town Clerk

E. Dwight Lake, Mayor



Resolution Endorsing North Carolina Land & Water Fund Grant Planning Grant Application

WHEREAS, the North Carolina Land and Water Fund (NCLWF), provides grant funding to support planning, conservation, and project development efforts that protect and enhance North Carolina's natural resources, water quality, and community resilience;


WHEREAS, the Town of Mayodan seeks to pursue a North Carolina Land & Water Fund Planning Grant to evaluate long-term opportunities related to the Mayo River, including water supply infrastructure, dam removal alternatives, and river restoration concepts;

WHEREAS, the total project cost is **\$123,750**, consisting of a **\$100,000 grant request** from the North Carolina Land & Water Fund and a **local match of \$18,750** to be provided by the Town of Mayodan in addition to an in-kind match of \$5,000 provided by project partners for public engagement; and

WHEREAS, the Town Council of Mayodan recognizes the importance of proactive planning to protect water resources, support long-term infrastructure decision-making, and position the Town for future conservation and resilience funding opportunities.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Mayodan, North Carolina, that it hereby endorses and supports the submission of a North Carolina Land & Water Fund Planning Grant application in the amount of **\$100,000**, and commits to providing **\$18,750 local match**, along with an in-kind commitment of \$5,000 from project partners, for a total project cost of **\$123,750**.

Adopted this 9th day of February 2026.



E. Dwight Lake, Mayor

ATTEST:



Sarah Hopper, Town Clerk



AGENDA ITEM COVER

<p>Item for Agenda:</p>	<p>Public Hearing & Consideration of Adoption - Comprehensive Land Development Plan</p>
<p>Placement on Agenda:</p>	<p>Public Hearing</p>
<p>Presenter:</p>	<p>Sam Stalder, PTRC Regional Planner</p>
<p>Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Background The Comprehensive Land Development Plan (CLDP) planning process began in November 2024, when a Steering Committee composed of members of the Town Council, Planning Board, and private citizens was formed to guide the development of the plan. The committee met throughout the process to review data, discuss community priorities, and assist in shaping the vision, goals, policies, and Future Land Use Map.</p> <p>The draft plan incorporates community survey results, stakeholder meetings, data analysis, and alignment with relevant existing plans. The final draft document titled <i>Town of Mayodan Comprehensive Land Development Plan</i> is attached.</p> <p>On February 19, 2026, the Planning Board reviewed the draft Comprehensive Land Development Plan and voted unanimously to forward a favorable recommendation of approval to the Town Council.</p> <p>A public hearing is scheduled for March 9, 2026, to receive public comments on the draft plan.</p> <hr/> <p>Legal Authority North Carolina General Statute §160D-501 requires municipalities to adopt and reasonably maintain a comprehensive or land use plan as a condition of applying zoning regulations. Adoption of the CLDP will ensure the Town remains compliant with statutory requirements</p>

and maintains zoning authority.

Recommended Action

1. Conduct the public hearing on March 9, 2026.
2. Following the close of the public hearing, if Council so chooses, adopt the Comprehensive Land Development Plan.

Town of Mayodan

Comprehensive Land Development Plan



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Section 1: Introduction and Overview

1.1 Purpose of Plan

What will the Town of Mayodan look like in the year 2045? The purpose of this plan is to guide local land uses toward a collective vision of the Future Mayodan. The Town of Mayodan Land Development Plan (LDP) will guide Mayodan in proactive responses to development issues that arise over time. The LDP will be a valuable resource to decision makers on whether to approve zoning changes, where to prioritize capital expenditures, and when implementing infrastructure projects.

This document combines information from a steering committee of local leaders, community input, as well as current data on transportation, housing, and natural resources to provide a rational basis for local land use decisions.

Legal Requirements

North Carolina General Statute §160D-501 states: *“As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan.”* This comprehensive land development plan meets the requirements set forth in G.S. §160D-501 and will allow the Town of Mayodan to maintain zoning authority within its corporate municipal limits and extra territorial jurisdiction (ETJ).

In addition to this, North Carolina General Statute § 160D-605 states: *“When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan.”*

Planning Area

Mayodan encompasses one and a half square miles of scenic rolling land in the northern Piedmont Triad region of central North Carolina. It has a historic downtown, comprised of restaurants, retail shops and other local small businesses. NC 220 Business runs through the downtown section of the town and is lined with a mix of retail and restaurants. The Mayo River flows north to south past historical mill sites and the downtown area.

Mayodan retains its rural southern tradition of hospitality and warmth. In resident surveys and informal interviews at public events the town is frequently described as “a quiet friendly place where everyone knows their neighbors.” Mayodan is a relaxed location to live, work, and play. The amenities of larger cities are close by, yet Mayodan maintains its small-town character and charm.

1.2 History of Mayodan

Nestled near the confluence of the Mayo and Dan Rivers, Mayodan has a history shaped by industry, community spirit, and the natural beauty of North Carolina’s foothills. The town was incorporated in 1899, its name blending the two rivers that remain central to its identity.

Mayodan’s early growth was anchored by Washington Mills, a large textile manufacturer that brought jobs and prosperity to the area. For much of the 20th century, the mill was

the heartbeat of the community, attracting workers and their families and helping to establish Mayodan as a thriving town. Like many Southern mill towns, Mayodan’s story reflects resilience—transitioning from an industrial past into a future that embraces recreation, tourism, and small-town charm.

Today, Mayodan celebrates its heritage while looking forward. The town is becoming a regional destination for outdoor recreation, with river access, trails, and parks connecting residents and visitors to its scenic setting. At the same time, new investments in community development are building on the foundation laid by earlier generations.

Mayodan’s history is more than dates and buildings—it is the story of people who built a community rooted in hard work, neighborliness, and pride. That legacy continues to shape the town as it grows into the future.

1.3 Planning Process and Methodology

A detailed analysis of existing conditions and future trends was conducted to ensure the LDP responds to the most relevant and current land development issues and trends. Mapping and database technology was used to compare and analyze demographic, economic, environmental, and service growth factors. Population, housing, and economic data reported is from the U.S. Decennial Census (1890–2020), NC State Demographer 2024 Certified Population Estimate (July 1, 2024), US Census Bureau American Community Survey (2023).

A steering committee was formed from local government representatives and local residents. Monthly stakeholder meetings were held to guide the planning process. A community survey, delivered digitally and on paper, was conducted to determine resident attitudes and interests on a range of land use topics.

Using the quantitative and qualitative information gathered through the data analysis and community engagement processes, overarching goals, specific policies, and actionable implementation strategies were developed by the steering committee and planning staff through an iterative process from December 2024 to January of 2026, along with a Future Land Use Map to serve as a visual guide in future development decisions. This draft plan was sent to Mayodan’s Planning board for analysis and recommendations, and then to the Town Council for final adoption.

Section 2: Relevant Existing Plans

Incorporating relevant existing plans is essential for ensuring that the Mayodan Comprehensive Land Development Plan functions as a unified and actionable guide for the future. By building upon established strategies, the Town maintains continuity in public policy, avoiding contradictory goals while maximizing the efficiency of municipal resources. Additionally, demonstrating alignment with prior work is critical for meeting legal standards and strengthening Mayodan’s position for potential funding opportunities, ensuring that growth is both strategic and sustainable.

Town of Mayodan Future Land Use Map Update (November 2013)

The previous land development plan (LDP) was adopted in 2013. It described the land use categories present in the town at the time, ranging from agricultural to industrial. It also touched on the historical development of Mayodan and areas of anticipated future growth. Brief mention was given to local recreational facilities. This plan has served as the land use guide for the Town.

Mayodan Strategic Plan (2025 – 2030)



This strategic plan outlines the Town of Mayodan’s priorities for the years 2025–2030. The plan was developed through a collaborative retreat of elected officials and department heads. It reflects Mayodan’s commitment to preserving its unique history while embracing growth, revitalizing the economy, and enhancing quality of life for all. Key priorities of the Town include infrastructure modernization, Downtown and Washington Mills redevelopment, and the expansion of outdoor recreational facilities.

Madison–Mayodan Parks and Recreation Master Plan (2025)



The Madison–Mayodan Recreation Commission serves the communities of Madison and Mayodan by facilitating a variety of recreational opportunities that enhance quality of life and promote a healthy, active lifestyle for all participants. Established over 40 years ago, the Commission was created through an inter-local agreement between the Towns of Mayodan and Madison, forming North Carolina’s first merged parks and recreation department. Department staff provide citizens and visitors with important services that include athletic and outdoor recreational programming and facility management.

Rockingham County Comprehensive Transportation Plan (2010, 2025 update)



This is a long-range multi-modal transportation plan that covers transportation needs. The 2025 update will cover transportation planning ideas through 2040. Modes of transportation evaluated as part of this plan include highway, public transportation and rail, bicycle, and pedestrian. This plan does not cover routine maintenance or minor operations issues. The updated plan is slated for completion in early 2026.

Piedmont Triad Regional Trail Plan and Inventory (2011)

Piedmont Triad Regional Trail Plan and Inventory

Final Report

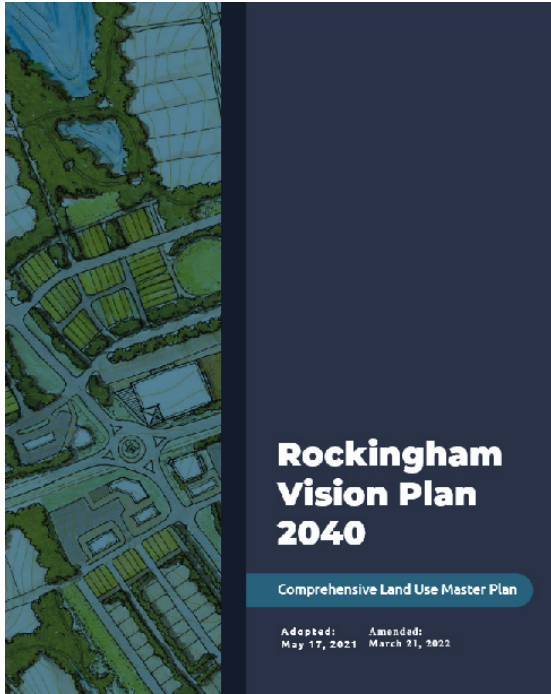


PIEDMONT TRIAD
COUNCIL OF GOVERNMENTS

Spring 2011

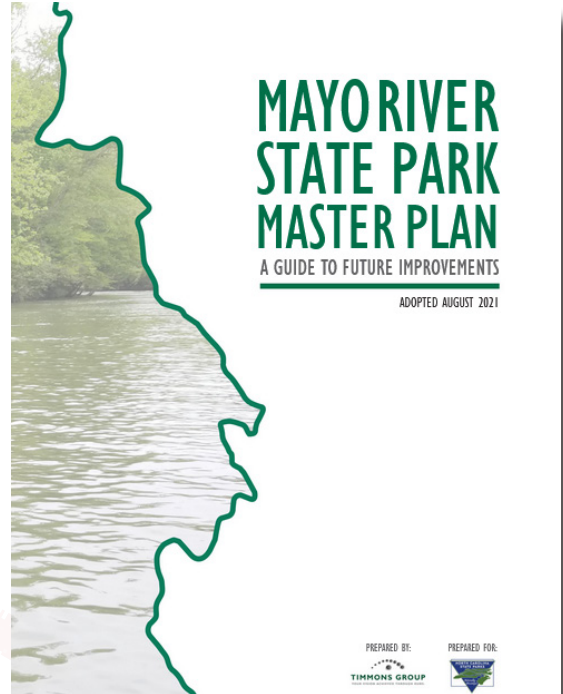
The Piedmont Regional Trail Plan includes an inventory of existing & current proposed trails, and identification of new proposed regional trail connections throughout the Piedmont Triad. A series of public workshops were held for stakeholders to identify trail connections that best preserve and enhance recreation, open space, water quality and wildlife habitat opportunities in the region.

Rockingham Vision Plan 2040 Comprehensive Land Use Plan (2021)



The Rockingham Vision 2040 Comprehensive Land Use Plan provides County leaders and citizens with a new road map for land use and development decision-making; this document replaces the County's 2006 land use plan to meet today's growth challenges, while ensuring the County is within compliance of new state laws pertaining to land use planning and zoning.

Mayo River State Park Master Plan (2021)



The Mayo River State Park Master Plan establishes a long-term vision to create a continuous protected natural corridor along the Mayo River, stretching from the Virginia state line to its confluence with the Dan River south of Mayodan. The plan balances the preservation of the river's high water quality and rare aquatic species with the expansion of low-impact recreational opportunities, including new hiking trails, formal canoe and kayak launch points, and enhanced day-use areas.

Section 3: Existing Conditions

3.1 Characteristics of the Population

Mayodan is home to 2,427 residents, making up 2.6% of Rockingham County's total population of 92,416. Over the past 70 years, the town's population has experienced minimal growth, increasing by just 8% from a population of 2,246 in 1950. In contrast, North Carolina has undergone exponential growth, with its population more than doubling since 1950. Rockingham County growth slowed in recent decades.

Population Density

Mayodan has a population density of 1.2 people per acre. As illustrated in Table 1, the population density is lower than Reidsville and Stoneville but higher than Eden, Madison, and Wentworth.

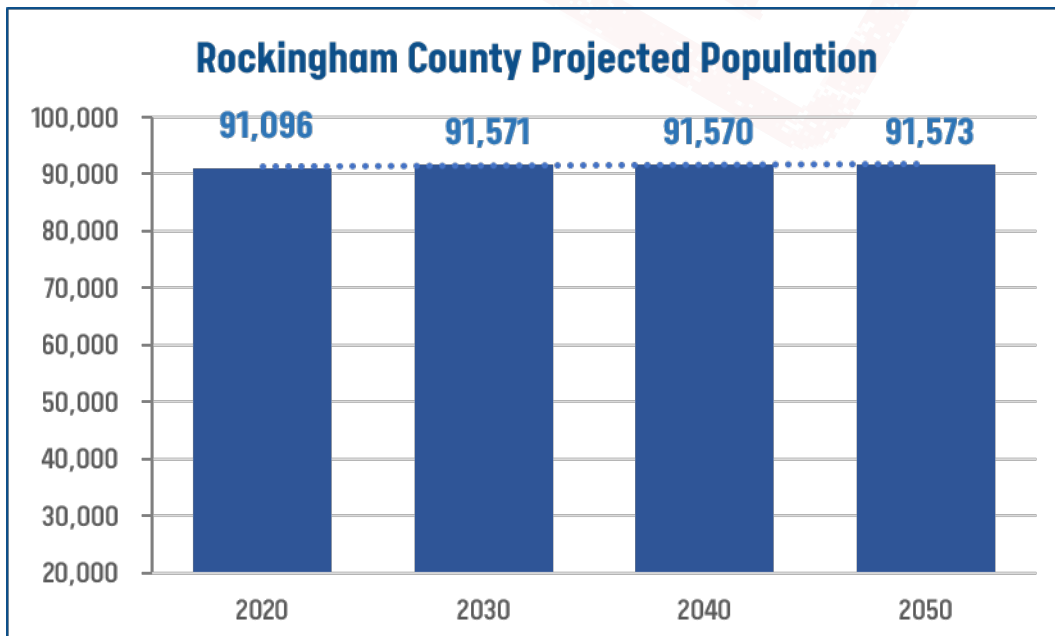
Table 1: Population Density (2023)

Jurisdiction	Population	Acres	People per Acre
Eden	4,458	9,202	0.5
Madison	2,239	2,184	1.0
Mayodan	2,493	2,061	1.2
Reidsville	14,773	9,101	1.6
Stoneville	1,349	915	1.5
Wentworth	2,682	9,061	0.3

Population Projections

The NC State Demographer provides annual population projections at the state and county levels but does not offer projections for municipalities. Rockingham County is expected to see no population growth over the next 30 years, while North Carolina as a whole is projected to grow by 36.4% during the same period, as seen in Figure 3. Given Mayodan’s historically stagnant population trends and the county’s lack of anticipated growth, it is unlikely that Mayodan will experience any significant population increase in the next three decades. By 2050, the town’s population is expected to remain around 2,493 residents.

Figure 1: Projected Population

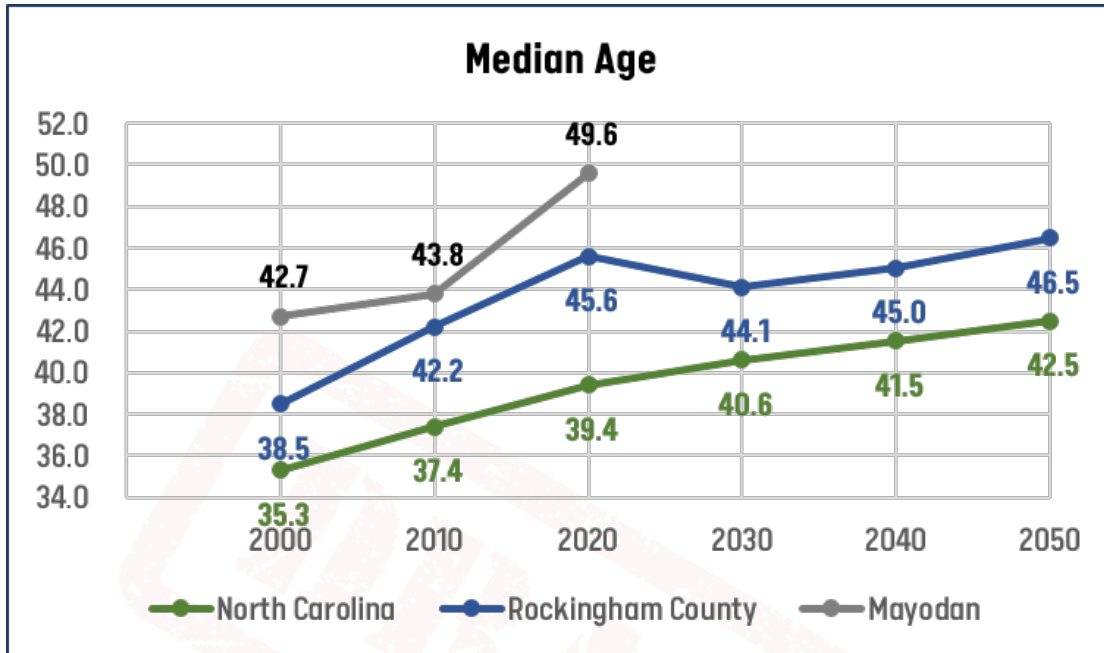


Source: NC Office of State Budget and Management

Age

Like much of the state, Mayodan’s population is aging, with this trend being even more pronounced in Rockingham County. In 2020, the median age of Mayodan residents was 49.6, compared to 45.6 in the county and 39.4 statewide.

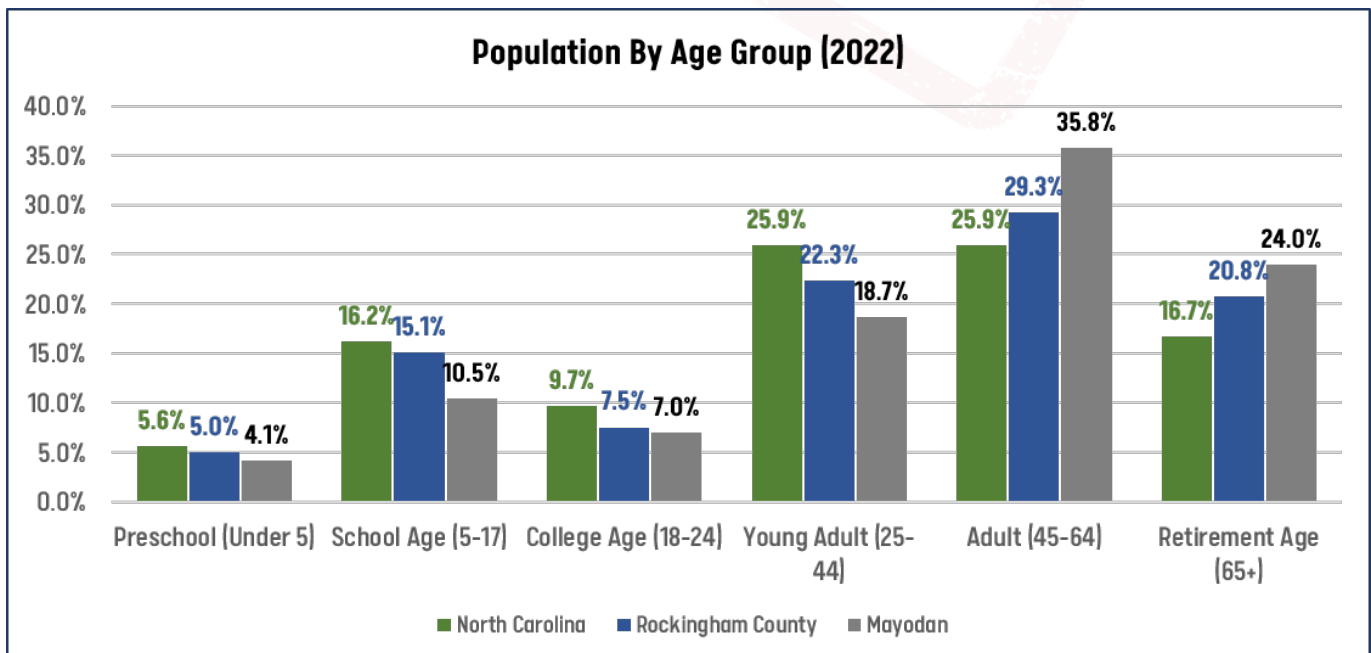
Figure 2: Median Age



Source: US Census Bureau ACS 5-Year Estimate 2022

The town has a higher proportion of older adults (ages 45-64 and 65+) than both the county and the state, which could have significant implications for future land use planning, housing demands, and community services.

Figure 3: Population by Age Group

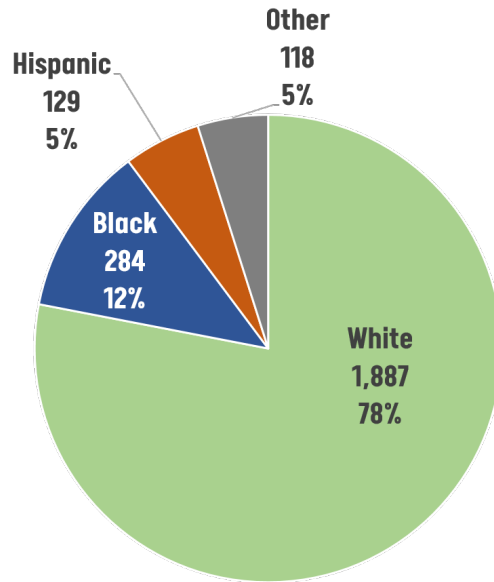


Source: US Census Bureau ACS 5-Year Estimate 2022

Race & Ethnicity

Minority populations are increasing at the State, County, and Town levels. In 2020, 22% of Mayodan’s population identified as a racial or ethnic minority (all but white, non-Hispanic), up from 15.5% in 2000. This percentage remains lower than Rockingham County’s 29.5% and North Carolina’s 39.5%.

Figure 4: Race and Ethnicity



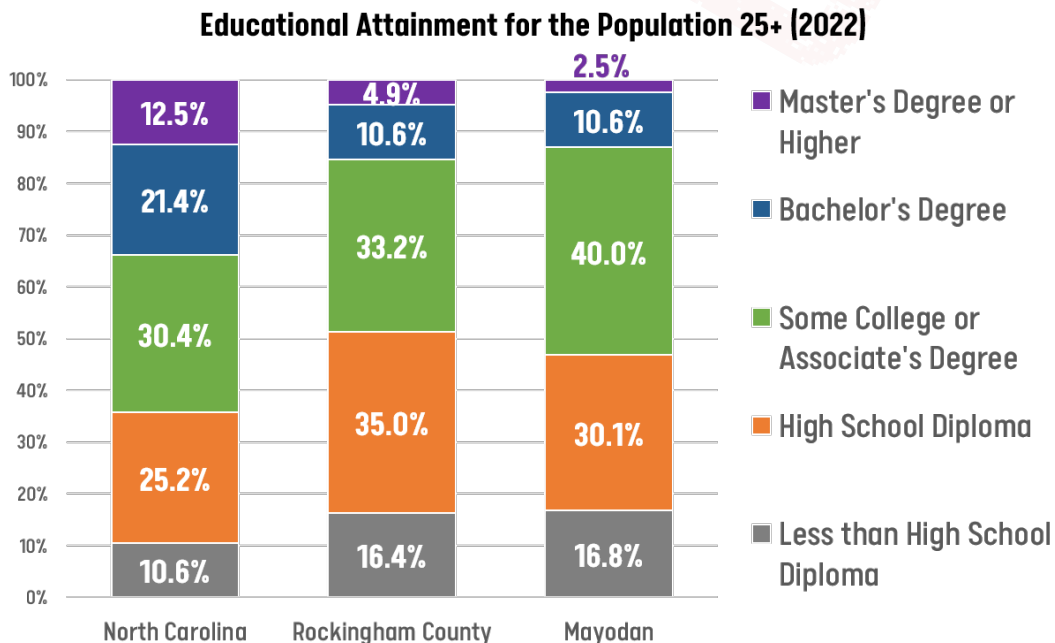
Source: US Census Bureau ACS 5-Year Estimate 2022

Educational Attainment

The percentage of residents attaining higher education degrees is increasing at the State, county, and town levels. In 2022, 16.8% of Mayodan’s population had not earned a high school diploma, a significant improvement from 42.2% in 2000. Additionally, 13.1% of the town’s population over age 25 had attained at least a bachelor’s degree, up from 8.3% in 2000. However, this figure remains lower than the county’s 15.5% and significantly below the state’s 33.9%.

As the town’s demographics continue to evolve, increasing educational attainment may influence workforce development, economic opportunities, and overall community engagement.

Figure 5: Educational Attainment

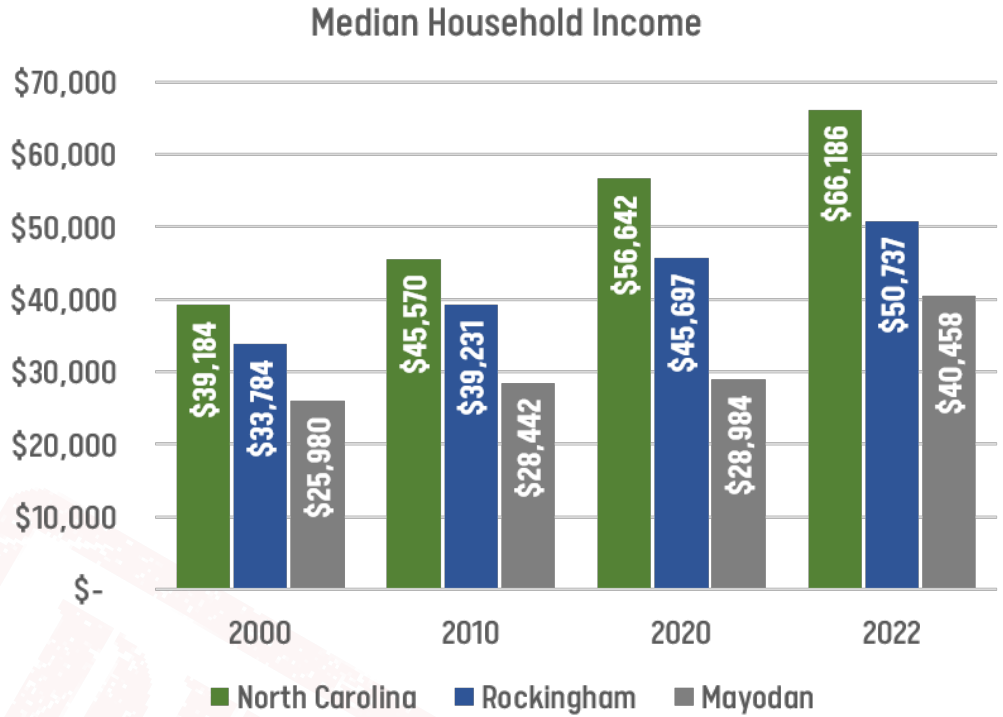


Source: US Census Bureau ACS 5-Year Estimate 2022

Income & Poverty

Figure 6: Median Household Income

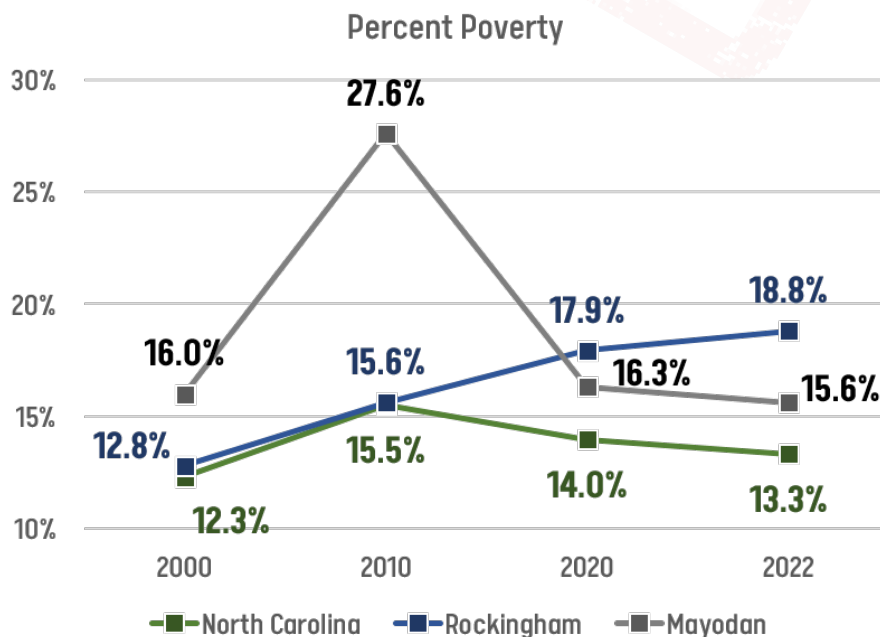
Median household incomes have been rising statewide, but Mayodan continues to lag behind, with income growth occurring at a slower pace. In 2022, the median household income in Mayodan was \$40,458, compared to \$50,737 in Rockingham County and \$66,186 in North Carolina.



Source: US Census Bureau ACS 5-Year Estimate 2022

Additionally, poverty rates in Mayodan and Rockingham County remain higher than the state average. In 2022, 15.6% of Mayodan’s population lived in poverty, compared to 13.3% statewide and 18.8% in the county. The town saw a sharp increase in poverty levels in 2010, peaking at 27.6%, likely as a result of the 2008 recession. Since then, poverty rates have steadily declined, but economic challenges persist.

Figure 7: Percent Poverty



Source: US Census Bureau ACS 5-Year Estimate 2022

3.2 Characteristics of the Housing Inventory

In 2022, Mayodan had approximately 1,264 housing units, with 93.4% (1,181 units) occupied and 6.6% (83 units) vacant. Of the occupied units, 56.3% (665 units) were owner-occupied, while 43.7% (516 units) were renter-occupied. In comparison, both the state and county had higher vacancy rates of 13.4% and 11.2%, respectively, and lower percentages of rental housing, at 33.8% for the state and 28.7% for the county.

Housing Values

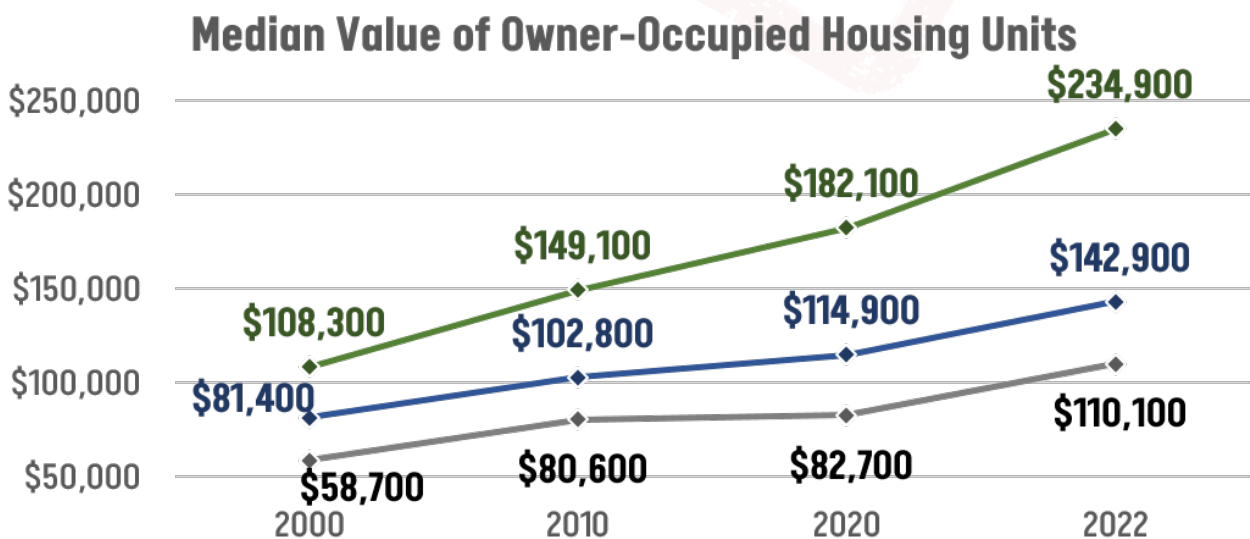
In 2022, the median value of owner-occupied homes in Mayodan was \$110,100, while the state median was significantly higher at \$234,900. Home values are rising across North Carolina, but growth is slower in Mayodan and Rockingham County, where values remain more modest.

When comparing these home values to household incomes, the median income in Mayodan was \$40,458, or 36.7% of the median home value. In contrast, the median household income in North Carolina was \$66,186, which represents just 28.2% of the state's median home value.

Age & Type of Housing Stock

One factor contributing to Mayodan's lower home values is its aging housing stock. The median year built for homes in Mayodan is 1956, compared to 1978 for Rockingham County and 1990 statewide. Additionally, new residential construction has been limited in recent years. Since 2010, only 0.4% of Mayodan's housing units have been built, compared to 5.1% in the county and 11.9% across North Carolina. Nearly half (42.7%) of Mayodan's housing supply was built before 1950.

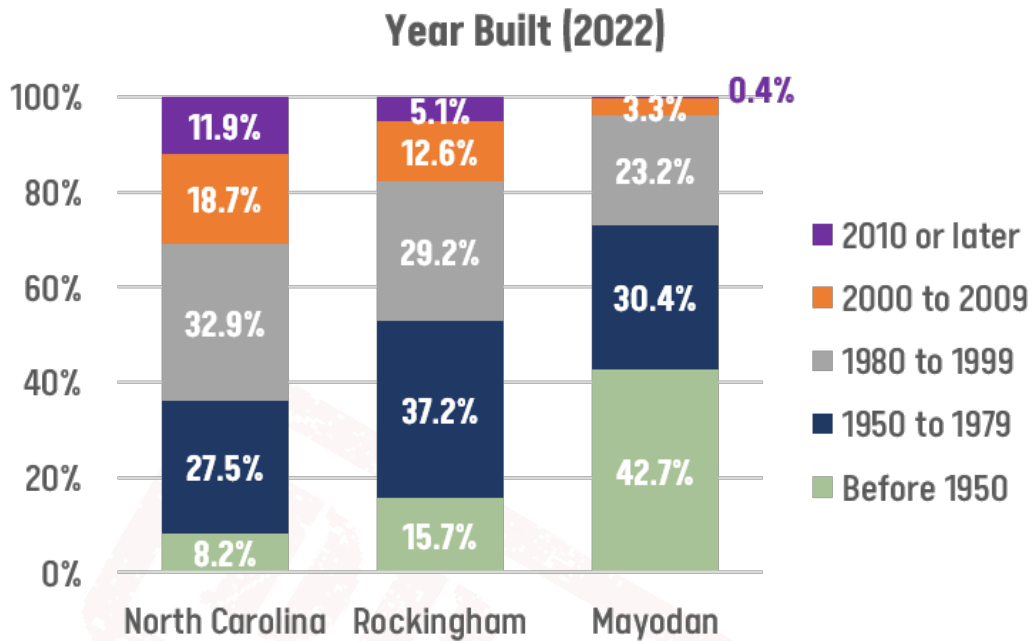
Figure 8: Median Value of Owner-Occupied Housing Units



Source: US Census Bureau ACS 5-Year Estimate 2022

With fewer new homes being constructed, the town’s aging housing inventory may pose challenges related to maintenance, modernization, and housing availability.

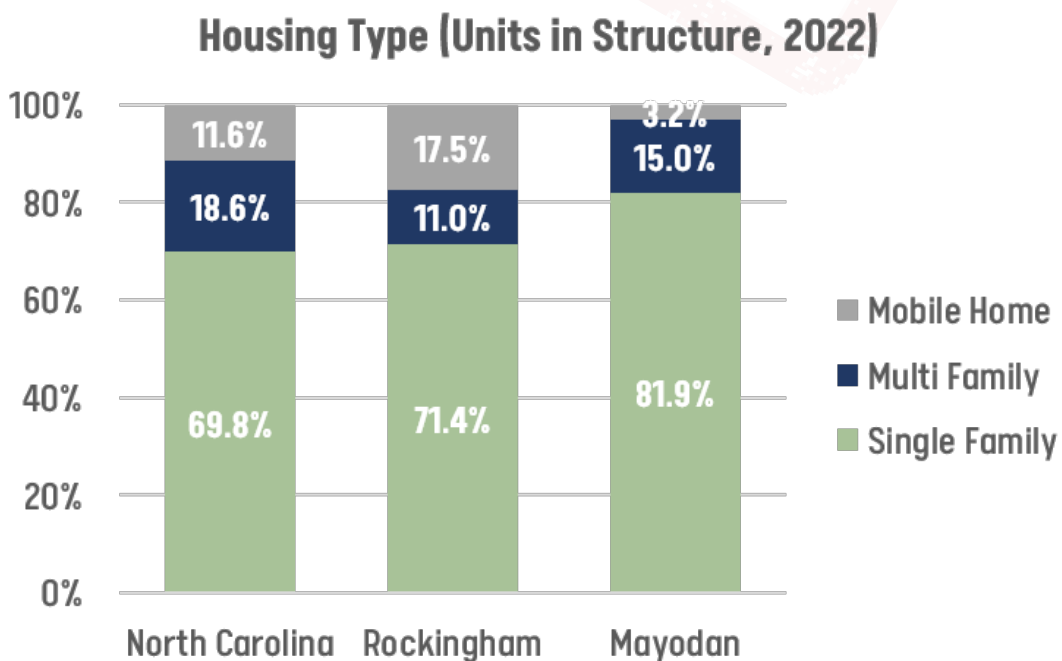
Figure 9: Housing Stock Year Built



Source: US Census Bureau ACS 5-Year Estimate 2022

Mayodan continues to have a high percentage of single-family housing units (81.9%), exceeding both the county (71.4%) and state (69.8%). The town also has a lower percentage of mobile homes and a higher proportion of multi-family units compared to Rockingham County.

Figure 10: Housing Type

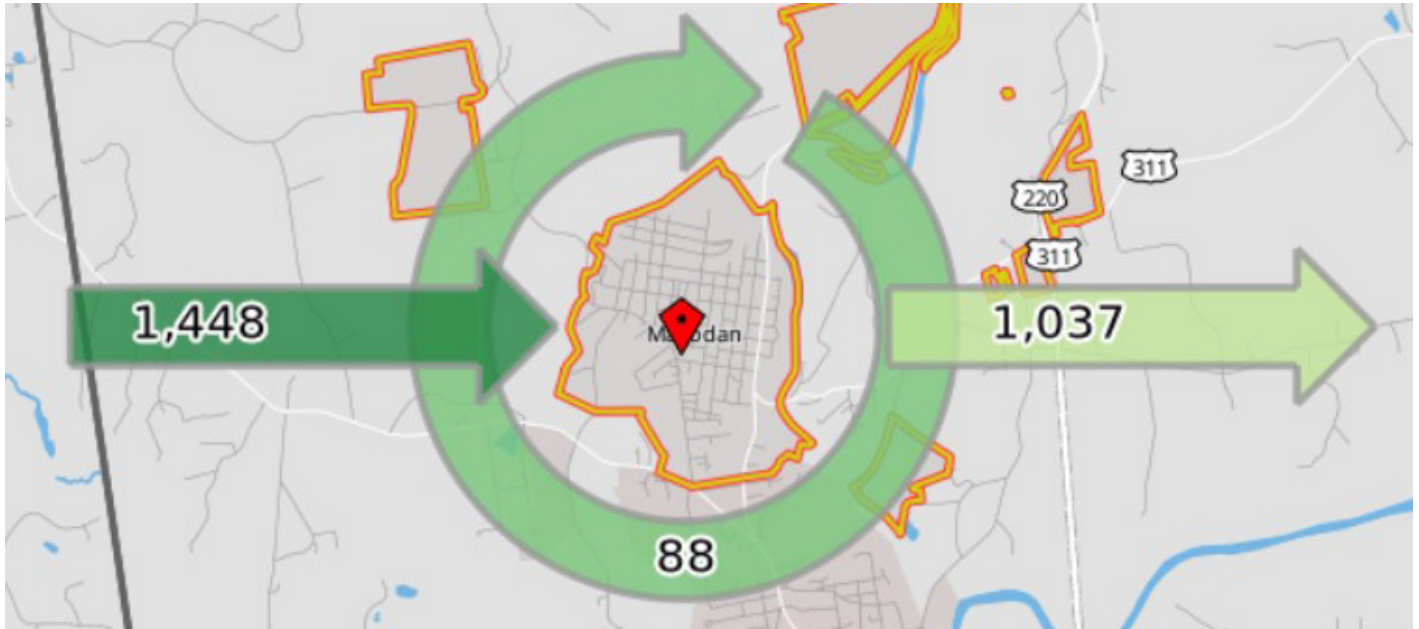


Source: US Census Bureau ACS 5-Year Estimate 2022

Jobs & Commuting Patterns

The U.S. Bureau of Labor Statistics provides employment data down to the county and metropolitan statistical area (MSA) geographies, but not at the municipal level. Therefore, the employment and commuting data in this section are sourced from the U.S. Census OnTheMap tool, which offers municipal-level insights. However, this dataset is not comprehensive, as it excludes self-employed individuals.

Figure 11: Inflow & Outflow of the Workforce



Source: US Census Bureau On the Map 2022

In 2022, Mayodan had 1,536 jobs, with the vast majority (94.3%) filled by workers commuting from outside the town. Only an estimated 88 people both lived and worked in Mayodan. The town’s resident workforce totaled 1,125, yet 92.2% of these workers commuted outside of Mayodan for employment. These numbers have increased significantly from 2012, particularly the number of jobs, which has nearly tripled over the past decade. By 2022, Mayodan accounted for 6.6% of Rockingham County’s total jobs, despite comprising only 2.6% of the county’s population.

Table 2: Inflow & Outflow of the Workforce

Year	2022		2012	
	Count	Percent	Count	Percent
Total Jobs	1,536		562	
Live & Work in Mayodan	88	5.7%	42	7.5%
Commute IN to town for work	1,448	94.3%	520	92.5%
Total Resident Workforce	1,125		927	
Live & Work in Mayodan	88	7.8%	42	4.5%
Commute OUT of town for work	1,037	92.2%	885	95.5%

Source: US Census Bureau On the Map 2022

Table 3: Employment by Sector

NAICS Sector	Jobs	Resident Workforce		
	Count	Percent	Count	Percent
Agriculture, Forestry, Fishing and Hunting	-	-	1	0.1%
Mining, Quarrying, and Oil and Gas Extraction	-	-	-	-
Utilities	-	-	1	0.1%
Construction	13	0.8%	67	6.0%
Manufacturing	1,088	70.8%	268	23.8%
Wholesale Trade	16	1.0%	53	4.7%
Retail Trade	183	11.9%	134	11.9%
Transportation and Warehousing	-	-	34	3.0%
Information	-	-	9	0.8%
Finance and Insurance	5	0.3%	33	2.9%
Real Estate and Rental and Leasing	11	0.7%	13	1.2%
Professional, Scientific, and Technical Services	8	0.5%	40	3.6%
Management of Companies and Enterprises	-	-	12	1.1%
Admin & Support, Waste Management and Remediation	-	-	63	5.6%
Educational Services	-	-	71	6.3%
Health Care and Social Assistance	79	5.1%	139	12.4%
Arts, Entertainment, and Recreation	-	-	6	0.5%
Accommodation and Food Services	83	5.4%	96	8.5%
Other Services	3	0.2%	35	3.1%
Public Administration	47	3.1%	50	4.4%
TOTAL	1,536		1,125	

Source: US Census Bureau On the Map 2022

Manufacturing dominates the local job market, accounting for 70.8% of employment within Mayodan, followed by retail trade jobs at 11.9%. Similarly, many of Mayodan’s residents who commute outside of town also work in manufacturing (23.8%), while 12.4% are employed in health care and social services, and 11.9% in retail trade. These commuting patterns reflect regional employment trends and highlight potential opportunities for local economic growth and workforce development.

3.3 Existing Land Use

Land uses in Mayodan are subject to a zoning ordinance. Legally speaking, zoning is essentially a means of ensuring that the land uses of a community are properly situated in relation to one another, providing adequate space for each type of development; The city is divided into “zones” where some land uses are permitted and others are prohibited or subject to extra regulation and scrutiny. Additionally, different zones specify minimum and maximum standards for the size, placement, landscape screening, and density of buildings, uses, and lots. Zoning is a useful mechanism to control development density in each area so that property can be adequately serviced by such governmental facilities as streets, schools, fire, police, recreation, and utility systems, directs new growth into appropriate areas, and protects existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the community.

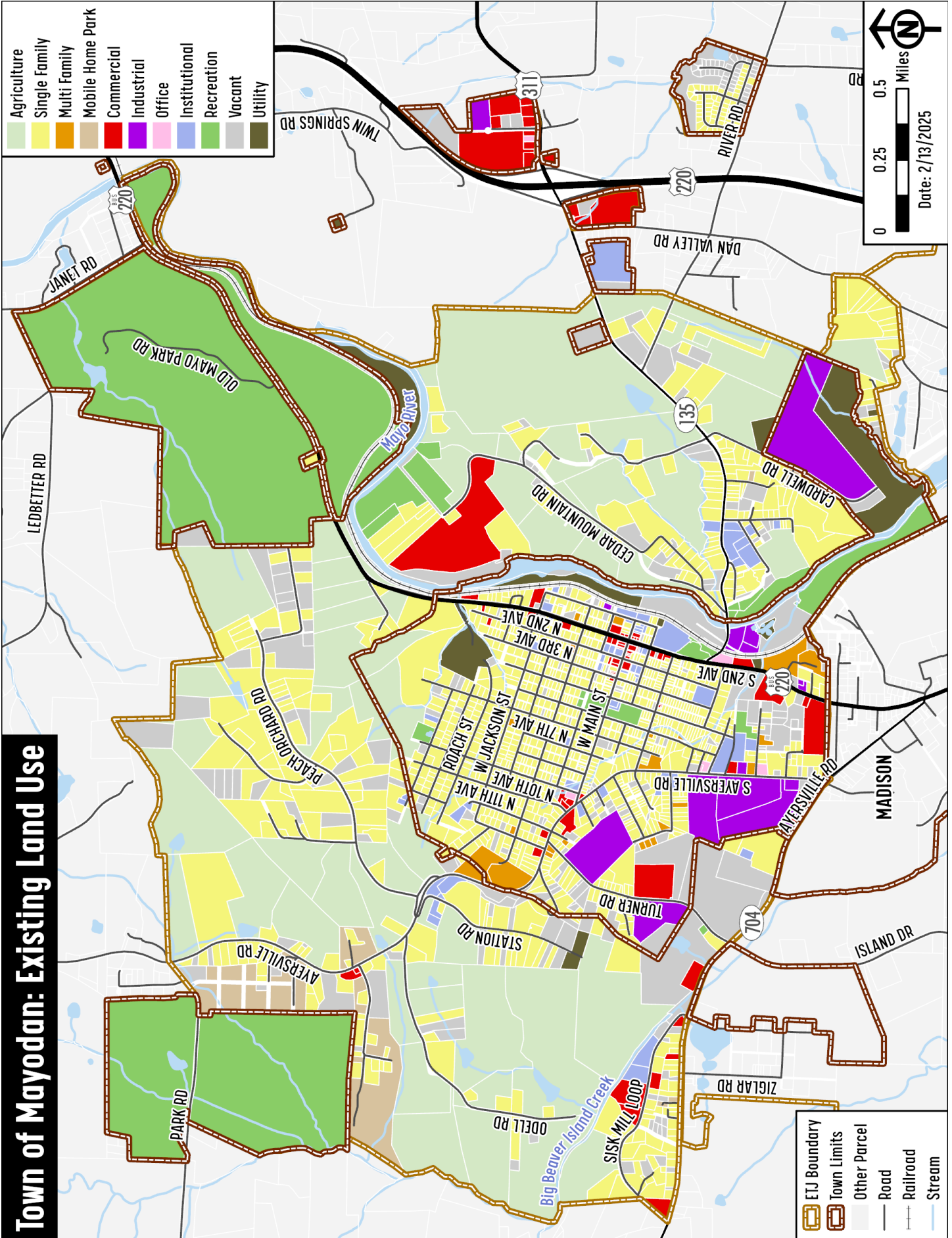
The Town of Mayodan uses two main tools to regulate land development within its jurisdiction, a zoning ordinance and subdivision regulations. The zoning ordinance is a legal and administrative tool to insure land uses within the community are properly situated in relation to one another, and that adequate space is provided for each type of land development. Zoning also helps to direct new growth into appropriate areas and protects existing property by requiring that new land development provide adequate light, air and privacy for persons already living and working within the community.

3.4 Existing Land Use Table

Existing Land Use	Town		ETJ		Total	
	Acres	Percent	Acres	Percent	Acres	Percent
Agriculture	35	1.7%	1256	47.6%	1291	27.5%
Single Family	411	20.0%	667	25.3%	1078	23.0%
Multi Family	32	1.6%	3	0.1%	35	0.8%
Mobile Home Park	-	-	82	3.1%	82	1.7%
Commercial	95	4.6%	63	2.4%	158	3.4%
Industrial	149	7.3%	-	-	149	3.2%
Office	4	0.2%	-	-	4	0.1%
Institutional	46	2.2%	24	0.9%	70	1.5%
Recreation	820	39.8%	45	1.7%	865	18.4%
Vacant	245	11.9%	340	12.9%	586	12.5%
Utility	80	3.9%	29	1.1%	109	2.3%
Right-of-Way	142	6.9%	127	4.8%	269	5.7%
Total	2060		2637		4698	

3.5 Existing Land Use Map

Town of Mayodan: Existing Land Use



3.6 Zoning

If a property is currently zoned for its intended use, then necessary permits are obtained through application and the payment of fees. If a land development proposal does not coincide with a parcel's current zoning designation, rezoning approval from the Town Council is required. This process can take from a few weeks to a few months, depending on the magnitude or complexity of a proposal, or the level of controversy generated by a proposed project. Zoning is the most commonly used legal device for implementing a community's land development plan. It allows for the division of a jurisdiction into districts, and for the establishment of specific regulations, requirements, and conditions to be applied within each district, to address the following types of issues:

- The height or bulk of buildings and other structures
- The minimum lot size, yard setbacks, maximum ratio of building floor area to land area
- The minimum requirements for onsite open space and recreation area
- The maximum number or density of dwelling units
- The desired use of buildings and land for various purposes

Zoning plays an important role in stabilizing and preserving property values. It may also be an element considered in tax assessment valuation. The use of materials or manner of construction of a building is usually regulated through the building code rather than through zoning regulations. In addition, the minimum cost or general appearance of permitted structures is usually controlled by private restrictive covenants contained in the deeds to property. There are, however, some examples, particularly in relation to historic buildings or districts, where zoning is used effectively to achieve aesthetic goals. Conventional zoning regulations are only indirectly concerned with achieving aesthetic ends. However, there is a trend toward acceptance of aesthetic control as a proper function of zoning ordinances, based on interpretation of statutory intent to protect the public's "general welfare." Most conventional zoning ordinances do not regulate the design of streets, the installation of utilities, or the reservation or dedication of parks, street rights-of-way, or school sites. More modern ordinances usually combine zoning and subdivision rules, encourage pedestrian-friendly "traditional neighborhood" land use patterns. They focus more on design guidelines to achieve a vibrant mixture of compatible uses and housing types, rather than the conventional approach of strictly separating use and housing types.

3.7 Zoning Districts

Mayodan maintains six zoning districts to manage land use effectively, ensuring that residential, commercial, and industrial activities coexist without creating public nuisances or safety hazards. These districts allow the Town to maintain orderly growth, plan for present and future infrastructure demands, and protect property values.

Residential Districts

R-20 District

The intent of the R-20 District is to establish a low density development pattern where municipal water and sewer will not be available. The principal uses in this district will be

single-family residences and agriculture. However, other uses will also be allowed if they are compatible with these principle uses.

R-12 District

The intent of the R-12 District is to establish a medium density development pattern inside the town limit where municipal water and sewer systems are available. The principal use in this district will be single-family residential dwellings. However, other uses that are compatible and will not interfere with single-family development will be allowed.

R-6 District

The intent of the R-6 District is to establish a high density development pattern inside the town limits where municipal water and sewer systems are available. The principle uses include not only single-family, two-family, and multifamily uses but other compatible uses. This district shall provide a buffer between the more restricted R-12 District and the C-1 and C-2 Commercial Districts.

Commercial Districts.

C-1 Central Commercial District

The intent of the C-1 District is to preserve the town's centrally located trade and commercial area. Because of its unified development pattern, uses will not provide the dimensional requirements imposed on commercial development allowed on the thoroughfares of the community.

C-2 Highway Commercial District

The intent is to provide commercial areas along the major roadways to serve the needs of residents as well as those living elsewhere for goods and services. Because many of these uses may interfere with residential uses, the community will attempt to separate commercial from residential uses or at least provide buffers that will help mitigate some of these negative impacts.

Industrial District

M-1 Industrial District

The intent is to provide areas within the planning jurisdiction sites for manufacturing, warehousing, processing, and related uses whose operating characteristics limit their effects on adjacent use.

Conditional Districts

Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions mutually approved by the local government and the petitioner may be incorporated into the zoning regulations.

Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to this ordinance adopted pursuant to G.S. 160D-501, or the impacts reasonably expected

to be generated by the development or use of the site. All established base districts will be indicated with a CZ to indicate that it is a conditional zoning district (e.g. CZ – M-1).

This regulation may provide that defined minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments.

If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved shall only be applicable to those properties whose owners petition for the modification.

3.9 Subdivision Regulations

Land uses in Mayodan are also guided by Subdivision Regulations.

Subdivision regulations are locally adopted laws governing the process of converting raw land into multiple building sites. Regulation is accomplished through plat or site plan approval procedures, under which a land owner or developer is not permitted to make improvements or to divide and sell lots until a proposed site plan or subdivision plat has been approved. Approval is based on compliance of the proposal with development standards set forth in the subdivision regulations. Attempts to record an unapproved plat with the local registry of deeds, or to sell lots by reference to such a plat, may be subject to various civil and criminal penalties.

Subdivision regulations serve a wide range of purposes. To a health official, for example, they are a means of insuring that a new residential development has a safe water supply and an adequate sewage disposal system. To a tax official, subdivision regulations help to secure adequate records of land titles. To school or park officials, they are a way to preserve or secure school sites and recreation areas needed to serve the people moving into new neighborhoods. To realtors and home buyers, they are an assurance that home sites are located on suitable, properly oriented, well-drained lots, and are provided with the services and facilities necessary to maintain and enhance property values.

Subdivision regulations provide a mechanism for local jurisdictions to accomplish a variety of goals, including the following:

- To coordinate the unrelated subdivision plans of multiple land development projects.
- To establish the logical and orderly provision of road rights-of-way, parks, school sites, water distribution and wastewater collection lines.
- To control the design of individual subdivisions, to ensure the pattern of streets, sidewalks, walking trails, building lots, and other facilities will be safe, pleasant, and economical.
- To equitably distribute the cost of providing public services to new land development between the residents of the immediate area and the taxpayers of the jurisdiction as a whole.

- To require new land development to pay its fair share of the costs of providing public services, when such improvements are deemed necessary, or of predominant benefit to the residents and business owners within a new development. For example, subdivision regulations may require a developer to provide vegetative buffers, to dedicate land for a public park, to install utilities, and to build streets and sidewalks to Town standards.

As an outgrowth of this land development planning process, the Town will continue to refine its ordinances to reflect community values and to encourage quality development as the Town grows.

3.10 Utilities

Resilient infrastructure is a key aspect of sustainable development and the health and safety of the community. This section details the town’s commitment to maintaining a robust infrastructure network that is not only reliable for current residents but also prepared for the demands of tomorrow.

Water and Sewer

The Town of Mayodan offers water and sewer services to residents and businesses within town limits. In June 2025, the Town Council approved the Capital Improvement Plan for FY25–26 which includes over \$16 million in water and sewer infrastructure upgrades. These upgrades include wastewater treatment plant improvements (\$14,880,000), a US 220 sewer force main upgrade (\$320,700), Mayo Island sewer access (\$500,000), and \$545,000 in general water and sewer capital projects.

Solid Waste and Recycling

The Town of Mayodan provides weekly curbside collection of household solid waste and bi-weekly curbside recycling service to all residential customers within town limits. These services help keep our community clean, safe, and environmentally friendly. Other services include bulk waste collection, yard waste collection, and seasonal loose leaf collection.

3.11 Transportation

A major aspect of Mayodan’s infrastructure is the roadway and pedestrian network. The road network is made up of a mix of local roads managed by the Town and highways and high volume thoroughfares maintained by the North Carolina Department of Transportation (NCDOT). The town is a member of the Piedmont Triad Rural Planning Organization (PTRPO) which facilitates transportation planning between the Town and NCDOT.

Roadway System

NC Highway 135

NC Hwy 135 flows from the east of Mayodan then connects into S 2nd Ave. NC Hwy 135 is a single lane highway with turning lanes. This road is classified as a principal arterial road with an AADT count of 7800.

NC Highway 704 Rd

This road sits to the west of Mayodan. NC 704 goes from a single lane highway to a two-lane highway with a single turning lane. NC 704 is classified as a major collector with an annual average daily traffic (AADT) count of 4100.

South 2nd Ave/US Route 220

US 220 Business comes from the east of Mayodan and combines into South 2nd Avenue. Within the town limits of Mayodan US 220 Business is a single lane highway until it becomes a two-lane highway with turning lanes. This road is classified as an express way with an AADT count of 8300. US 220 Business and South Ayersville Rd come together to form Highway St.

N Ayersville Rd /S Ayersville Rd

Ayersville road is a minor collector road that is a single lane road. It has an AADT count of 3400. Ayersville Rd sits on the western side of Mayodan and connects with the NC 704 Rd.

Pedestrian

Mayodan's pedestrian infrastructure is defined by a distinct contrast between its historic walkable core and the disconnected networks of its broader residential and recreational areas. The town's downtown district features a traditional sidewalk grid that supports foot traffic to local businesses, yet connectivity drops off significantly outside this central hub, leaving many neighborhoods and key community assets—such as the Madison-Mayodan Recreation Center and Farris Memorial Park—without safe, continuous pedestrian access. To address these gaps, the Town has recently prioritized critical improvements, including securing grant funding to construct a dedicated sidewalk connector linking downtown to the recreation center and participating in state-level safety programs to upgrade crosswalks and signals at major intersections. While the current network relies heavily on the legacy infrastructure of the mill village era, ongoing efforts are shifting toward a more cohesive system that integrates sidewalks, greenways, and river access points into a seamless transportation network for residents.

Rockingham County Comprehensive Transportation Plan

The Rockingham County Comprehensive Transportation Plan (CTP) is a long-range, multi-modal strategy developed through a partnership between Rockingham County, the North Carolina Department of Transportation (NCDOT), and the Piedmont Triad Rural Planning Organization (PTRPO).

Because Mayodan's primary corridors are state-managed, the CTP acts as the official guidelines for how local needs are translated into state-funded projects. The update of the Rockingham County CTP is slated for completion by mid-2026.

As a part of this update, draft maps have been created giving recommendations for state maintained road improvements and bicycle/pedestrian improvements. These maps have insets for the Madison and Mayodan areas and are shown on the next two pages.

HIGHWAY RECOMMENDATIONS
Proposals that address identified needs through 2050



ROCKINGHAM COUNTY
Inset 2: Madison and Mayodan

Comprehensive Transportation Plan

- Highway Features
- Proposal ID# Improve New Location
 - 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

- Other Features
- Studied Roads
- MPO Boundary
- Piedmont Triad RPO

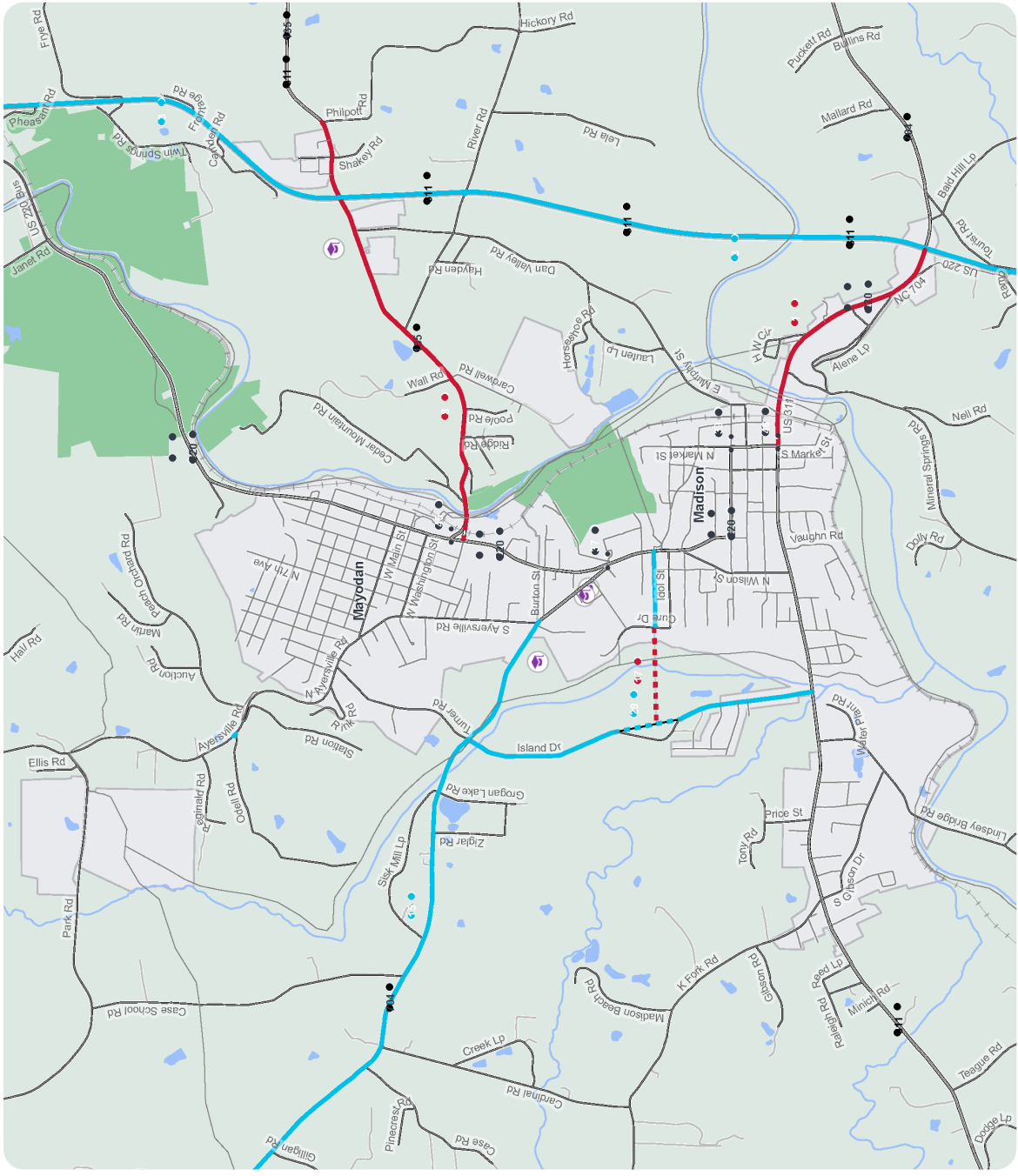
Full report at:
<https://tinyurl.com/rockingham-co-ctp>

0 0.13 0.25 0.5 0.75 1 Miles

Sheet 2 of 4
Base map date: August 11, 2023

Legal Disclaimer
These concepts will need additional analysis to meet state and federal environmental regulations, to determine final locations and designs, and to be funded for implementation. Local zoning or subdivision ordinances may require the dedication of right of way based on the concepts shown on the Comprehensive Transportation Plan and local master plan or street plans, based on N.C.G.S. § 136-66.2 and § 136-66.10.

WORKING COPY
Plan Date: April 29, 2025



**BICYCLE / PEDESTRIAN
RECOMMENDATIONS**
Proposals that address identified needs through 2050



**ROCKINGHAM COUNTY
Inset 2: Madison and Mayodan
Comprehensive Transportation Plan**

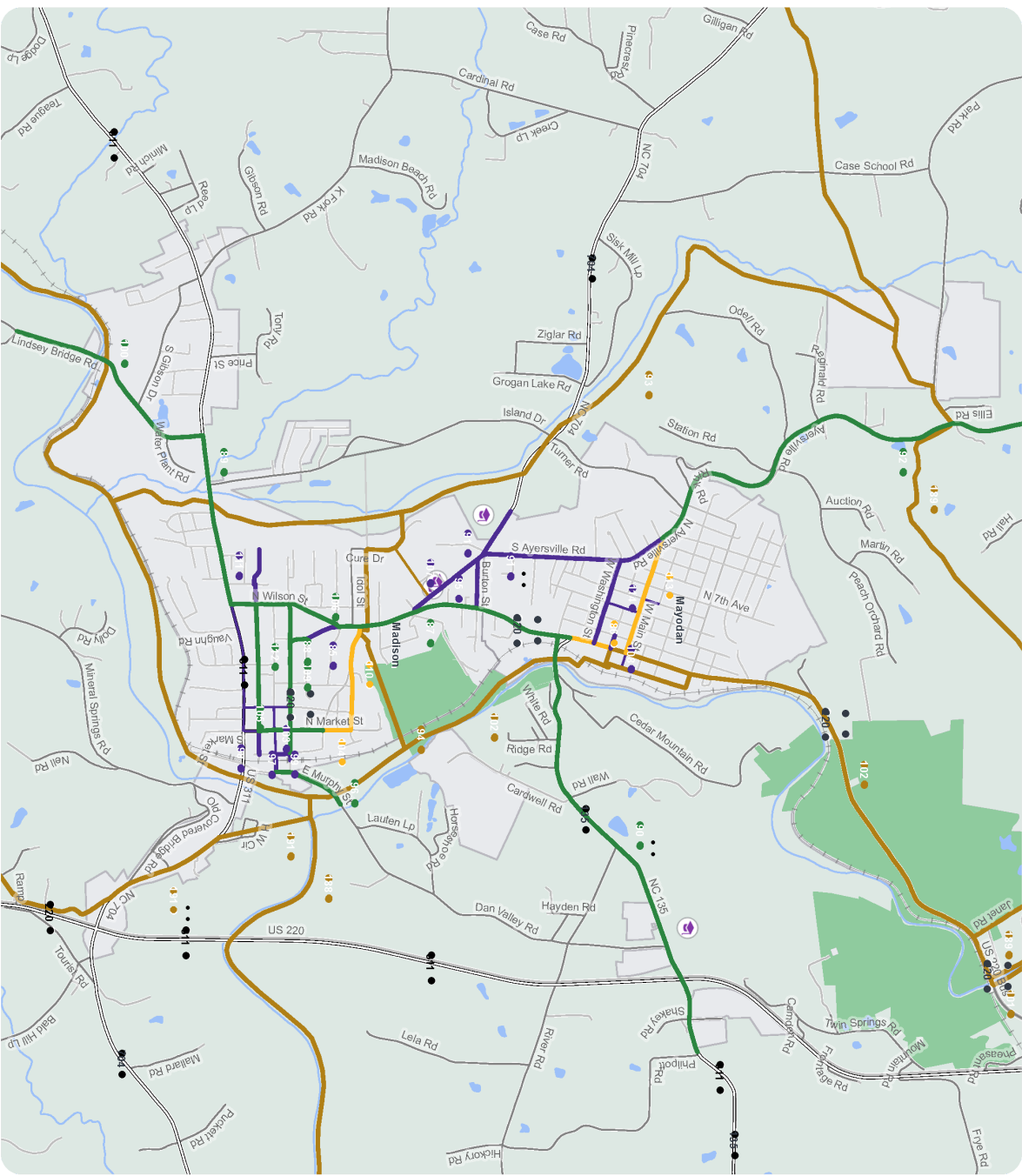
- Bicycle and Pedestrian Features
- Bicycle: Proposal ID# Existing Proposed
 - Pedestrian: Proposal ID# Existing Proposed
 - Bicycle and Pedestrian: Proposal ID# Existing Proposed
 - Multuse Path: Proposal ID# Existing Proposed

- Denotes Highway /Incidental
- Other Features: Studied Roads, MPO Boundary, Piedmont Triad RPO

Sheet 4 of 4
Base map date: August 11, 2023

Legal Disclaimer
These concepts will need additional analysis to meet state and federal environmental regulations, to determine final locations and designs, and to be funded for implementation. Local zoning or subdivision ordinances may require the dedication of right of way based on the concepts shown on the Comprehensive Transportation Plan and local collector street plans, based on N.C.G.S. § 156-60.2 and § 156-6.10.

WORKING COPY
Plan Date: April 29, 2025



3.12 Recreation and Parks

The Town of Mayodan Parks and Recreation Department manages and maintains park facilities within the town limits including Farris Memorial Park, Elliot Duncan Memorial Park, Garfield Park, and Jake Atkinson Park.

Recreational programming and the Madison–Mayodan Recreation Center are managed by the Madison–Mayodan Recreation Commission. The Recreation Commission was formed in 1973 as the first merged parks and recreation department in the state of North Carolina. This collaborative effort was established through an inter-local agreement between the Towns of Madison and Mayodan.

Farris Memorial Park

Farris Memorial Park spans more than 270 acres of open land, forests, and athletic fields, offering a wide variety of recreational activities for all ages. The park features two baseball fields, two soccer fields, two fishing ponds—the large pond on the main side is open daily, while the smaller pond behind the park house has limited access—four picnic shelters, walking trails, a concession stand, and the only public mountain bike trail in western Rockingham County. Golf lovers can head to the driving range to work on their long game or sharpen their skills on the putt-putt course. Clubs and balls are available for rent.

The park’s newest addition is a three-mile mountain bike trail that winds through switchbacks, rock gardens, and small stream crossings, with most of the ride passing through hardwood and mixed pine forest.



Farris Memorial Park

Elliot Duncan Memorial Park

Elliott Duncan Memorial Park is located just blocks from downtown Mayodan and features a ¼-mile walking trail, a large playground, and a spacious gazebo. Whether you’re enjoying a brisk walk or a quiet moment, this charming park offers a peaceful escape in the heart of town.

The park sits on the former site of the Mayodan School, which served the community for decades—first as the town’s only school for grades 1–12, then as an elementary school. It was later renamed in honor of a beloved principal who dedicated over 30 years of service to local students. After the school closed, the Town purchased the property from the Rockingham County School System. Before it could be repurposed, however, the building was destroyed by a tornado in 1998. The park was later built on these historic grounds, preserving the site’s role as a gathering place for the community.

Garfield Park

Garfield Park is a small neighborhood playground on Garfield Street. The park was recently refurbished with work being completed in October 2025.

Jake Atkinson Park

Jake Atkinson Memorial park, also known as the Mayodan Ballpark is located on W Main Street in Mayodan. In addition to baseball and softball, the park features a picnic shelter for small community gatherings.

Mayo River State Park (Mayo Mountain Access)

The Mayo Mountain Access serves as the primary gateway and administrative hub for the North Carolina side of the developing Mayo River State Park. This 400-acre site was historically known as Mayo Park, a prized community gathering place opened in 1948 by the former Washington Mills Company. The centerpiece of the access is a renovated, pavilion-style picnic shelter, which was originally designed by the internationally renowned architect Antonin Raymond, a protege of Frank Lloyd Wright. Today, the Mayo Mountain Access features a park office, a reservable group campsite, and offers numerous amenities for a full-day visit, including large picnic areas, two catch-and-release fishing ponds, and the trailhead for the scenic 2-mile Mayo Mountain Loop trail.

Madison-Mayodan Recreation Center

This facility and its associated staff are responsible for organizing a diverse calendar of athletic and recreational opportunities designed to enhance the quality of life for all community members, from youth to seniors. The center is a primary registration site for popular youth sports leagues, including basketball, baseball/softball, and soccer, as well as various adult athletic programs throughout the year.

As a multi-purpose community resource, the Recreation Center offers important indoor amenities and is a focus point for fitness and wellness activities. The facility typically includes a full gymnasium, which is often used for league play, open gym sessions, and a popular "Gym Walkers" program. Additionally, the center houses a dedicated Fitness Room with equipment like treadmills and weights, available for individual workouts. Beyond physical activities, the center hosts a variety of social and educational programs,



Madison-Mayodan Recreation Center

including senior-focused events like the Breakfast Club and Bingo, making it a truly comprehensive center for community engagement and active living.

Washington Mills Park

Located along the Mayo River at the former the Washington Mills textile mill site, the future Washington Mills Park will feature walking trails, river access, sports courts, and an expansive community green for events. The Town completed a preliminary park design in February 2025, and in August 2025 selected Destination by Design to finalize the design and engineer the site. The Town is actively pursuing state and federal funding opportunities to support phased construction of the park.

Environmental cleanup is also underway as of 2025. The site contains contaminants, including PCBs, which must be remediated before construction begins. The Town has received EPA approval for cleanup activities and has selected a subcontractor to carry out this work. Engineering and final design work will continue through March 2026, led by Destination by Design.

Following completion of the design phase, the Town anticipates moving into construction in spring 2026, marking the start of bringing new amenities—such as sports courts, trails, river access, and gathering spaces—into reality at Washington Mills Park. Phase 1 construction is anticipated to be completed by June 2027.

The project is a result of multiple grants awarded to the Town of Mayodan including grants from the North Carolina Parks and Recreation Trust Fund (PARTF), a Water Resources Development grant, a Connecting Communities to State Trails Grant, and an Environmental Protection Agency Brownfields RLF grant.

The map for the Washington Mills Park Phase 1 concept can be found on the next page.



PHASE 1 CONCEPT

WASHINGTON MILLS PARK

DESTINATION BY DESIGN



Section 4: Community Input

4.1 Steering Committee

Members of the Town Council, the Town of Mayodan Planning Board, and several private citizens served as the Steering Committee. The committee met a total of 5 times throughout the planning process.

Meeting 1

The Town of Mayodan Comprehensive Land Development Plan Steering Committee kick-off meeting was held on November 5, 2024. The committee was introduced to Town and PTRC staff and briefed on comprehensive plans, their purpose, and an outline of the planning process and their duties as an advisory committee over the year-long process. PTRC staff presented a community snapshot, sharing demographics data, and information on the current planning and zoning practices in Mayodan.

Meeting 2

The second steering committee meeting took place on March 25, 2025. Here the committee reviewed preliminary community survey results and began drafting goal and policy recommendations for the plan based on feedback received from the survey. Also, the group was presented with the existing land use map and began the process of drafting the future land use map.

Meeting 3

The third steering committee meeting took place on June 17, 2025. At this meeting the committee reviewed additional survey responses, drafted additional goal and policy recommendations, and continued developing the future land use map. PTRC staff presented an early draft of the plan and discussed the content. In addition to this, the committee planned for the upcoming public meeting to receive feedback from the community.

Meeting 4

The fourth steering committee meeting took place on November 19, 2025. Here the steering committee reviewed feedback received from the public meeting and continued to create goals and policies based on responses collected from the community survey and the public meeting. The group also went over a second draft of the plan with PTRC staff. Plans were made to share a final draft of the plan with the community at the Christmas Stroll event in downtown Mayodan. Their extensive local knowledge was invaluable in formulating the desired future of Mayodan.

Steering Committee Members

Buck Shelton

Letitia Goard

Norma O'Steen

Amanda Joyce

Charles Menard

Renee Vaden

Courtney Shelton

Brittany Dodson

David Holland

Melody Shuler

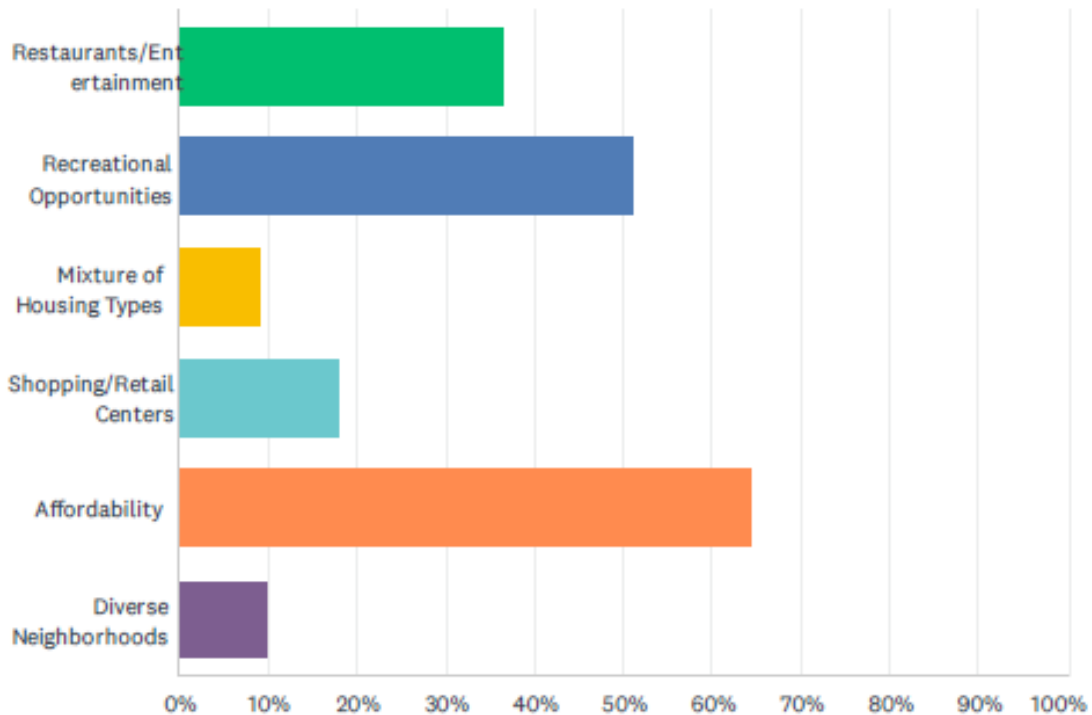
4.2 Survey Responses

Public involvement was garnered through multiple marketing channels. 154 responses from the survey were recorded. The majority of questions asked were open ended allowing residents to write in their answers. Excerpts from the survey are shown below. A full summary of the survey results is included in the appendix.

We asked: Think about Mayodan in 2045. What words describe this future Mayodan?



We asked: What do you like most about Mayodan?



4.3 Public Meetings

Town and PTRC staff hosted two public sessions to gather feedback from the community. The purpose of the first session was to spread awareness of the plan and planning process and collect community feedback on several planning areas as well as general sentiments about the future of Mayodan. The goal of the second session was to present the final draft of the plan and future land use map to the community and collect comments on the plan and map to ensure the final plan accurately represents the vision of the Town of Mayodan as a whole.



Public Meeting

This public feedback session took place on August 26, 2025 at the Madison-Mayodan Recreation Center. The meeting was drop-in open house style consisting of the following stations where attendees could learn about the planning process and provide feedback on a variety of topics. Town and PTRC staff as well as representatives from the steering committee were available to answer any questions attendees had about the planning process.

Informational Station

Here participants were given an overview of what a Comprehensive Land Development Plan is, it's purpose, and the planning process the Town is undertaking to complete the plan. A copy of the Town's zoning map was also made available for review.

General Feedback

The purpose of this station was to collect open ended feedback to two questions: "What do you like most about Mayodan?" and "What ideas do you have to improve Mayodan over the next 8-10+ years?"

Policy Area Feedback

This station was designed to collect specific suggestions for policies and goals for the following policy areas: Town Recreation Facilities, Housing and Residential Development, Downtown and Economic Development, Transportation, Community Character and Identity, and Environmental and Natural Resources.

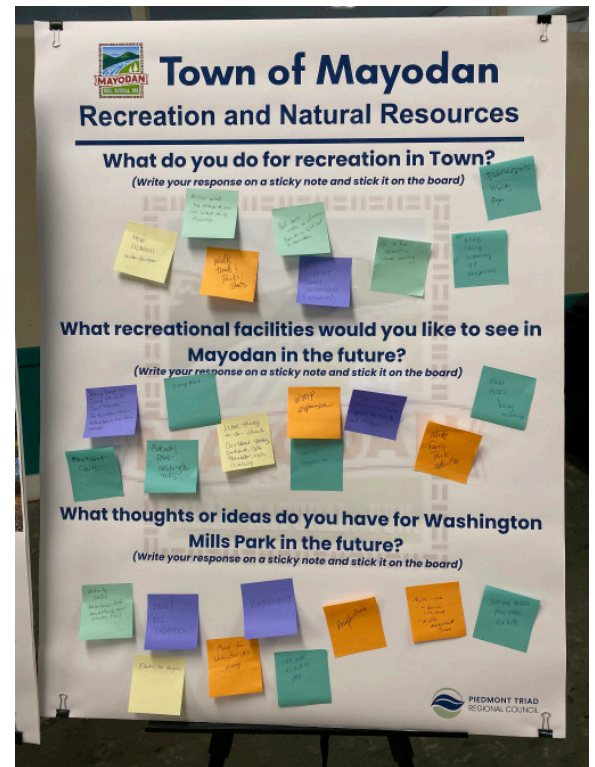


Land Use Map Feedback

Here participants were presented with a copy of the existing land use map and asked to provide comments on where they would like to see different land uses.

Recreation and Natural Resources Feedback

This station presented information on the Town's proposed Washington Mills Park project and asked attendees for suggestions on what kind of amenities they would like to see at the site in the future.



Public Presentation of the Draft

This public feedback session took place on December 5, 2025 at the Mayodan Christmas Stroll event. A near final draft of the Comprehensive Land Development Plan was presented as well as a final draft of the future land use map. Comment cards were provided for attendees to give feedback on the drafts.

Section 5: Goals, Policies, and Strategies

While the overall vision for Mayodan is shaped by the collective aspirations of our residents, the path to achieving that vision requires a structured framework for action. This chapter serves as the operational heart of the Comprehensive Land Development Plan, providing the specific roadmap that Town staff, the Planning Board, and the Town Council will use to guide Mayodan's evolution. By establishing a clear hierarchy of intent, the Town ensures that everyday administrative decisions and long-term capital investments remain consistent with our community's core values.

5.1 Vision Statement

“Building Mayodan’s future with integrity and shared purpose: a welcoming, inclusive place where intentional development connects people and strengthens community for generations.”

This vision statement was crafted based on the Town of Mayodan's four core values; **Community, Collaboration, Integrity, and Belonging**. These values and vision statement were kept in mind while developing all of the goals, policies and objectives set forth in this plan. The following goals, policies, and objectives should be revised and updated as goals are achieved.

5.2 Downtown and Economic Development

Goal 5.2.1: Maintain a robust and diverse local economy

Policy 5.2.1.a: Further the creation of quality jobs to reduce local dependence on residential property taxes, grow economic opportunities, and reduce out-commuting.

Strategy 1: Survey Mayodan residents who commute out of the town for work or are unemployed to understand the industries, wages, and schedules that would be most conducive to supporting the local workforce.

Strategy 2: Collaborate with Western Rockingham Chamber of Commerce, Rockingham County Economic Development, and the Piedmont Triad Regional Workforce Development Board; consider, prioritize, and implement the findings of the obstacles assessment and the resident survey.

Policy 5.2.1.b: Assess the most common land development obstacles for expanding existing businesses, in cooperation with local business and economic development organizations.

Strategy 1: Review and potentially revise the zoning ordinance for restrictions on business placement, screening, and intensity that are more constraining than necessary to achieve their intended ends and may limit business growth and expansion.

Policy 5.2.1.c: Expand efforts to nurture and attract a mix of small and large employers, prioritizing business types that keep money in the community.

Strategy 1: Advertise Mayodan’s small-town charms, natural amenities, low cost of living, and convenient location at local facilities and special events and to the populations of regional urban centers dealing with tight housing markets.

Strategy 2: Apply for and secure federal, state, and nonprofit grants to fund community programming and infrastructure upgrades.

Strategy 3: Expand expertise and grant writing services for economic development through contracting an outside professional on a temporary basis, while training and building capacity with existing town staff.

Policy 5.2.1.d: Leverage North Carolina and the Piedmont Triad’s quickly increasing cost of living to attract a growing population in our comparatively affordable, peaceful town.

Strategy 1: Review and potentially revise the existing lot, density, and design regulations for residential zones, with an eye to ensuring that housing for new residents can easily be built or updated for workforce housing.

Goal 5.2.2: Enhance downtown with streetscape projects and art installations

Policy 5.2.2.a: Integrate diverse, locally-relevant public art throughout the downtown core to enhance visual appeal, celebrate local heritage, and serve as community landmarks.

Strategy 1: Partner with local arts organizations (like the Rockingham County Arts Council) to select themes rooted in Mayodan’s textile history, natural river setting, and community values.

Strategy 2: Prioritize projects like large-scale murals on blank downtown building walls in highly visible public spaces, such as around Town Hall or major street intersections.

Policy 5.2.2.b: Systematically improve the physical environment of downtown streets to prioritize pedestrian comfort, safety, and aesthetic appeal.

Strategy 1: Pursue grants and partnerships for sustainable funding of streetscape enhancements and pedestrian safety improvements.

Strategy 2: Develop and implement a unified signage and wayfinding plan that directs visitors to parking areas, points of interest (like the future Washington Mills Park), and retail businesses using a consistent brand and color palette.

Strategy 3: Adopt and implement complete streets design principals for all new or improved streets.

5.3 Housing and Residential Development

Goal 5.3.1: Preserve the small, friendly town feel while allowing for sustainable development

Policy 5.3.1.a: Encourage redevelopment and improvement of existing sites and structures to better serve the community and enhance the tax base.

Strategy 1: Create and maintain an inventory of underutilized sites and structures within Mayodan.

Strategy 2: Consider proactively upzoning areas with high redevelopment potential that are currently restricted to low intensity uses.

Strategy 3: Adopt the Future Land Use Map after suitable review and editing, and use it as the basis for land development and public investment decisions.

Policy 5.3.1.b: Attract new residential development by improving water quality, providing municipal services with voluntary annexation and promoting Mayodan's small-town character.

Strategy 1: Apply for federal, state, and private grants for water system upgrades.

Strategy 2: Advertise Mayodan's amenities, culture, location, and openness to smart growth to regional homebuilders and businesses.

Strategy 3: Cultivate strong relationships with other area governments and regional organizations like the Piedmont Triad Regional Council.

Policy 5.3.1.c: Ensure that all future construction and annexed areas can be adequately served by public facilities and contribute positively to the long-term fiscal health of the town.

Strategy 1: Conduct analysis using tax parcel data and public expenditures reports to determine the most and least productive properties for the town's finances, and use that process to inform future annexation, development, and zoning decisions.

Strategy 2: Offer annexation and municipal services to businesses and potential developments immediately outside Mayodan's town limits when their property can be shown to promise a long-term net gain for the town's finances.

Goal 5.3.2: Support an equitable and affordable community

Policy 5.3.2.a: Keep Mayodan's cost of living low, allowing residents to remain in the close-knit community.

Strategy 1: Evaluate taxes, fees, and fines to ensure reasonableness, fairness, and equity.

Policy 5.3.2.b: Continue to ensure that all major Town decisions are

guided by resident priorities and provide clear avenues for feedback.

Strategy 1: Spread awareness of the weekly Town Manager’s podcast to ensure residents are kept informed of Town news and events.

Strategy 2: Create a biannual mailer detailing upcoming and recently accomplished public business and send to all residents, potentially utilizing the existing water billing systems.

Strategy 3: Build on engagement efforts to inform residents of existing opportunities to give feedback to the council through partnerships with local businesses, schools, social organizations, and churches.

Policy 5.3.2.c: Promote the creation of a diverse housing stock.

Strategy 1: Review and revise the zoning code to allow for more types and sizes of housing in more areas, including duplexes, triplexes, manufactured homes, and accessory dwelling units.

Strategy 2: Evaluate a program structured in collaboration with the Piedmont Triad Regional Council, local nonprofits, and churches, to assist with accessibility-oriented home renovations to help older residents age in place, ideally funded with outside and/or state grant money.

Policy 5.3.2.d: Answer the needs of all residents, especially members of groups not usually represented by the planning process.

Strategy 1: Seek participation and feedback from younger residents through partnerships with existing youth programming organizations and schools.

Strategy 2: Provide for public announcements in Spanish as well as English, and solicit participation in public events by Latino entrepreneurs associated with public facing businesses living in Mayodan.

5.4 Transportation

Goal 5.4.1: Enhance Roadway Infrastructure

Policy 5.4.1.a: Prioritize maintenance and safety of existing Town streets.

Strategy 1: Perform a safety audit of Town-maintained roadways as a part of the full infrastructure audit identified in the Mayodan Strategic Plan.

Strategy 2: Regularly inspect, rate, and forecast maintenance needs for all Town-maintained streets.

Strategy 3: Apply low-cost traffic calming measures (e.g., speed feedback signs, transverse pavement markings, painted curb bump-outs) in downtown areas and key residential corridors to safely reduce speeds and enhance walkability.

Policy 5.4.1.b: Secure outside funding for major capital projects.

Strategy 1: Work closely with the Piedmont Triad Rural Planning Organization (PTRPO) and NCDOT Division 7 staff, and board members to advocate for Mayodan’s highest priority projects.

Strategy 2: Allocate staff time or contract external expertise specifically for identifying and preparing applications for state and federal transportation related grants.

Goal 5.4.2: Ensure Safe Sidewalks with Improved Connectivity

Policy 5.4.2.a: Address sidewalk gaps and enhance safety.

Strategy 1: Conduct a town-wide sidewalk and connectivity audit to map existing sidewalks, identify critical gaps, and note needed ADA compliance upgrades.

Strategy 2: Assess local development ordinances to promote and incentivize private sidewalk development in new construction projects.

Policy 5.4.2.b: Integrate sidewalks with regional and recreational Assets

Strategy 1: Complete the sidewalk and pedestrian crossing improvements necessary to create a seamless, safe connection between the core downtown commercial district and the new Washington Mills Park development site.

Strategy 2: Integrate high-quality, wide sidewalks as a core component of any future downtown streetscape projects in core areas such as along Main St and 2nd Ave.

5.5 Recreation, Trails, and Greenway

Goal 5.5.1: Continue Developing Washington Mills Park

Policy 5.5.1.a: Prioritize and complete Phase I construction

Strategy 1: Fast-track the necessary environmental cleanup and PCB remediation work on the former mill site to ensure the land is safe and clear for construction, meeting the target completion date.

Strategy 2: Allocate funds to implement the Phase I design as outlined in the Strategic Plan.

Strategy 3: Complete the construction of the public river access point and the initial segments of the multi-use trail network, reconnecting the town to the Mayo River.

Policy 5.5.1.b: Integrate Historic Preservation and Resilient Design

Strategy 1: Ensure all structures and landscapes within the floodplain utilize resilient design techniques (e.g., elevated structures, pervious paving, and engineered landscapes like remediation meadows/built wetlands) to accommodate anticipated flood events with minimal damage.

Strategy 2: Incorporate historical signage and salvaged mill elements throughout the park to educate visitors on the site's pivotal role in Mayodan's textile and industrial past.

5.6 Environmental and Natural Resources

Goal 5.6.1: Maintain Resilient and Sustainable Infrastructure

Policy 5.6.1.a: Ensure climate resiliency in utility systems

Strategy 1: Conduct a town-wide assessment to identify infrastructure assets (e.g., pump stations, lift stations, major water lines, flood-prone roads) most vulnerable to flooding, high winds, or extended power outages.

Policy 5.6.1.b: Secure grant funding for public utility and resiliency projects

Strategy 1: Create a single, prioritized list of all shovel-ready utility (water/sewer) and resiliency projects (e.g., generator upgrades, flood mitigation). For each project, determine the total estimated cost, the local matching funds available, and the specific grant programs that align best (e.g., CDBG, SRF, etc.).

Strategy 2: Establish a centralized digital repository for all documents frequently required in grant applications, such as environmental reports, engineering studies, socio-economic data (income, population), audited financial statements, and letters of support. This minimizes preparation time when a grant window opens.

Goal 5.6.2: Encourage a healthy and safe community

Policy 5.6.2.a: Develop recreational and educational programming to foster youth civic engagement and prepare for productive adulthood

Strategy 1: Partner with the County Health Department to determine what are the most in-demand types and structures of youth programming for different age groups, among parents and youth.

Strategy 2: Apply for state, federal, and private grants to help fund the creation and operation of youth programming.

Policy 5.6.2.b: Expand and improve current open space, parks, and recreational facilities

Strategy 1: Reference the recently adopted Madison-Mayodan Parks and Recreation Master Plan for recommendations on improvements.

Strategy 2: Complete the planning and construction of Washington Mills Park.

Policy 5.6.2.c: Review and update noise, litter, and beautification ordinances and related enforcement protocols

Strategy 1: Survey residents about their satisfaction with Mayodan's noise, litter, lighting, and beautification regulations and use the results to map problem hotspots and inform future rules and procedures.

Strategy 2: Install street trash cans downtown as a part of streetscape improvement efforts.

Section 6: Future Land Use Map

6.1 Introduction

The Future Land Use Map is the visual representation of Mayodan's long-term vision for growth, preservation, and development. While the text of this Comprehensive Plan outlines our goals and policies, the Future Land Use Map translates those ideas into a geographic framework. It serves as a guide for where we want to see new housing, where we want to encourage business growth, and which areas we intend to protect as open space and recreational resources over the next 20 years.

It is important to note that the Future Land Use Map is not a Zoning Map. The adoption of this map does not change the current legal zoning of any property, nor does it affect existing property taxes or current land uses. While the Zoning Map regulates what is allowed to be built today, the Future Land Use Map serves as a strategic roadmap for tomorrow. It represents the Town's preferred direction for future growth; any actual change to a property's zoning must still go through the formal public hearing process, where the FLUM will be used as a primary reference point to ensure the request aligns with Mayodan's long-term goals.

6.2 Future Land Use Categories

Residential Agriculture

Residential Agriculture areas include very low density single family housing on large lots primarily on well and septic systems, farms, and undeveloped natural areas

Low Density Residential

Low Density Residential areas consist of single family housing on medium to large lots either on well and septic systems or on Town utility services.

Medium Density Residential

Medium Density residential areas include housing on small to medium lots primarily connected to Town utility services.

High Density Residential

High Density Residential areas consist primarily of housing on small lots connected to Town utility services. These areas are ideal for single family homes, planned unit developments, duplexes, triplexes, and townhomes.

Mixed-Use

The mixed-use area is designed to accommodate a mix of housing and commercial, generally with commercial uses at street level with housing above. The purpose of these areas is to allow for several historic buildings downtown, originally designed for mixed-use, to be used to their full potential as well as to accommodate modern mixed-use design.

Commercial

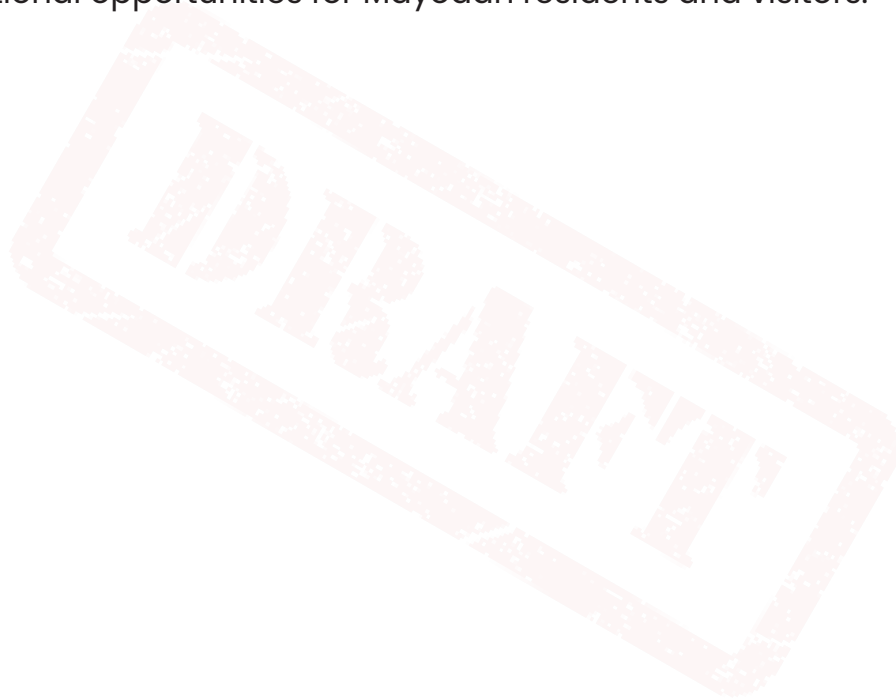
Commercial areas include various forms of retail sales including shops, restaurants, grocery stores, gas stations, etc. These areas can also include offices, mixed-use developments and any other uses allowed within commercial zoning districts.

Industrial

Industrial areas are designed to host more intense land uses like warehousing, manufacturing, wholesaling, and other similar uses allowed within industrial zoning districts.

Recreational

Recreational areas are intended to preserve land for natural areas and public recreation facilities. These areas are meant to remain undisturbed from private development to provide recreational opportunities for Mayodan residents and visitors.



7.1 Using the Plan

The following actions are recommended to aid in the effective implementation of the plan:

1. Initiate a staff review and recommendation process for all land development proposals, rezoning requests, and special use permits. Staff recommendation may include analysis and discussion of how the proposed development will meet the growth strategy and land development vision, goals, policies, community-building principles, and land use recommendations.
2. Encourage the Council and Planning Board to use the Land Development Plan on a regular basis, as a guideline for making decisions on rezonings, special use permits, and subdivision review.
3. Make any necessary changes to the Town's Zoning and Subdivision Ordinances to allow for the type of future land development desired by the community.

7.2 Using the Future Land Use Map

The Future Land use Map is the second step in evaluating the appropriateness of development proposals. The Comprehensive Land Development Plan provides a Future Land Use Map as a guide for the general direction and location of proposed land use types, patterns and relationships encouraged by the Town. This map is provided with the understanding that individual land development decisions may differ slightly from the land use vision presented in the land development plan. The plan also provides a set of land development goals and policies and implementation strategies. When reviewing a land development or rezoning proposal, the developer, staff, public, Planning Board, and Town Council may first determine if the proposed type and pattern of land development is consistent with the Future Land Use Map. Secondly, the proposal may be evaluated to determine if it is consistent with the land development goals and policies.

7.3 Example Land Development Proposal Evaluation

How the plan can be used by a developer:

Developer X would like to rezone two acres along a major road to Commercial and place a strip commercial development on the lot. The developer can utilize the plan to see if the development proposal meets the plan's general Growth Strategy, as well as the Land Development Plan goals, policies, principles and land use recommendations. The developer can also look at the Proposed Land Use Map, to see if Commercial is a recommended use.

How the plan can be used by Town staff:

In addition to reviewing zoning petitions, Town staff can prepare a written report for the Planning Board and recommend petitions be approved or denied. Town staff can point out the goals, policies, and land use recommendations that support the rezoning, and

those that are in conflict with the rezoning request, thereby shaping the overall staff recommendation. In addition, Town staff can use the plan to warn developers about potential conflicts before being confronted at a public hearing.

How the plan can be used by the Town of Mayodan Planning Board:

Prior to each meeting, Planning Board members can make their own determination about the consistency of the proposed rezoning with the Land Development Plan's goals, policies, and land use recommendations. Planning Board members should consider the intent of the goals, policies, and recommendations, and determine how much weight should be given to each.

How the plan can be used by the general public:

Residents of Mayodan can and should reference specific goals, policies and recommendations, and the Future Land Use Map when speaking in favor of or in opposition to a rezoning request.

How the plan can be used by the Mayodan Town Council:

The Town Council has legislative authority concerning whether a rezoning request is consistent with the various plans and policies affecting development proposals. The Town Council can review the rezoning request with the Land Development Plan goals, policies, recommendations, and maps in mind. As customary, the Council may also consider and weigh the interpretation of policies by property owners, the Planning Board, Town staff, and the general public. Over time, a track record of interpreting land development plan goals, policies, and recommendations will form a consistent foundation for making decisions about proposed land development in Mayodan.

7.4 Future Updates

The planning horizon for this plan is twenty years. However, as land development and other changes occur in Mayodan over the next decade, it may be necessary to make periodic revisions to keep the plan up-to-date. For example, a major development, a new road, or major water and sewer line extensions could drastically change conditions in the area. It would be wise to review and monitor the Town's progress in using and implementing the plan to facilitate desired changes to the land development plan. Town Staff, Planning Board and Town Council members, developers, and citizens all play a vital role in using, monitoring, and revising the plan.

Section 8: Appendix

8.1 Grant Resources

There are currently numerous grant funding sources available to local communities. While going after grant funding can be time consuming, the results can be substantial. Some of the available options include:

North Carolina Department of Commerce

Has several different Grants & Incentives programs ranging from infrastructure to workforce development to affordable housing. <https://www.nccommerce.com/grants-incentives>

Community Foundation for Rockingham County

Is a growing family of philanthropic funds, source of grants for local causes and partner for donors. The CFCR board advises the Rockingham County Community Fund, the unrestricted community grantmaking fund, to support local needs. <https://www.nccommunityfoundation.org/communities/sandhills/Rockingham-county>

N.C. Main Street Center

Working throughout North Carolina, the N.C. Main Street Center employs the National Historic Preservation Trust's Main Street approach to community revitalization. The Center provides technical assistance and support to small towns with populations under 50,000, and in doing so, it hopes to reestablish downtowns as the center of their communities, by enhancing the look of the downtown area and diversifying the economic base of the Main Street area.

<https://www.nccommerce.com/about-us/divisions-programs/rural-economic-development/nc-main-street-rural-planning-center>

NC Parks and Recreation Trust Fund

The North Carolina Parks and Recreation Trust Fund (PARTF) is a state-funded program that provides dollar-for-dollar matching grants, up to \$500,000, to local governments for the acquisition of land and the development or renovation of public park facilities. Administered by the N.C. Parks and Recreation Authority, the program is a primary catalyst for rural communities to improve quality of life by funding high-priority projects like greenways, playgrounds, and sports fields that might otherwise be beyond local budgetary reach.

United States Economic Development Administration

The United States EDA makes Partnership Planning investments to designated planning organizations to facilitate the development, implementation, revision, or replacement of Comprehensive Economic Development Strategies (CEDS), which articulate and prioritize the strategic economic goals of recipients' respective regions. EDA also makes Short-Term and State Planning awards for economic development planning activities that guide the eventual creation and retention of high-quality jobs, particularly for the

unemployed and underemployed in the Nation’s most economically distressed regions. The U.S. Economic Development Administration maintains a list of grant programs handled through multiple federal agencies. <https://eda.gov/integration/funding-resources/>

NCDOT Bike and Pedestrian Planning Grant

Communities throughout North Carolina have begun to place more emphasis on providing facilities for biking and walking. A desire for better modal choices, the demand for more walkable and bikeable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle and pedestrian transportation systems. Comprehensive planning documents are an integral part of developing these systems, and can guide both local and state efforts to improve conditions for bicycling and walking. To encourage the development of comprehensive local bicycle plans and pedestrian plans, the NCDOT Integrated Mobility Division (IMD) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development. This program was initiated through a special allocation of funding approved by the North Carolina General Assembly in 2003 along with federal funds earmarked specifically for bicycle and pedestrian planning by the TPB. Smaller municipalities (below 10,000 population) are eligible to apply for a joint bicycle and pedestrian plan.

NC Safe Routes to Schools

Through the North Carolina Safe Routes to School program, the N.C. Department of Transportation works to make walking and riding a bicycle to school a safe and more appealing options for all children. The program facilitates the planning, development and implementation of projects and activities to improve safety and reduce traffic, fuel consumption and air quality near schools.

NC Department of Environmental Quality

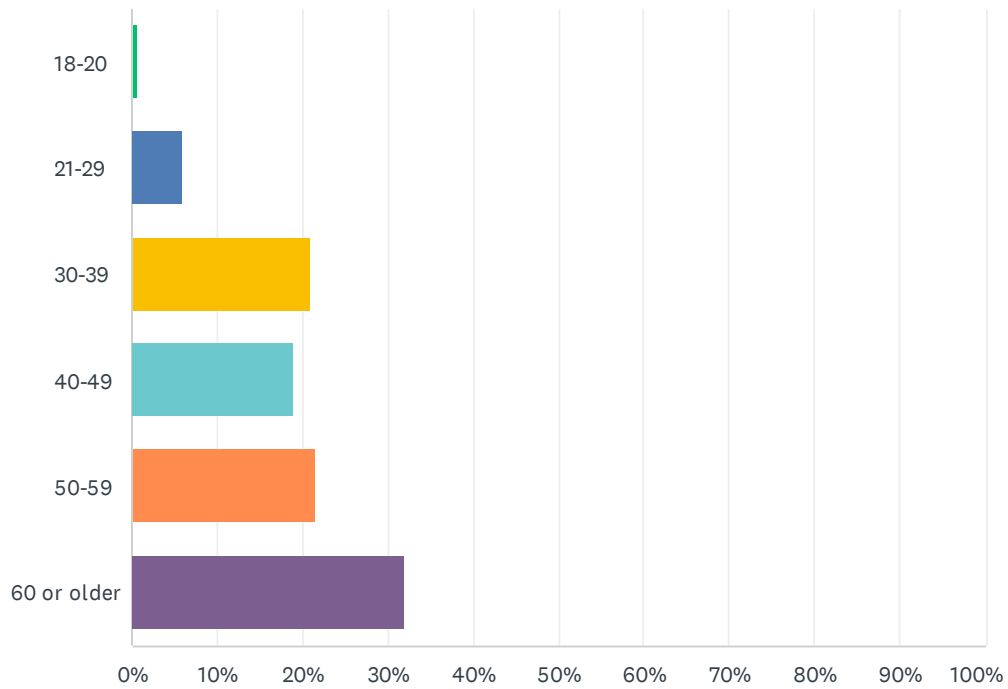
The North Carolina Department of Environmental Quality (NCDEQ) provides critical financial assistance to municipalities through a variety of grant programs managed by the Division of Water Infrastructure and the Division of Environmental Assistance and Customer Service. These programs, such as the Asset Inventory and Assessment (AIA) and Viable Utility Reserve (VUR) grants, allow towns like Mayodan to map aging infrastructure, perform feasibility studies for regional partnerships, and fund major construction projects for water and wastewater systems. Additionally, NCDEQ offers community waste reduction grants that support local recycling efforts and the procurement of specialized equipment, ensuring that small towns can maintain modern environmental standards and long-term utility resilience without overextending their local budgets.

8.2 Survey Results

(Begins on following page)

Q1 Which category below includes your age?

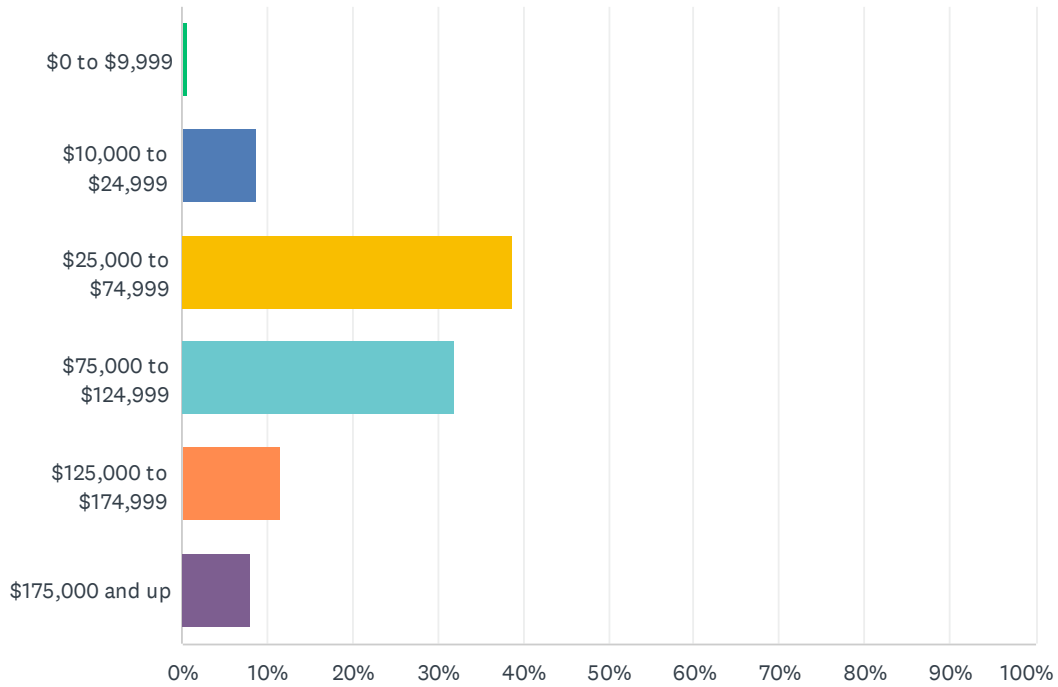
Answered: 153 Skipped: 1



ANSWER CHOICES	RESPONSES
18-20	0.65% 1
21-29	5.88% 9
30-39	20.92% 32
40-49	18.95% 29
50-59	21.57% 33
60 or older	32.03% 49
TOTAL	153

Q2 What was your total household income this past year?

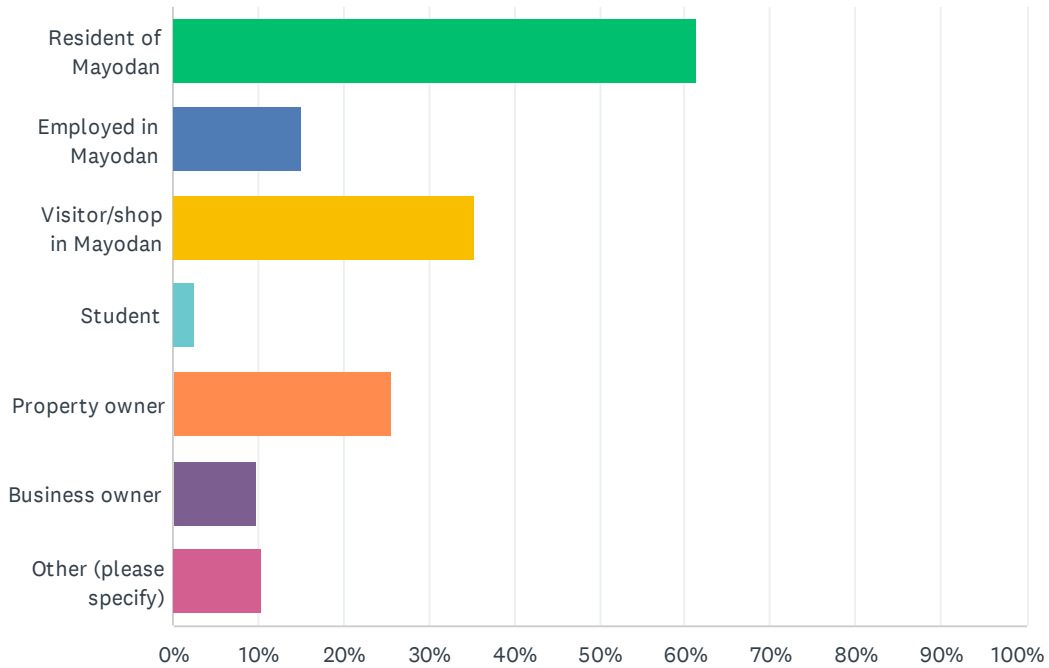
Answered: 147 Skipped: 7



ANSWER CHOICES	RESPONSES
\$0 to \$9,999	0.68% 1
\$10,000 to \$24,999	8.84% 13
\$25,000 to \$74,999	38.78% 57
\$75,000 to \$124,999	31.97% 47
\$125,000 to \$174,999	11.56% 17
\$175,000 and up	8.16% 12
TOTAL	147

Q3 What is your relationship to Mayodan? (check all that apply):

Answered: 153 Skipped: 1



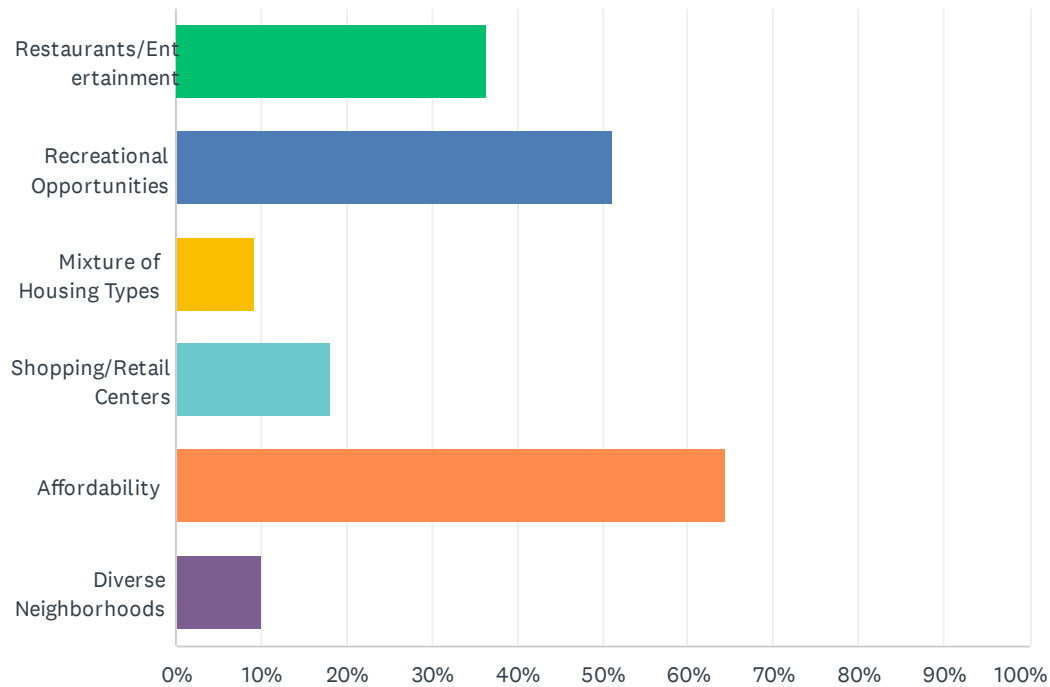
ANSWER CHOICES	RESPONSES
Resident of Mayodan	61.44% 94
Employed in Mayodan	15.03% 23
Visitor/shop in Mayodan	35.29% 54
Student	2.61% 4
Property owner	25.49% 39
Business owner	9.80% 15
Other (please specify)	10.46% 16
Total Respondents: 153	

#	OTHER (PLEASE SPECIFY)	DATE
1	Do not live in the city limits but have a Mayodan address	10/21/2025 8:26 PM
2	Participate in festivals, Mayodan park, recreational sports, etc	2/8/2025 11:53 PM
3	former and possible resident	1/28/2025 9:22 PM
4	Grew up there	1/28/2025 9:21 AM
5	Raised in Mayodan	1/27/2025 11:16 PM
6	Kids play sports in Madison & Mayodan	1/27/2025 4:30 PM
7	Visit the Rec often	1/27/2025 2:13 PM

8	Western Rockingham county resident	1/14/2025 8:45 PM
9	Lived here all my life, 68 years!9	1/1/2025 7:32 PM
10	I live just outside Mayodan.	1/1/2025 6:43 PM
11	I provide services that benefit Mayodan residents and visitors.	1/1/2025 12:12 PM
12	Live on Madison/Mayodan border	12/27/2024 1:22 AM
13	My grandmother place is there and my grandkids go to the park and play sports at rec	12/24/2024 8:21 PM
14	Pastor in Mayodan	12/24/2024 7:12 PM
15	Resident of Madison	12/23/2024 6:12 PM
16	Previous resident	12/23/2024 2:26 PM

Q4 What do you like most about Mayodan? (check all the apply):

Answered: 121 Skipped: 33



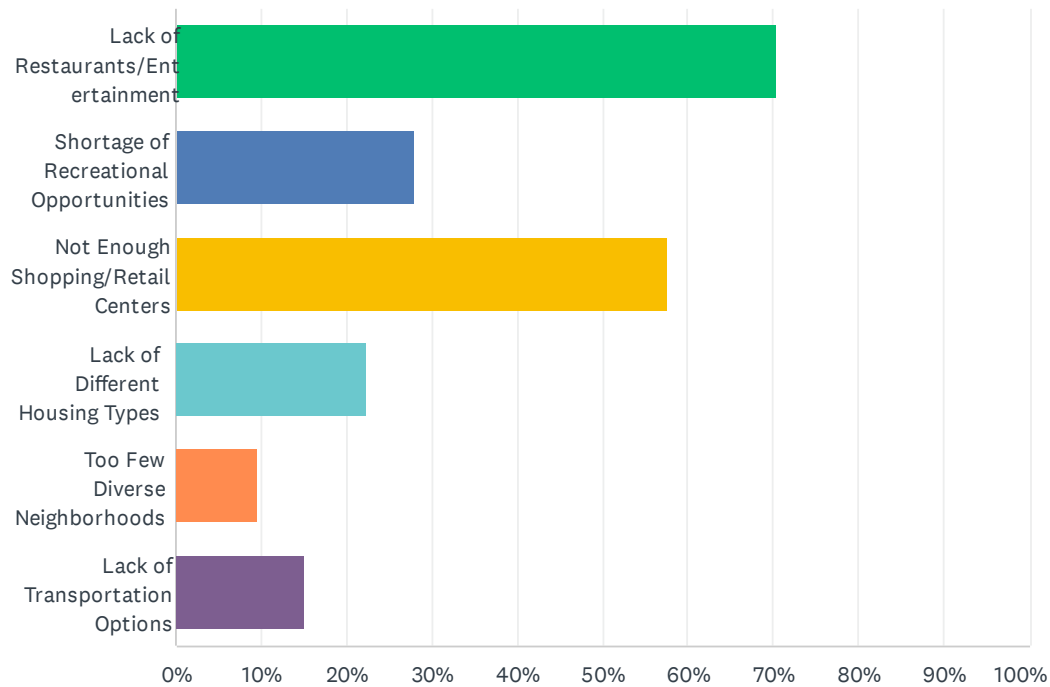
ANSWER CHOICES	RESPONSES	
Restaurants/Entertainment	36.36%	44
Recreational Opportunities	51.24%	62
Mixture of Housing Types	9.09%	11
Shopping/Retail Centers	18.18%	22
Affordability	64.46%	78
Diverse Neighborhoods	9.92%	12
Total Respondents: 121		

#	OTHER (PLEASE SPECIFY)	DATE
1	Small town living. Used to be clean, peaceful, like Mayberry.	9/3/2025 7:41 AM
2	Small town in close proximity to larger cities. With some exceptions, most neighborhoods seem to be fairly safe to live in.	8/31/2025 7:44 PM
3	SmallIntown	2/7/2025 6:43 PM
4	Quite neighborhoods.	2/5/2025 3:04 PM
5	nothing. we need more.	2/2/2025 6:45 AM
6	The smallness of the town and accessibility to the stores that's in short distance.	1/29/2025 4:36 AM
7	Born and raised in Mayodan but we need more attractions better restaurants and more affordable housing fir people I'd love to see my town grow into it's potential but it needs the	1/28/2025 8:57 PM

	help 1st to get there.	
8	Quite an small town	1/27/2025 6:53 PM
9	None of the above even apply to mayodan	1/27/2025 6:00 PM
10	Quiet. Small	1/27/2025 5:56 PM
11	Small town atmosphere and low population	1/27/2025 2:34 PM
12	Rec but needs to build a new one	1/27/2025 2:13 PM
13	small town feel	1/27/2025 2:03 PM
14	Small town charm	1/18/2025 9:16 PM
15	Light traffic. Convenience	1/16/2025 4:01 PM
16	Small town	1/16/2025 2:57 PM
17	For the most part, it's quiet	1/7/2025 7:49 PM
18	small town atmosphere	1/2/2025 9:28 PM
19	Community activities throughout the year.	1/2/2025 8:32 AM
20	Small town feel	1/1/2025 5:51 PM
21	Small town living	1/1/2025 12:02 PM
22	Old town charm	1/1/2025 11:49 AM
23	Quiet	1/1/2025 10:21 AM
24	Small town atmosphere	12/27/2024 12:48 AM
25	A quiet town! Shopping of what you need in close proximity. No major crimes, so far!! No gambling!!.	12/26/2024 11:28 PM
26	The people	12/24/2024 7:12 PM
27	The small town'Mayberry' vs 'Cheers' feel.	12/23/2024 11:59 PM
28	Small town and country	12/23/2024 6:12 PM
29	Mad bean, Dan river keepers, and chachas place	12/23/2024 6:06 PM
30	Feeling of home and community	12/23/2024 2:26 PM
31	Small-town charm.	12/23/2024 12:56 PM
32	Local Outdoors Activities	12/23/2024 10:41 AM
33	Small town life	12/23/2024 10:36 AM
34	Everything but the people who run the town	12/23/2024 10:10 AM
35	Close to bigger citys	12/23/2024 9:54 AM

Q5 What do you like least about Mayodan? (check all that apply):

Answered: 125 Skipped: 29



ANSWER CHOICES	RESPONSES
Lack of Restaurants/Entertainment	70.40% 88
Shortage of Recreational Opportunities	28.00% 35
Not Enough Shopping/Retail Centers	57.60% 72
Lack of Different Housing Types	22.40% 28
Too Few Diverse Neighborhoods	9.60% 12
Lack of Transportation Options	15.20% 19
Total Respondents: 125	

#	OTHER (PLEASE SPECIFY)	DATE
1	Job opportunities and filth	9/3/2025 7:41 AM
2	There are way too many small homes being built in town, taking up a lot of previously vacant property. What is needed at this point is more high income housing to attract more residents as I-73 comes to fruition. With higher salaries coming at the PTI area, we might could attract more of these folks Mayodan. With this growth, we need grocery stores and more retail to keep dollars local. More entertainment like a movie theater and more restaurants/hotel would be nice, but is a stretch at this time.	8/31/2025 7:44 PM
3	The town making it difficult for people who are trying to promote additional business/ revenue in the area and not allowing small businesses already there to host events that benefit the town. (Example: vendor events) farmers markets, lack of wanting progressive growth.	2/26/2025 7:10 PM
4	Not that much to do, but do not need any gambling!!!!	1/29/2025 4:36 AM

5	Nothing	1/27/2025 6:53 PM
6	Some parts of town are an eye sore and give off a "hood" look.	1/27/2025 1:09 PM
7	Taxes	1/27/2025 12:35 PM
8	Golf carts having the right of way-ridiculous! I wish parking on residential streets wasn't allowed. There should be enough room for "regular" traffic.	1/7/2025 7:49 PM
9	Lack of retail shops. Don't need more centers, just more actual retail, not more thrift stores.	1/4/2025 7:20 PM
10	outsourcing public works without providing adequate contact information, automated phone system is being used in town and police department, and the lack of personal interaction with these departments leave citizens with a feeling of disconnect.	1/2/2025 9:28 PM
11	Lack of parking.	1/1/2025 7:32 PM
12	While Mayodan does a great job overall! I love this town! There's always room to enhance existing strengths, such as expanding recreational opportunities and creating more connections between neighborhoods and natural spaces.	1/1/2025 12:12 PM
13	Loud vehicles all day!	12/31/2024 12:44 PM
14	Unkept housing	12/27/2024 12:48 AM
15	Not enough manufacturing!!	12/26/2024 11:28 PM
16	lack of social venues to meet and chat at the end of the day.	12/24/2024 8:30 AM
17	The lack of family entertainment options.	12/23/2024 11:59 PM
18	The fact that they are trying to grow. People live here and not Greensboro, High Point or Winston-Salem for a reason.	12/23/2024 6:12 PM
19	Run down houses, homes and yards that are not kept up. Cars that don't run setting on the street or property	12/23/2024 9:54 AM
20	Shortage of available housing stock	12/22/2024 11:07 AM

Q6 Think about Mayodan in 2045. What words describe this future Mayodan? Enter comments below.

Answered: 84 Skipped: 70

#	RESPONSES	DATE
1	Lower taxes	11/17/2025 6:46 PM
2	I hope that Mayodan will still have a special rural feel. I hope there are more job opportunities to bring people to Mayodan but not destroy the hometown feel we currently have.	10/21/2025 8:26 PM
3	Outdoor recreation hub of the triad (rivers, greenways, mountain biking, & parks)	9/19/2025 9:25 AM
4	Probably won't exist	9/3/2025 7:41 AM
5	I'm afraid I see it as a bedroom community for the I-73 corridor unless someone invests and attracts more high end businesses and homes.	8/31/2025 7:44 PM
6	A small town with a unique history. A place where you can step back in the past with opportunities to enjoy nature and outdoor activities. A place where the community comes together for festivals and enjoying each other's company.	8/29/2025 1:54 PM
7	Nothing will change as it currently stands	2/26/2025 7:10 PM
8	A hub of economic and residential activity in Rockingham County based on quality of life factors	2/10/2025 3:32 PM
9	Maintaining its history and up keeping its current look while updating needed items but not changing overall look. We could use a few more entertainment opportunities - maybe a small movie theatre, different types of restaurants - Japanese, Thai, maybe cookout or chic fil a	2/8/2025 11:53 PM
10	Non progressive	2/7/2025 6:43 PM
11	The town will be moved over to NC 135 and US220.	2/5/2025 3:04 PM
12	Clean, diverse, welcoming, walkable	1/29/2025 12:47 PM
13	Population growth, retail and residential development. Diversity in population.	1/29/2025 8:45 AM
14	Hopefully a community drawn close together and closer to Jesus!!!!	1/29/2025 4:36 AM
15	Still a quiet, quaint little town with maybe one or 2 more entertainment opportunities such as bowling, movie theater, putt putt, arcade or something like that.	1/28/2025 9:22 PM
16	I honestly think it will not be a town anymore by then just highways going over what use to be and what could have been a great place.	1/28/2025 8:57 PM
17	Growth	1/28/2025 6:37 PM
18	Entertainment, food diversity, programs for kids and parents.	1/28/2025 10:58 AM
19	More local entertainment and diverse food opportunities	1/28/2025 8:41 AM
20	Progressive ...I hope	1/28/2025 1:33 AM
21	Developing, growing	1/28/2025 12:22 AM
22	Home. Small town feel. More recreational opportunities. (Usable indoor basketball courts/pickleball)	1/27/2025 11:16 PM
23	Forgotten	1/27/2025 10:49 PM
24	Outstanding	1/27/2025 9:28 PM
25	Hallmark Small Town	1/27/2025 9:01 PM
26	A town that maintains its small town roots and feel while also offering a variety of	1/27/2025 7:41 PM

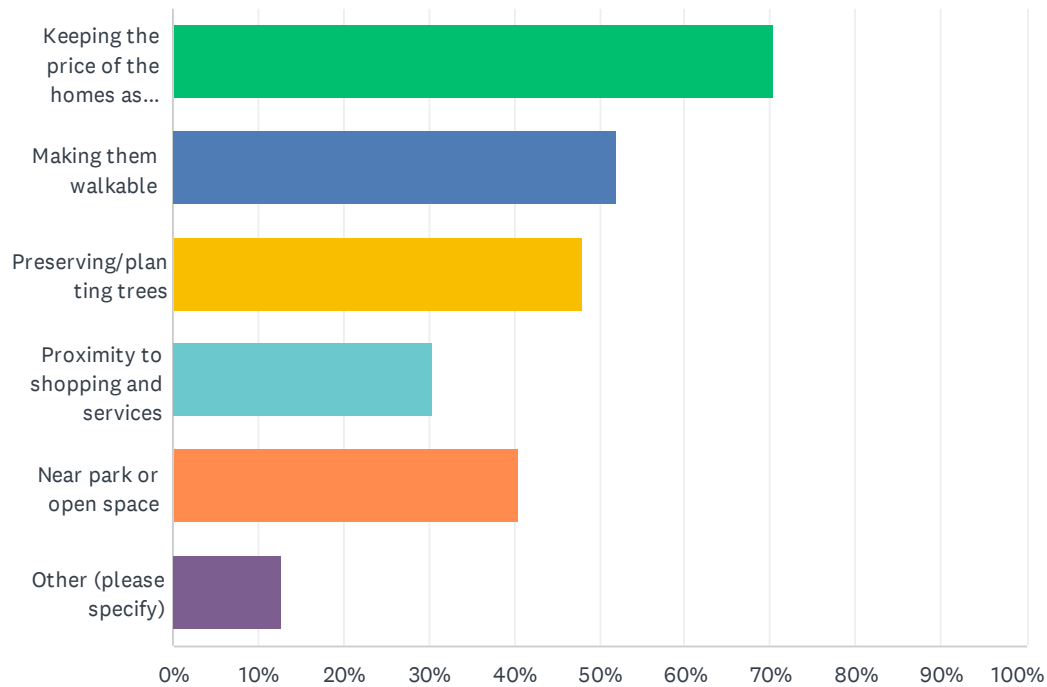
entertainment, shopping and recreation opportunities for both the youth and the senior populations. A town that focuses on its natural resources, history and small town values and seeks to proudly show them off to visitors that visit from near or far.

27	Small close community. We moved here from an over crowded area and love that there are not houses piled on top each other anywhere they can clear a place.	1/27/2025 7:40 PM
28	Keep it the way it is leave the land an residents alone	1/27/2025 6:53 PM
29	Growth, improvement, opportunities	1/27/2025 6:00 PM
30	Hopefully bustling	1/27/2025 5:37 PM
31	Same small town feel but now with big city offerings (more recreation, more arts, more outdoor/water adventure sites & events, more restaurants, etc)	1/27/2025 4:30 PM
32	A progressive town that would come across as a small town Asheville equivalent that has a robust entertainment district	1/27/2025 4:27 PM
33	Small town charm	1/27/2025 3:52 PM
34	Small town feel with better job and housing opportunities	1/27/2025 2:04 PM
35	a recreational outdoor haven. would LOVE to see the river developed right there at the Rec. Open air farmers market, ampitheater, craft brewery in building at tracks? Trails, River access, camping access, anything outdoors.	1/27/2025 2:03 PM
36	Sad to say but probably will remain the same	1/27/2025 1:10 PM
37	More shopping retailers and food chains like Starbucks, cook out, and Dunkin' Donuts.	1/27/2025 1:09 PM
38	Coming together	1/27/2025 12:35 PM
39	Upgraded water and sewer. Utilization of natural resources (greenway, additional trails, expanded sidewalk system, and more river accesses).	1/27/2025 12:19 PM
40	Fly fishing crickets frogs woodsy neighborly	1/19/2025 10:55 PM
41	Fun downtown with entertainment options. Cool destination	1/16/2025 4:01 PM
42	community activities downtown, mixed residential/shopping/ eating/entertainment downtown	1/12/2025 8:39 AM
43	Quiet, Family Oriented, & Historic	1/11/2025 2:24 PM
44	Probably will be a lot less church attendance. I can't imagine much difference in good job opportunities, or any upper end resteraunts or shopping.	1/7/2025 7:49 PM
45	Cute small town, easily walkable. Historic charm	1/7/2025 12:03 PM
46	A small town with ma and pa retail shops, a thriving art community, friendly people, and good food.	1/4/2025 7:20 PM
47	I get the impression the crime rate is going to be higher and there will be a decreased personal presence from governmental agencies in the area.	1/2/2025 9:28 PM
48	Outdoor recreation hub. Walkable community. Connectivity.	1/2/2025 5:04 PM
49	Bedroom community for Summerfield businesses	1/2/2025 4:48 PM
50	My hope for the Town of Mayodan in the next few years is not to change but overall improve... sure new things are not bad but I don't believe we need bigger and better shops, restaurants, etc. to prioritize the people and businesses we already have here or to make Mayodan a better place!	1/2/2025 4:35 PM
51	Historical areas preserved as well as growth opportunities taken advantage of.	1/2/2025 12:44 AM
52	Keep the small town feeling. Would be nice to have more restaurants, shopping options. A reason to stay in town rather than go to surrounding town/cities.	1/1/2025 8:10 PM
53	Positive	1/1/2025 6:43 PM
54	A place that young people can live, work and have a future.	1/1/2025 5:51 PM

55	Economic development with a strong manufacturing facility to support the community	1/1/2025 5:29 PM
56	Losing its senior citizen appeal	1/1/2025 1:42 PM
57	I think Mayodan has the opportunities to become a safe, affordable place for people to work and live..... opportunities for children and adults recreationally, places to shop/eat/and worship.	1/1/2025 1:09 PM
58	Thriving, connected, and sustainable. A community that celebrates its natural beauty, provides diverse recreational opportunities, and fosters economic and cultural vitality.	1/1/2025 12:12 PM
59	Country backwoods inbred Hicks	1/1/2025 12:06 PM
60	I hope that the future Mayodan keeps its current small town feel but only better	1/1/2025 11:49 AM
61	Invest in the current parks Bring in more small businesses	1/1/2025 11:11 AM
62	beautiful - rural - somewhat forgotten	1/1/2025 10:56 AM
63	Recreational hub with private owned businesses/restaurants	1/1/2025 10:21 AM
64	More restaurants and shopping options.	12/31/2024 1:16 PM
65	Growth due to interstate development.	12/28/2024 4:59 PM
66	A community that stays true to its small town roots.	12/27/2024 1:22 AM
67	Hopefully some homes can be renovated nicely as starter homes or existing homes will continue to degrade	12/27/2024 12:48 AM
68	Hopefully, still a small town with NO casinos close by and people getting along , with a good Christian base guided by the Holy Spirit!!!	12/26/2024 11:28 PM
69	Modernized store fronts downtown. Try to affordably lease or sell unused properties, i.e., former Windy's on Main St., 3rd and Main, etc. A massive upgrade and renovation to shopping center on 2nd Ave where EyeRollz currently exists. Also, seek development of empty stores in the Tiano's shopping center. Reasonable fixed leases or supplements from the town/county to get these going again. Institute local programs (through RCC?) on initiating, developing, and operating a small business particularly restaurants.	12/24/2024 8:30 AM
70	Hopefully, it will keep its uniqueness and be a place where people (single or families) want to settle down and stay.	12/23/2024 11:59 PM
71	Community	12/23/2024 10:32 PM
72	The exact same as it is now if you don't allow for future growth and expansion.	12/23/2024 6:19 PM
73	Keep it as it is. No more growth! You want growth, move to a big city.	12/23/2024 6:12 PM
74	Unpopular opinion. Probably should merge with Madison tbh. The only reason these two towns are separated is because of an age old feud between two men that have been long dead.	12/23/2024 6:06 PM
75	Community, family, safe	12/23/2024 2:26 PM
76	I hope it will still be quaint with just a few more restaurants	12/23/2024 12:56 PM
77	Retro. Modernity in an old fashioned way.	12/23/2024 10:41 AM
78	Non-existent	12/23/2024 10:36 AM
79	Everyone in the town knows yall are wanting to get city taxes from Walmart lol	12/23/2024 10:10 AM
80	Suburb of Greensboro.	12/23/2024 9:57 AM
81	60-75% black..... more run down homes.	12/23/2024 9:54 AM
82	Need to grow with work opportunities and more restaurants	12/23/2024 9:50 AM
83	Walkable Connected Inviting Recreation Tourism Historic Destination Growth Welcoming	12/22/2024 11:07 AM
84	Local	12/11/2024 10:47 AM

Q7 What is most important in new neighborhoods? (check all that apply):

Answered: 148 Skipped: 6



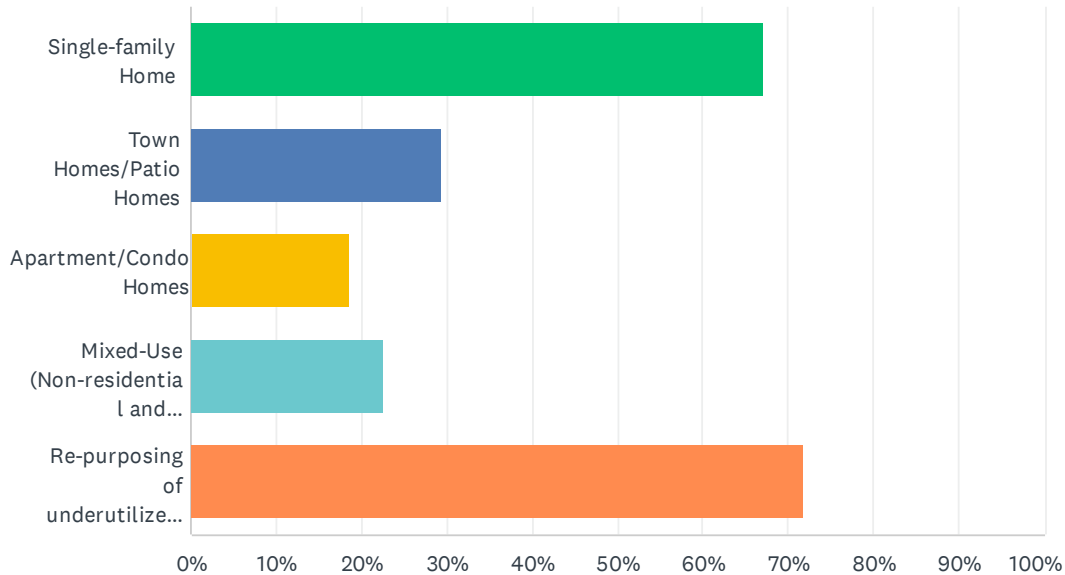
ANSWER CHOICES	RESPONSES
Keeping the price of the homes as affordable as possible	70.27% 104
Making them walkable	52.03% 77
Preserving/planting trees	47.97% 71
Proximity to shopping and services	30.41% 45
Near park or open space	40.54% 60
Other (please specify)	12.84% 19
Total Respondents: 148	

#	OTHER (PLEASE SPECIFY)	DATE
1	Keeping them clean and enforcing ordinances	9/3/2025 7:41 AM
2	See above comments	8/31/2025 7:44 PM
3	We need housing options for all ages; new affordable single family homes for families, apartments and condominiums for new comers and singles or couples, and townhomes or other types of senior living housing.	2/10/2025 3:32 PM
4	Keeping the neighborhoods quiet.	2/5/2025 3:04 PM
5	Not cheap subdivisions	1/27/2025 3:52 PM
6	Lower taxes	1/27/2025 2:13 PM
7	Creating a clean community with less apartment complexes and more housing communities.	1/27/2025 1:09 PM

8	Safety, how quickly I can get medical help.	1/7/2025 7:49 PM
9	Integrating trail access into neighborhood planning to encourage outdoor activities and connectivity.	1/1/2025 12:12 PM
10	Space away from people	1/1/2025 12:06 PM
11	Upgraded infrastructure, water/sewer/broadband.	12/28/2024 4:59 PM
12	No crime!!!	12/26/2024 11:28 PM
13	Cleaning up the mess houses	12/24/2024 8:21 PM
14	maintain some open space for kids and community events.	12/24/2024 8:30 AM
15	Mayodan has always been looked at as a safe place to live and raise a family.....Hopefully, it will keep that reputation throughout the future.	12/23/2024 11:59 PM
16	No! No new housing developments. Go to the big cities and build your developments.	12/23/2024 6:12 PM
17	Avoiding Gentrification and over dependence on car travel when walkability is possible.	12/23/2024 10:41 AM
18	Safety	12/23/2024 10:36 AM
19	Spec houses don't cut it.... If you are going for low income residents you are well on your way	12/23/2024 9:54 AM

Q8 How can we best meet the future housing needs of our community? Encourage more (check all that apply):

Answered: 146 Skipped: 8



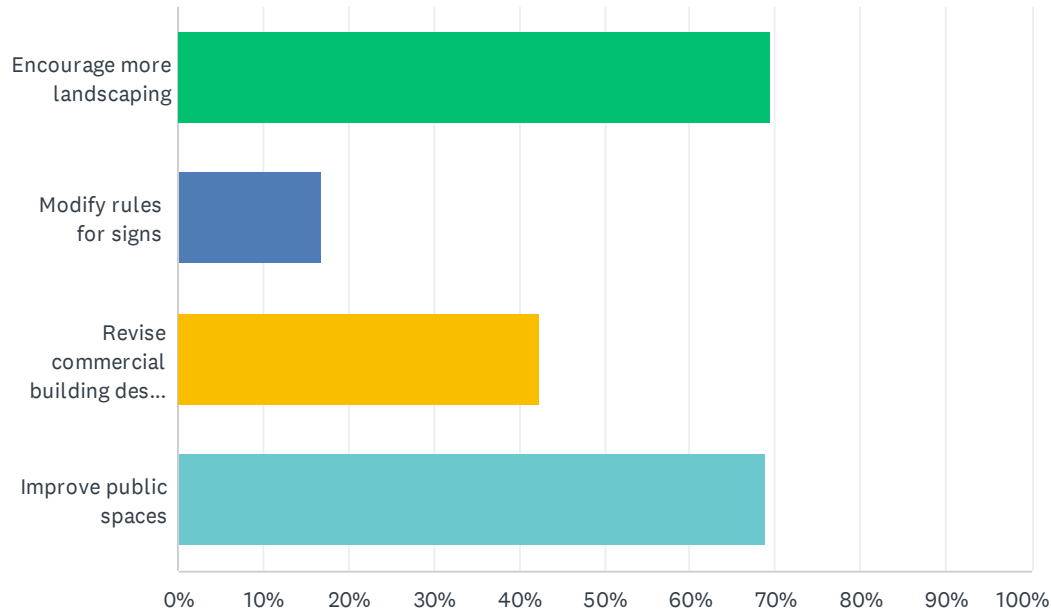
ANSWER CHOICES	RESPONSES
Single-family Home	67.12% 98
Town Homes/Patio Homes	29.45% 43
Apartment/Condo Homes	18.49% 27
Mixed-Use (Non-residential and residential)	22.60% 33
Re-purposing of underutilized structures	71.92% 105
Total Respondents: 146	

#	OTHER (PLEASE SPECIFY)	DATE
1	Low(er) income homes are needed, but should not be all the priority. High(er) end development would up the ante and the tax base. Also updating current aging infrastructure will be necessary no matter the status of homes.	8/31/2025 7:44 PM
2	More for elderly	1/29/2025 12:47 PM
3	Refurbish old house back to good use I read of new houses and letting old ones go to waste!!	1/29/2025 4:36 AM
4	Senior Housing	1/27/2025 5:04 PM
5	Cleaning up the ratty looking store fronts.	1/27/2025 1:09 PM
6	"Nice" townhomes like those being built in Eden.	1/7/2025 7:49 PM
7	Space away from people	1/1/2025 12:06 PM
8	Have ordinances in place that hold people accountable for their home, yard and other to keep Mayodan a beautiful place to live.	12/23/2024 11:59 PM

9	Leave it alone. Help beautify the store fronts and landscaping.	12/23/2024 6:12 PM
10	Affordable housing that isn't a bunch of run down mill houses	12/23/2024 6:06 PM
11	Stop allowing landlords to charge over \$1000 a month when there are no jobs in this town	12/23/2024 10:10 AM
12	Apartments just bring out the low income people	12/23/2024 9:54 AM

Q9 How would you improve Mayodan's physical appearance? (check all that apply):

Answered: 125 Skipped: 29



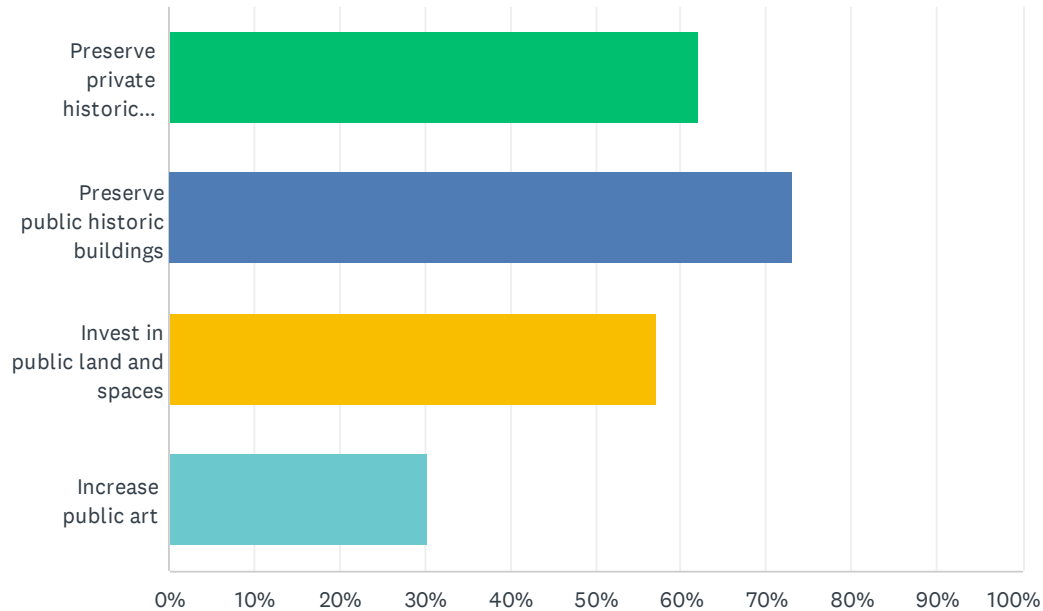
ANSWER CHOICES	RESPONSES	
Encourage more landscaping	69.60%	87
Modify rules for signs	16.80%	21
Revise commercial building design standards	42.40%	53
Improve public spaces	68.80%	86
Total Respondents: 125		

#	OTHER (PLEASE SPECIFY)	DATE
1	Clean up all the messy private properties houses in miss repair lots of junk on property and abandoned autos	11/17/2025 6:46 PM
2	Enforce building codes and ordinances. Make slumlords keep their properties clean and useable	9/3/2025 7:41 AM
3	The current codes for property management and upkeep seem to be largely ignored in Mayodan. Enforce these codes to improve curb appeal to potential residents/home buyers. First impressions are critical to growth.	8/31/2025 7:44 PM
4	better sidewalks	2/8/2025 11:27 AM
5	More parking space.	2/5/2025 3:04 PM
6	Repave roads, bring more manufacturing back!!!	1/29/2025 4:36 AM
7	Have more attractions, people are gonna want to have to come here for a reason and let's give them some reasons to want to come to Mayodan to visit or live! But for now we have nothing to offer at the moment.	1/28/2025 8:57 PM

8	Have folks keep junk out of yards! No one wants to see that ore purchase/live around that.	1/28/2025 5:05 PM
9	More landscaping and stricter rules for businesses having clutter out front.	1/27/2025 1:09 PM
10	Send letters to homeowners that need to improve their home appearance and to those that have several vehicles parked all over the street.	1/7/2025 7:49 PM
11	Upkeep historic buildings	1/7/2025 12:03 PM
12	Clean up areas that are no longer lived in.	1/1/2025 8:10 PM
13	Encourage residents to fix and clean up their property I	1/1/2025 6:43 PM
14	Don't spend money on new street signs when the ones there do the job. Use funds better.	1/1/2025 5:51 PM
15	Develop green corridors, connect public spaces with trails, and incorporate nature-inspired design into community development.	1/1/2025 12:12 PM
16	Clean up housing	1/1/2025 12:02 PM
17	help people fix up their homes	1/1/2025 10:56 AM
18	Update and enforce regulations for cleaning up cluttered and unsightly property.	12/28/2024 4:59 PM
19	Create policies for higher standards for existing housing appearances	12/27/2024 12:48 AM
20	Have more Christ centered activities and good places close by for families and kids to enjoy safely!!! Dog parks	12/26/2024 11:28 PM
21	Get all these rentals to clean up there mess	12/24/2024 8:21 PM
22	Leave it alone. Help beautify the store fronts and landscaping.	12/23/2024 6:12 PM
23	Encourage businesses with a facelift of dilapidated properties when financially a good investment- improve parking for businesses- model after Madison's improvement to draw business	12/23/2024 12:56 PM
24	Tear down or remodel/update existing homes	12/23/2024 10:36 AM
25	Fix the roads, leave the government alone. We get new paint jobs on the police cars but it takes 2 years to fix a road.	12/23/2024 10:10 AM
26	Crack down on people that do not keep their homes up. Too many cars and yards that are not taking care of junk everywhere.	12/23/2024 9:54 AM

Q10 What cultural or historic resources should be a focus of the town? (check all that apply):

Answered: 145 Skipped: 9

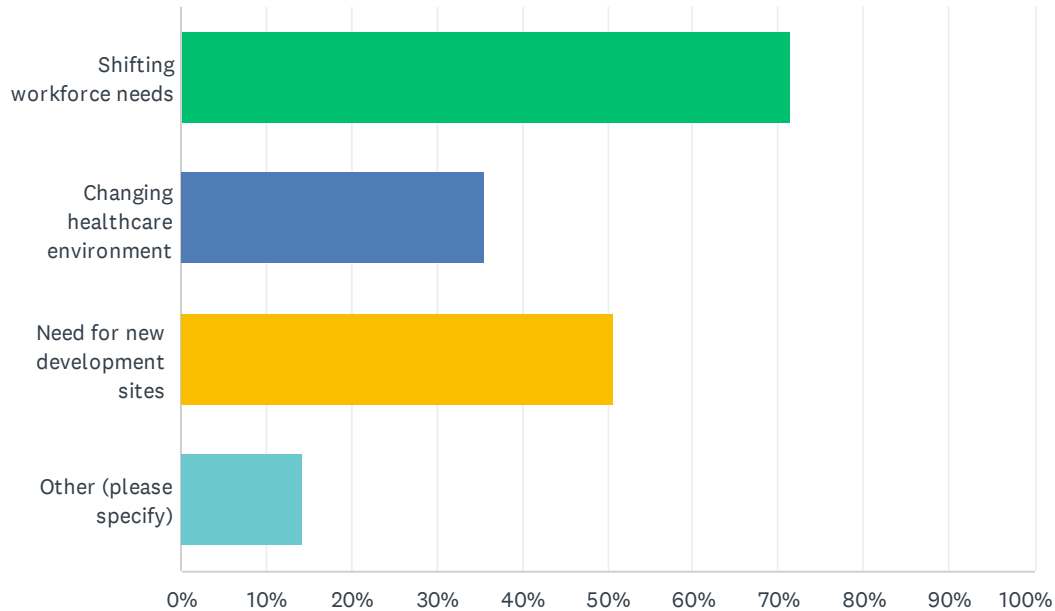


ANSWER CHOICES	RESPONSES
Preserve private historic buildings	62.07% 90
Preserve public historic buildings	73.10% 106
Invest in public land and spaces	57.24% 83
Increase public art	30.34% 44
Total Respondents: 145	

#	OTHER (PLEASE SPECIFY)	DATE
1	Upgrading and improving our past is as important as future growth. Let's be proud of our Milltown history and incorporate it into our future.	8/31/2025 7:44 PM
2	Do something with the old Tultex site.	2/5/2025 3:04 PM
3	Greenways like matrimony creek and smith river	1/14/2025 8:45 PM
4	Invest in the arts	1/4/2025 7:20 PM
5	Spaces for children and young adults.	1/1/2025 5:51 PM
6	Highlight Mayodan's history through interpretive trails and educational signage, tying together the town's cultural and natural heritage.	1/1/2025 12:12 PM
7	maybe put up some historic markers - recreate what was there	1/1/2025 10:56 AM

Q11 What factors do you believe will affect Mayodan's economy in the next 10-20 years? (check all that apply):

Answered: 140 Skipped: 14



ANSWER CHOICES	RESPONSES
Shifting workforce needs	71.43% 100
Changing healthcare environment	35.71% 50
Need for new development sites	50.71% 71
Other (please specify)	14.29% 20
Total Respondents: 140	

#	OTHER (PLEASE SPECIFY)	DATE
1	Leadership that has forward thinking objectives	8/31/2025 7:44 PM
2	Bring more manufacturing jobs back, but no gambling, that brings more crime!!!!	1/29/2025 4:36 AM
3	Not lots of options of things to do to help promote the younger generation to stay in the area when they are grown.	1/28/2025 5:05 PM
4	Inflation	1/28/2025 8:41 AM
5	Industry with jobs that pay better than average	1/28/2025 1:33 AM
6	Bring more businesses to the town for more employment opportunities. Many older folks look for part time jobs to supplement income. Other younger kids in high school are constantly looking for work, and many others need work. Retail chains would be a great opportunity. The town and surrounding areas really need more food options.	1/27/2025 1:09 PM
7	People moving away due to the lack of things to do	1/18/2025 10:04 PM
8	Retail/Food development	1/7/2025 12:03 PM

9	Again, more parking. People don't want to park near the marathon and walk to Bargin Bin.	1/1/2025 7:32 PM
10	utdoor recreation and greenspace development, which can attract tourism, new residents, and businesses looking to relocate to a community with a high quality of life.	1/1/2025 12:12 PM
11	investment needs to happen at a government level - help the people	1/1/2025 10:56 AM
12	Greater effort to retain and/or recruit opportunities for high end jobs.	12/28/2024 4:59 PM
13	Employment opportunities	12/27/2024 12:48 AM
14	The need of manufacturers in the town, but NO gambling close by!!!!	12/26/2024 11:28 PM
15	Most people don't want to live and work in the same place. There are plenty of manufacturers within a short distance so I feel Mayodan would be better suited to focus on the home life aspect vs the business.	12/23/2024 11:59 PM
16	Leave it alone. People move here to live in a small town.	12/23/2024 6:12 PM
17	Focus on catering to people who are gonna be here in the next 20 years. Focus on catering to college age people. Affordable housing for them, restaurants and recreation for them. Rather than being a retirement community. Work to increase tourism.	12/23/2024 6:06 PM
18	The traffic moving through HWY 220 to Virginia.	12/23/2024 10:41 AM
19	None, again, everyone knows yall just want that Walmart money	12/23/2024 10:10 AM
20	To many residents on welfare here now.... I see that growing in the future	12/23/2024 9:54 AM

Q12 Other Comments?

Answered: 24 Skipped: 130

#	RESPONSES	DATE
1	I grew up in Mayodan and it is NOT a place I would want to raise my family now. I love living here but the cleanliness, jobs, friendliness, everything seems to have gone fly by night is no longer in service like an old phone number. I filled out a survey several years ago and have seen nothing come to fruition from that and probably won't this one either.	9/3/2025 7:41 AM
2	I am proud to call Mayodan my lifelong home. Our changing world has greatly impacted the town I so fondly remember. We need to continue momentum to keep our small town atmosphere in the ever changing climate. Please don't let the results of this survey die like so many others in the past have. I realize the almighty dollar is the driving force. There has got to be a happy medium. I pray our leaders will find that medium.	8/31/2025 7:44 PM
3	Look at the option of annexing all the land between old town and new town.	2/5/2025 3:04 PM
4	Encourage more Christian activities!!!	1/29/2025 4:36 AM
5	would love access to a larger bike trail	1/28/2025 2:53 PM
6	The mill lot can be utilized for extra parking for the rec and use the underpass so no danger crossing RR.	1/27/2025 5:56 PM
7	I love the small town feel of Mayodan. Would love some more entertainment areas like downtown madison.	1/27/2025 2:03 PM
8	I would like to see a cookout, Dunkin, or similar breakfast place and a lunch dinner spot. Because the options are slim around here and it is unfortunate. The KFC here is a waste because the staff is horrible. They took away our Wendy's. However there is plenty of space for future use.	1/27/2025 1:09 PM
9	Much like surrounding cities around Raleigh, I can see Mayodan's population nearly doubling by 2045. Mayodan needs to think ahead about infrastructure & amenities needed to take in this anticipated growth.	1/27/2025 12:19 PM
10	Keep the trees	1/19/2025 10:55 PM
11	Encourage local grocery shopping. Farmers markets, stores with local foods, healthy eating options. Please make it accessible to all. Local coffee shops, good quality restaurants with a fun atmosphere that people would like to hang out at as a "after work" place. Keep the town walkable and clean and updated. Keep parking accessible and free. Have craft fairs and markets often. Keep parks free, cleaned and well maintained.	1/7/2025 12:03 PM
12	At night time, especially after 10 pm, the "racetrack" on main st and some of the avenues, needs to be stopped.	1/1/2025 7:32 PM
13	Mayodan has the potential to position itself as a model for sustainable growth by focusing on trails, greenspaces, and cultural connectivity. These investments not only attract visitors but also create a more vibrant and healthier community for residents. Trails, in particular, offer a cost-effective way to enhance recreational opportunities, stimulate local businesses, and celebrate the natural beauty of the region.	1/1/2025 12:12 PM
14	the town needs to take some responsibility for beautification and ownership - there should be no reason that there is a giant hole in one of the only 'malls' in mayodan - tax dollars should be put to use to help define a more livable town - support the people	1/1/2025 10:56 AM
15	As a lifelong resident of Mayodan, I would like to see the historical charm of the town successfully combine with new opportunities for businesses, employment and recreation. We have a wonderful opportunity to grow with I-73 on the horizon but yet keep that small town feel.	12/28/2024 4:59 PM
16	Strengthen the police department with the equipment they need to protect and serve with the fire department and EMS, with a chaplain officer on the force!! Road repairs	12/26/2024 11:28 PM

17	Thank you!	12/23/2024 11:59 PM
18	Mayodan needs to think outside the box, not inside the box that is a sleepy little town whose residents drive 30 miles to Greensboro to shop and eat. Established mom-and-pop businesses in Mayodan already have an established loyal customer base. We don't need another Mexican or Italian restaurant; we have that. Bringing in new business will not automatically put these out of business. They will cater to a different and more diverse generation. Something needs to change. Otherwise, you'll be sending out this same survey 10 years from now, still asking the same questions with no progression.	12/23/2024 6:19 PM
19	I left a NC big city over 7 years ago to move to the country. The last thing we want is for the Mayodan - Madison area to be inundated with big box stores, gas stations and restaurants. If I can't get what I need here, I will either travel or order online. I moved to the country for the country, small town way of life. Bringing in new housing, brings more crime and more traffic.	12/23/2024 6:12 PM
20	Work on the kindness of your police department.	12/23/2024 6:06 PM
21	I wish we had more things for kids to do.	12/23/2024 11:24 AM
22	We should try to narrow down what kind of community we would like to foster and what kind of people we would like to attract for those looking to relocate or live within Mayodan.	12/23/2024 10:41 AM
23	Please restaff the town, the majority of us here are not pleased with your duties.	12/23/2024 10:10 AM
24	The town needs to crack down on homeowners or renters that do not keep up their property. It is out of control, just drive up and down the streets and take a look it's disgusting.	12/23/2024 9:54 AM







AGENDA ITEM COVER

Item for Agenda:	Amended Strategic Priorities
Placement on Agenda:	Old Business
Presenter:	Melody Shuler, Town Manager
Description of Agenda Item or Other Pertinent Information for Council:	<p>Background As part of the FY26-27 budget development process, staff has been reviewing the Town's adopted Strategic Plan priorities to assess how proposed and anticipated budget items align with the Town's long-term goals.</p> <p>Through this review, staff identified several areas where updates to the strategic priorities were necessary, primarily related to timing, sequencing, and alignment with current project schedules and funding realities.</p> <p>Feedback received from the retreat has been incorporated.</p> <p>Action Requested Adopt amended Strategic Priorities 2025-2030.</p>

Amended Strategic Priorities – March 9, 2026

Strategic Priority #1: Infrastructure

Proactively address aging infrastructure and facility limitations to ensure safety, service delivery, and readiness for future growth.

Objective 1: Develop a comprehensive infrastructure master plan.

Key Results:

- 1.1 – Conduct a full infrastructure audit (water, sewer, roads) by June 2026
 - 1.2 – Identify system conditions, capacity constraints, regulatory risks, and operational vulnerabilities
 - 1.3 – Identify and map 100% of high priority improvement zones across the downtown and city limits
 - 1.4 – Finalize and adopt public infrastructure plan by March 2027 to guide capital investment and prioritization.
-

Objective 2: Secure sustainable funding and partnerships for phased infrastructure upgrades.

Key Results:

- 2.1 – Hire consultant on commission or designate staff to apply for grants
 - 2.2 – Apply for at least 2 State and Federal grants by (USDA, DOT, CDBG) by December 2026
 - 2.3 – Secure at least \$3 million in funding commitments by December 2027

 - 2.4 – Allocate 15% of annual water and sewer budget after operating expenses over the next 3 years to infrastructure capital improvements
 - 2.5 – Complete a cost analysis for town operations of the sewer plant versus contracting out the work
-

Objective 3: Begin phased implementation of infrastructure projects starting Q1 2027.

Key Results:

- 3.1 – Identify all lead pipes warranting replacement by November 2027
- 3.2 – Launch Phase I, Downtown core upgrades, by March 2028
- 3.3 – Complete 75% of planned Downtown water and sewer line replacement by December 2028
- 3.4 – Resurface or reconstruct at least 10 miles of city roads by end of 2030

Strategic Priority #2: Downtown and Washington Mills

Leverage Downtown and Washington Mills revitalization to create a vibrant inclusive, and economically resilient town center.

Objective 1: Advance the revitalization of the Washington Mills site as a signature park and community destination.

Key Results:

- 1.1 – Complete design and engineering for Washington Mills Park Phase 1 by September 2026
 - 1.2 – Complete Phase 1 construction, including green space, trails, sports courts, river access, and supporting infrastructure by March 2028
 - 1.3 – Begin Phase 2 of Washington Mills Park by April 2028, pending funding
-

Objective 2: Develop a greenway connecting Washington Mills Park to Downtown Mayodan and the Mayo River State Park.

Key Results:

- 2.1 – Secure the NCDOT Toll Credit Pilot Program grant award in October 2025
 - 2.2 – Allocate required local match funding through the FY26-27 budget
 - 2.3 – Complete engineering by 2029
 - 2.4 – Initiate utilities and right-of-way acquisition by 2030
 - 2.5 – NCDOT initiate construction by 2032 with completion scheduled for 2034
-

Objective 3: Renovate the former library building to serve as a new Town Hall.

Key Results:

- 3.1 – Complete design plans for the renovation by April 2026
 - 3.2 – Begin construction in May 2026 with staff serving as general contractor and subcontracting work as needed
 - 3.3 – Complete all construction work by end of December 2027
-

Objective 4: Modernize the Police Department, while expanding into the existing Town Hall.

Key Results:

- 4.1 – Allocate funding in the budget to cover design and construction costs
- 4.2 – Complete design and cost estimate by March 2027
- 4.3 – Begin construction by April 2027 with completion scheduled for June 2028

Strategic Priority #3: Fire Department Hybrid Staffing & 24/7 Service Expansion

Transition the Mayodan Fire Department to a sustainable hybrid staffing model that strengthens emergency response reliability and positions the department for long-term growth and 24/7 service capability.

Objective 1: Establish a 24/7 staffed substation along NC 135 through partnership with Rockingham County.

Key Results:

- 1.1 – Initiate discussions with Rockingham County regarding partnership by March 2026
- 1.2 – Develop interlocal agreement outlining contract terms by March 2026
- 1.3 – Finalize staffing plan and funding allocation for 24/7 coverage by April 2026
- 1.4 – Substation operational and staff 24/7 no later than September 30, 2026

Objective 2: Develop and implement a hybrid staffing model (full-time and part-time).

Key Results:

- 1.1 – Complete needs assessment using professional firefighters organization by February 2027
- 1.2 – Determine strategy for implementing hybrid staffing model by March 2027
- 1.3 – Fund second full-time position in Budget FY27-28

Strategic Priority #4: Workforce Analysis and Employee Retention

Ensure the Town of Mayodan is positioned to successfully accomplish its strategic priorities and meet growing service demands, while retaining a skilled, motivated workforce.

Objective 1: Conduct a comprehensive workload and staffing analysis and begin phased implementation of recommendations.

Key Results:

- 1.1 – Collect data on job roles, workload indicators, and benchmarking comparisons by October 1, 2025
 - 1.2 – Engage staff and department heads through surveys and interviews by October 31, 2025
 - 1.3 – Analyze workload against current staffing capacity and identify gaps by November 28, 2025
 - 1.4 – Develop recommendations and report by January 31, 2025
 - 1.5 – Present findings to Town Council at the Budget Retreat 2026
 - 1.6 – Incorporate staffing recommendations from the analysis over the next three fiscal years through the annual budget
-

Objective 2: Strengthen employee retention, morale, and long-term workforce stability.

Key Results:

- 2.1 – Develop and present a comprehensive employee pay plan informed by market data, internal equity, and fiscal sustainability by March 2027
- 2.2 – Continue to evaluate benefits, incentives, and non-monetary retention strategies to support recruitment and retention
- 2.3 – Align performance evaluations, merit increases, and career progression opportunities with the pay plan by April 2027
- 2.4 – Integrate retention strategies into annual budgeting and workforce planning beginning FY 2026–27

Strategic Priority #5: Transparency & Community Engagement

Enhance transparency and communication to better engage the community and build trust in local government.

Objective 1: Improve transparency and accessibility of Town information.

Key Results:

- 1.1 – Update and modernize the Town website to be user-friendly and informative by September 2025
- 1.2 – Provide clear, timely updates on Town projects, services, meetings, and decisions to increase public understanding and confidence in local government

Objective 2: Enhance communication and community engagement efforts.

Key Results:

- 1.1 – Engage the community through regular and consistent social media posts that highlight Town activities, projects, events, and services
- 1.2 – Launch a monthly Town newsletter to keep the community informed about recent happenings, upcoming initiatives, and opportunities for involvement

Objective 3: Gather and respond to community feedback.

Key Results:

- 1.1 – Complete a community-wide survey by **June 2027** to assess resident satisfaction, priorities, and concerns across all service areas
- 1.2 – Analyze survey results and implement changes, where feasible, based on community feedback to guide future decision-making and strategic adjustments

IV. Strategic Priorities

1. Infrastructure

- a. Proactively address aging infrastructure and facility limitations to ensure safety, service delivery, and readiness for future growth.

2. Downtown and Washington Mills

- a. Leverage Downtown and Washington Mills revitalization to create a vibrant, inclusive, and economically resilient town center.

3. Parks and Recreation

- a. Expand recreational and tourism assets to strengthen community engagement, support local business, and foster economic development.

4. Workforce Analysis

- a. Ensure that the Town of Mayodan is positioned to successfully accomplish its strategic priorities and meet growing service demands.

V. Objectives and Key Results

Infrastructure

Objective 1: Develop a comprehensive infrastructure master plan by Q2 2026.

Key Results:

- 1.1- Conduct a full infrastructure audit (water, sewer, Telecom, roads) by March 2026
- 1.2- Conduct one survey and one public hearing by May 2026 to gather public stakeholder feedback
- 1.3- Finalize and adopt public infrastructure plan by June 2026
- 1.4- Identify and map 100% of high priority improvement zones across the downtown and city limits

Objective 2: Secure sustainable funding and partnerships for phased infrastructure upgrades.

Key Results:

- 2.1- Hire consultant on commission or designate staff to apply for grants
- 2.2- Apply for at least 10 State and Federal grants (USDA, DOT, CDBG) by December 2026
- 2.3- Secure at least \$15 million in public-private funding commitments by mid-2027
- 2.4- Partner with at least one regional telecom provider for broadband expansion funding by Q4 2026
- 2.5- Allocate 15% of annual water and sewer budget after operating expenses over the next 3 years to infrastructure capital improvements
- 2.6- Complete a cost analysis for town operation of the sewer plant versus contracting out the work

Objective 3: Begin phased implementation of infrastructure projects starting Q1 2027.

Key Results:

- 3.1- Identify all lead pipes warranting replacement by November 2027
- 3.2- Launch Phase I, Downtown core upgrades, by March 2028
- 3.3- Complete 75% of planned Downtown water and sewer line replacement by December 2028
- 3.4- Resurface or reconstruct at least 10 miles of city roads by end of 2030

Objective 4: Improve transparency, tracking, and community engagement.

Key Results:

- 4.1- Conduct biannual public briefings on infrastructure
- 4.2- Achieve an NPI 5 satisfaction rating from residents surveyed on communication and updates by the end of 2027
- 4.3- Publish an annual impact report starting 2026 that outlines project milestones and Return on Investments (ROI)

Downtown and Washington Mills

Objective 1: Advance the revitalization of Washington Mills by partnering with Destination by Design to deliver Phase 1 of Washington Mills Park.

Key Results:

- 1.1- Complete engineering and design by March 2026
- 1.2- Complete Phase 1 construction, including green space, trails, sports courts, river access, and infrastructure, by June 2027
- 1.3- Begin Phase 2 of Washington Mills Park by July 2027, pending funding

Objective 2: Develop a greenway connecting Washington Mills Park to Downtown Mayodan and the Mayo River State Park.

Key Results:

- 2.1- Secure the Tolls Credit Pilot Program grant award from NCDOT in October 2025
- 2.2- Allocate \$60,400 in the FY26-27 budget to provide the remaining local match
- 2.3- Initiate construction in June 2027 with NCDOT managing and Town Staff providing oversight
- 2.4- Complete the greenway connection by 2029

Objective 3: Renovate the old library building into a new Town Hall.

Key Results:

- 3.1- Complete design plans for the renovation by January 2026
- 3.2- Begin construction in February 2026 with staff serving as general contractor and subcontracting work as needed

- 3.3- Complete all construction work by the end of December 2027
- 3.4- Relocate town staff into the renovated Town Hall by June 2028

Objective 4: Expand the Police Department into the existing Town Hall and update existing building.

Key Results:

- 4.1- Allocate funding in the FY26-27 budget to cover design and construction costs
- 4.2- Begin design work in July 2026 and complete it by December 2026
- 4.3- Start construction in July 2027 and complete the expansion by December 2028

Farris Memorial Park Campground

Objective 1: Secure sustainable funding for upgrades and construction of a Farris Memorial Park campground that will include RV and tent-camping.

Key Results:

- 1.1- Research and apply for grants and public and private funding, securing \$1 million in funding
- 1.2- Request additional money, a 20% budget increase, from the Town for personnel and upkeep

Objective 2: Complete design and construction of Farris Memorial Park Campground in Phases I-III.

Key Results:

- 2.1- Phase I – begin engineering and design by July 2026 and complete by January 2027
- 2.2- Phase II – Start construction of no-hookup site in February 2027 and complete by July 2028
- 2.3- Phase III – Begin RV campground with hookups in 2029 (includes roadways, water lines, electrical, and sewage holding tank)

Workforce and Staffing Analysis

Objective 1: Conduct a comprehensive workload and staffing analysis of all departments by December 2025.

Key Results:

- 1.1- Collect data on job roles, workload indicators, and benchmarking comparisons by October 1, 2025
 - 1.2- Engage staff and department heads through surveys and interviews by October 31, 2025
 - 1.3- Analyze workload against current staffing capacity and identify gaps by November 28, 2025
 - 1.4- Develop recommendations and report by December 31, 2025
 - 1.5- Present findings to Town Council on January 12, 2026 meeting
-

VI. Governance and Accountability

- **Town Council:** sets strategic direction and approves funding
 - **Town Manager:** oversees implementation and performance tracking
 - **Department Heads:** execute initiatives and report progress
 - **Public Reporting:** annual strategic plan report published online and presented at Town Council meeting
-

VII. Budget and Resource Alignment

- Strategic priorities integrated into FY2026-FY2030 budget cycles
- Capital Improvement Plan updated to reflect infrastructure and recreation goals
- Grant strategy aligned with state and federal funding opportunities
- Workload and staffing analysis conducted as part of strategic plan adjustment

VIII. Monitoring and Evaluation

- Performance dashboards assessed monthly at department head meetings
 - Annual performance dashboards presented to council at a high level
 - Mid-cycle review and adjustment in 2027
-

AGENDA ITEM COVER

Item for Agenda:	Alley Closure Intent
Placement on Agenda:	New Business
Presenter:	Melody Shuler, Town Manager
<p style="text-align: center;">Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Consideration of a Resolution Ordering the Closure of a Public Alley located between Rockingham County Parcel Nos. 120292 and 120290, adjacent to 109 South 2nd Avenue, Mayodan, North Carolina.</p> <p>PURPOSE:</p> <p>To conduct a public hearing and consider adoption of a resolution ordering the closure of the above-referenced public alley pursuant to N.C.G.S. §160A-2</p> <p>BACKGROUND:</p> <p>The Town Council previously adopted a Resolution of Intent declaring its intention to consider closing the public alley. Notice of the public hearing was published for four successive weeks in accordance with statutory requirements.</p> <p>Certified mail notices were sent to all abutting property owners, and the required posting of notices was completed pursuant to G.S. 160A-299.</p> <p>The public hearing is scheduled for March 9, 2026, at 6:00 p.m.</p> <p>Action Requested Adopt a Resolution of Intent of alley closure</p>

Town of Mayodan

Official Procedure for Closing Streets and Alleys under N.C.G.S. 160A-299

1. Purpose

This procedure establishes the official process for the Town of Mayodan to consider requests for the permanent closure of public streets or alleys in accordance with **North Carolina General Statute 160A-299**.

2. Application Requirements

Any individual or entity requesting the closure of a street or alley shall:

- Submit a **petition** to the Town Clerk requesting the closure.
- Include a **map or survey** (subdivision plat, survey, or tax map) showing the area proposed for closure.
- Provide a **verified legal description** of the portion of street or alley to be closed.
- Verify that the street or alley has been **dedicated to public use** (via subdivision plat, title search, or other record evidence).
- Provide the **names and mailing addresses of all property owners adjoining** the portion to be closed.
- **NEW:** Submit a **petition form signed by all abutting property owners** indicating acknowledgment and support of the proposed closure. Signatures should be collected on the official *Abutting Property Owner Signature Sheet* provided by the Town.
- Submit a **fee in the amount established by the Town Council**, made payable to the Town of Mayodan. This fee covers administrative, advertising, and mailing costs associated with the street closure process.

3. Resolution of Intent to Consider Street or Alley Closure

Upon receipt of a complete application, the Town Clerk shall prepare a **draft Resolution of Intent to Consider the Street (or Alley) Closure** for review by the Town Manager and presentation to the Town Council.

The Town Council shall adopt the Resolution of Intent, which: - Sets the **date and time for a public hearing**, typically four (4) weeks after adoption to allow for required public notice. - Directs the **Town staff** to complete all publication, mailing, and posting requirements as outlined in State law.

4. Public Notice Requirements

Following adoption of the Resolution of Intent:

- Publish notice once a week for **four (4) consecutive weeks** in a newspaper of general circulation.
- Send copies by **certified mail (return receipt requested)** to all adjoining property owners as shown in county tax records.
- Post copies of the notice in **two (2) prominent places** along the street or alley proposed for closure.
- **NEW:** If the street or alley is under **NCDOT jurisdiction**, the Town shall obtain **written acknowledgment or consent from the North Carolina Department of Transportation** prior to final Council consideration of the closure resolution.

5. Documentation and Hearing Preparation

Before the hearing, Town staff shall:

- Prepare the **Resolution to Close the Street or Alley**.
- Retain **proof of all required mailings, postings, and publications**, including return receipts and certifications.
- Maintain all documentation within the Town's official records.
- **NEW:** Confirm that all required **utility company consents or easement reservations** have been obtained or acknowledged prior to Council action.

6. Public Hearing and Council Action

At the scheduled hearing:

- **Any interested person may appear and be heard** regarding whether the proposed closure is contrary to the public interest or would deprive any property owner of reasonable means of ingress and egress.
- Following the hearing, the Town Council shall determine whether:
 1. The closure is **not contrary to the public interest**; and
 2. **No owner of property in the vicinity** would be deprived of reasonable access to their property.

If both findings are made, the Town Council may adopt a **Resolution Closing the Street or Alley** in accordance with N.C.G.S. 160A-299.

7. Recording of Street Closure

Upon adoption of the Resolution Closing the Street or Alley:

- The **Town Clerk** shall prepare and record a certified copy of the adopted resolution in the **Rockingham County Register of Deeds**.

- The Town shall ensure that any required supporting materials—such as **maps, plats, and utility or NCDOT acknowledgments**—are attached and indexed appropriately.

Recording Procedure: - Record the certified resolution adopted by the Town Council. - Attach the **notice of publication** and the **pertinent map or plat** when possible. - Index the **Town of Mayodan as Grantor** and the **adjoining property owners as Grantees**.

8. Effect of Street Closure

Upon adoption and recording:

- **All public rights and easements of any kind are terminated** in the portion of the street or alley closed.
- **Title to the closed right-of-way vests** in the owners of property adjoining the closed street or alley, with each owner acquiring title to the centerline of the closed area, unless a plat or legal document provides otherwise.
- The Town may **reserve a utility or drainage easement** over the closed area as needed.
- **NEW:** The Town shall confirm that any existing utility infrastructure within the right-of-way has been properly addressed and that public utility easements are reserved where necessary.

9. Appeals

Any person aggrieved by the closing may **appeal within thirty (30) days** after the adoption of the Resolution Closing the Street or Alley by filing notice of appeal with the **General Court of Justice**. The appeal shall be heard de novo by a Superior Court judge.

10. Administrative Notes

- **NEW:** *Attachment A – Abutting Property Owner Signature Sheet* shall be maintained as part of this procedure and used for all street or alley closure applications.
- The Town retains discretion to deny petitions not in the public interest.

Town of Mayodan

Application for Street or Alley Closure
Pursuant to N.C.G.S. 160A-299

1. Applicant Information

Applicant Name(s): QUENT HALEY

Mailing Address: 713 CEDAR MT ROAD - MAYODAN NC.

Phone Number: (376) 344-0550 Email Address: HALEYS7@YAHOO.COM

Interest in Property: Owner Authorized Agent Other _____

2. Street or Alley Information

Name of Street or Alley Proposed for Closure: 109-SOUTH 2ND (120292)

Location/Endpoints (from ___ to ___): (120290)

Type: Street Alley Portion of Both

Has the street or alley been opened to public use? Yes No

Is the street or alley under NCDOT jurisdiction? Yes No

3. Required Attachments

Map or survey (subdivision plat, survey, or tax map) showing the area proposed to be closed

Legal description of the portion of street/alley proposed for closure

Verification of public dedication (copy of recorded plat or deed of dedication)

List of adjoining property owners (names and mailing addresses as shown in Rockingham County tax records)

Petition Signatures of Abutting Owners (Administrative Requirement) – Signature sheet attached separately. Each abutting owner should sign to indicate support.

Letters of consent from utilities (if required) or acknowledgment of easement reservation

If under NCDOT control: acknowledgment that NCDOT consent is required prior to final approval

Application fee of \$500, payable to the Town of Mayodan (covers advertising and administrative costs)

4. Applicant Certification

I (we) hereby request that the Town of Mayodan initiate the process to permanently close the above-described public street or alley in accordance with N.C.G.S. 160A-299. I (we) certify that all information and attachments provided are true and accurate to the best of

my (our) knowledge and understand that the Town of Mayodan will manage all required notices, publications, and filings related to this process.

Applicant Signature: *[Signature]* Date: 02/05/26

Co-Applicant (if applicable): _____ Date: _____

5. Town Use Only

Action	Date	Initials
Application Received by Town Clerk	2/6/26	ST
Fee Received ^{\$500.00} 500 check ₅₀₀	2/6/26	ST
Verified Dedication to Public Use		
Verified Adjoining Property Owners		
Utility / NCDOT Consents Verified		
Resolution of Intent Prepared		
Public Hearing Scheduled for		
Notices Published / Mailed / Posted		
Council Action: Approved Denied		
Resolution Recorded at Register of Deeds		

Attachment A – Abutting Property Owner Signature Sheet


Town of Mayodan – Street or Alley Closure Petition

Street or Alley Name: SOUTH 2ND AVE (120272) (PARCEL)

Location/Endpoints (from ___ to ___) (120290) (PARCEL)

Each property owner abutting the proposed street or alley must sign below to acknowledge and support this petition. Additional sheets may be attached if necessary.

Property Owner Mailing Address Signature Date
Name

* BOSLA PROPS	BOSLA PROPS 105 SASK MAN ST		2/16/2026
* 1ST BOSTON	(120223) PARCEL		
1ST BOSTON	111 EAS MAN ST		
100 //	104 SOUTH 1ST		

Return this completed signature sheet with your Street or Alley Closure Application to:

Town Clerk – Town of Mayodan
210 W. Main Street, Mayodan, NC 27027

Attachment A – Abutting Property Owner Signature Sheet


Town of Mayodan – Street or Alley Closure Petition

Street or Alley Name: SOUTH 2ND AVE (120272) (PARCEL)

Location/Endpoints (from __ to __) (120290) (PARCEL)

Each property owner abutting the proposed street or alley must sign below to acknowledge and support this petition. Additional sheets may be attached if necessary.

Property Owner Mailing Address Signature Date
Name

* BOSLA PROPS	BOSLA PROPS 105 EAST MAIN ST		2/16/2020
* 1ST BARTON	(120223) PARCEL	Jana Claybrook	2/23/20
1ST BOSTON	111 EAST MAIN ST.	Jana Claybrook	2/23/20
100 //	104 SOUTH 1ST	Jana Claybrook	2/23/20

Return this completed signature sheet with your Street or Alley Closure Application to:
Town Clerk – Town of Mayodan
210 W. Main Street, Mayodan, NC 27027





RESOLUTION OF INTENT

A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF MAYODAN TO CONSIDER THE CLOSING OF A PUBLIC ALLEY LOCATED BETWEEN ROCKINGHAM COUNTY PARCEL NOS. 120292 AND 120290, ADJACENT TO 109 SOUTH 2ND AVENUE, MAYODAN, NORTH CAROLINA.

WHEREAS, G.S. 160A-299 authorizes the Town Council to close streets and public alleys; and

WHEREAS, the Town Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a public alley located between Rockingham County Parcel Nos. 120292 and 120290, adjacent to 109 South 2nd Avenue, Mayodan, North Carolina;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

A meeting will be held at 6:00 p.m. on the 9th day of March, 2026, in the Town Hall Council Chambers, 210 W. Main Street, Mayodan, North Carolina, to consider a resolution closing the above-described public alley.

The Town Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in a newspaper of general circulation in the area.

The Town Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon said alley a copy of this Resolution of Intent.

The Town Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made by Councilmember _____ and duly seconded by Councilmember _____, the above resolution was duly adopted by the Town Council at the meeting held on the ___ day of _____, 2026, in the Town Hall.

Upon call for a vote the following Councilmembers voted in the affirmative:
and the following Councilmembers voted in the negative:

This the ___ day of _____, 2026, at _____ p.m.

ATTEST:

Sarah Hopper, Town Clerk

E. Dwight Lake, Mayor

AGENDA ITEM COVER

Item for Agenda:	Award Solid Waste and Recycling Contract
Placement on Agenda:	New Business
Presenter:	Melody Shuler, Town Manager
<p style="text-align: center;">Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Background On January 13, 2026, the Town issued a Request for Proposals (RFP) for Residential Solid Waste Collection Services. Proposals were due by noon on February 13, 2026.</p> <p>Two (2) proposals were received:</p> <ul style="list-style-type: none"> • Meridian Waste North Carolina, LLC • Waste Management of Carolinas, Inc. <p>A review committee consisting of four Town staff members evaluated the proposals based on the criteria established in the RFP, including experience, service approach, reliability, customer service capabilities, and overall value to the Town.</p> <p>After review and discussion, the committee was unanimous in recommending Meridian Waste North Carolina, LLC.</p> <hr/> <p>Key Factors Supporting Recommendation By selecting Meridian Waste, residents will continue to receive personalized, responsive service that is easily accessible and attentive to community needs. The Town currently contracts with Meridian and has experienced consistently positive performance. Staff have reported quick resolution of complaints, prompt responses to questions, and a high level of flexibility when service adjustments are needed. The working relationship has reflected a strong local and regional partnership approach.</p> <p>Additionally, Meridian’s pricing structure includes all costs within the proposed rate, with no fuel</p>

surcharge applied, providing cost certainty for the Town and its residents. Meridian observes only three holidays annually, resulting in fewer service interruptions and delays compared to providers that observe additional holidays.

Fiscal Impact

The contract term is anticipated to be five (5) years. Pricing is structured on a per-cart basis with all charges included and no fuel surcharge. The rate will be assessed along with the annual update of the fee schedule.

Based on the pricing quotes submitted with the RFP responses, Finance is estimating Meridian monthly services to cost \$18,113 and Waste Management monthly services to cost \$19,322. Although this is an increase of roughly \$830 per month compared to our current contracted services, Meridian is the lower bid received.

Requested Action

Motion to award the Residential Solid Waste and Recycling Collection Contract to **Meridian Waste North Carolina, LLC**, and authorize the Town Manager to execute a five-year agreement consistent with the submitted proposal.

SOLID WASTE AGREEMENT

This Contract is hereby made and entered into as of this _ day of March, 2026 (the "Effective Date"), between the Town of Mayodan, an incorporated municipality of the State of North Carolina organized and existing under the laws of North Carolina, and Meridian Waste North Carolina, LLC, a North Carolina limited liability company (hereinafter referred to as "Contractor").

WITNESS ETH

WHEREAS, it is necessary for the Town of Mayodan (hereinafter referred to as "Town") to promote, preserve and protect the public health of its citizens; and

WHEREAS, Town has the authority to determine the manner of collection and disposal of solid waste and recycling generated by residents and commercial entities of the Town, and to enter into a contract for such purposes; and

WHEREAS, the granting of this exclusive Contract to a private corporation for the Collection Services as contemplated herein is a valid function of the Town; and

WHEREAS, the Town and Contractor are desirous of entering into this Contract, under the terms of which Contractor shall have an exclusive Contract for residential solid waste and recycling collection in the Service Area designated herein for a specified period of time for the Collection Services and disposal or processing contemplated hereby; and

WHEREAS, it is deemed to be in the best interest of the Town and the residents of the Town for the Town to enter into the Contract with Contractor in order to ensure high quality services by Contractor to the Town within the designated Service Area at reasonable rates to Town residents; and ;

WHEREAS, the Town and Contractor have agreed to the conditions, terms, rates, provisions and considerations under which Contractor shall perform such solid waste collection, recycling and disposal services as herein set out, and for the compensation as hereinafter provided.

NOW, THEREFORE, in consideration of the covenants and agreements herein contained, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the Town and Contractor agree as follows:

1.1 TERM: The Term of this Contract, as defined herein, shall be for the period beginning July 1, 2026, and expiring on June 30, 2031 (the "Initial Term").

1.2 Renewal: The Agreement may be renewed for an additional five (5) year term by furnishing the contractor and/or Town with written notice of its decision at least 180 calendar days before expiration of the then-current term.

- 2.0 DEFINITIONS:** To the extent the definitions contained herein conflict with similar definitions contained in any federal, state or local law, such law shall prevail. However, nothing contained herein shall be interpreted to require the Contractor to undertake any conduct which is contrary to federal, state or local law.
- 2.1** Acceptable Residential Municipal Solid Waste shall mean any Residential Municipal Solid Waste, excluding sanitary waste in septic tanks and Unacceptable Waste.
- 2.2** Base Collection Services shall mean weekly Collection Services of Residential Municipal Solid Waste and ever other week collection of comingle recycling.
- 2.3** Collect or Collection shall mean to remove Residential Municipal Solid Waste, Comingle Recycling for transport elsewhere, or cause such to be done.
- 2.3** Collection Services shall mean the Collection, from a Service Unit, of Residential Municipal Solid Waste, Comingle Recycling, including related transportation, transfer, processing and/or disposal.
- 2.4** Collection Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn for the purposes of performing the Collection Services.
- 2.5** Contract shall mean this Contract between the Town and Contractor.
- 2.6** Contract Year shall mean July 1 through June 30 of each calendar year.
- 2.7** Contractor shall mean Meridian Waste North Carolina, LLC.
- 2.8** Town shall mean the Town of Mayodan, North Carolina
- 2.9** Day shall mean calendar day.
- 2.10** Default shall mean a breach of this Contract by the Contractor or the Town, which breach is not cured within the applicable cure period allowed herein.
- 2.11** Designated Collection Location shall mean where the edge of the Collection cart(s) are placed within three (3) feet of the curb, paved surface of the public road, closest Accessible public right-of-way, or other such location agreed to by the Contractor that will provide safe and efficient accessibility to the Contractor's collection crew and Collection Vehicle. For purposes of this Contract, public road or public right-of-way means a road owned and maintained by the State, Town or a road on private property for which an easement has been granted to the public and such road is constructed and maintained to a standard whereby access is available by the Collection Vehicle.

- 2.12** Disabled Person shall mean an Owner of a Service Unit who is disabled to the extent that he or she is incapable of placing his or her Residential Municipal Solid Waste or Recycling cart within the Designated Collection Location for Collection by the Residential Service Provider, such that he or she shall be provided with Non-Curbside Collection so long as he or she obtains a Town-issued certificate certifying such disability, provides the Town-issued certificate to the Contractor and no other able-bodied individual resides within the residential unit. Disabled Person shall include an Owner of a Service Unit with a temporary disability not to exceed 90 days. Non-Curbside service shall only include Residential Municipal Solid Waste and Recycling services.
- 2.13** Disposal shall mean dumping or depositing of Solid Waste into or onto a Disposal Facility so that the waste or any constituent thereof is introduced into the environment.
- 2.14** Processing shall mean the dumping or depositing of Commingled Recycling onto the floor of a recycle center for processing.
- 2.15** Disposal Facility shall mean a sanitary landfill or other solid waste disposal facility permitted by the North Carolina Department of Environmental Quality and/or other applicable regulatory agency with jurisdiction and utilized for the receipt or final disposition of solid waste generated within any Service Area.
- 2.16** Duplex shall mean a building designed exclusively for residential occupancy by two Families.
- 2.17** Environmental Protection Agency (EPA) shall mean the United States Environmental Protection Agency, or any duly authorized official of said Agency.
- 2.18** Facility shall mean all contiguous land and structures, other appurtenances, and improvements on the land used for the storage, processing, or disposal of solid waste.
- 2.19** Family shall mean an individual or group of persons occupying a single dwelling unit.
- 2.20** Hazardous Waste shall mean any solid waste which has been defined as hazardous waste in regulations promulgated by the United States Environmental Protection Agency or under the North Carolina Waste Management Act.
- 2.21** Holiday shall mean New Year's Day, Thanksgiving Day, and/or Christmas Day
- 2.22** Key Personnel shall mean managers, supervisors, or similar personnel responsible for oversight and supervision of other personnel, services and/or equipment maintenance.
- 2.23** Mobile Home shall mean a mobile or manufactured home receiving residential-type waste collection.

- 2.24** Multi-Family Dwelling shall mean a building designed exclusively for residential occupancy by more than one Family, except for Duplex, Triplex, and Quadraplex units.
- 2.25** Municipal Solid Waste (MSW) shall mean any solid waste derived from households or Commercial establishments including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multi-family dwellings, Duplexes, Triplexes, Quadraplexes, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes commercial solid waste but does not include Construction and Demolition Waste and Solid Waste from mining, agricultural, or silvicultural operations or industrial processes or operations.
- 2.26** New Customer shall mean any Owner of a newly constructed or recently renovated Service Unit (what about buildings that are currently vacant or commercial use that are renovated into apartments).
- 2.27** Non-Curbside Collection shall mean Collection of Municipal Solid Waste outside of the Designated Residential Collection Location, according to the reasonable rules established by the Contractor.
- 2.28** Owner shall mean any person, firm, corporation or other entity owning, leasing, renting, occupying, or managing any premises within the Service Area.
- 2.29** Person shall mean the State of North Carolina or any other state or any agency or institution thereof and any municipality, Town, political subdivision, public or private corporation, solid waste authority, special district empowered to engage in solid waste management activities, individual, partnership, association, or other entity in North Carolina or any other state. This term also includes any officer or governing or managing body of any municipality, political subdivision, solid waste authority, special district empowered to engage in solid waste management activities, or public or private corporation in North Carolina or any other state. This term also includes employees, departments, and agencies of the federal government.
- 2.30** Plan shall mean the Solid Waste Management Plan developed for the Town of Mayodan.
- 2.31** Putrescible Waste shall mean wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible waste include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage and wastes which are contaminated by such wastes. Putrescible Waste does not include Unacceptable Waste.
- 2.32** Quadraplex shall mean a building designed exclusively for residential occupancy by four Families.

- 2.33** Residential Municipal Solid Waste shall mean Municipal Solid Waste discarded by Single-Family Dwellings, Duplexes, apartments, condos, townhomes, Triplexes, Quadraplexes, or Mobile Homes.
- 2.34** Residential Municipal Solid Waste Collection Services shall mean the Contractor's Collection, Processing and Disposal of Residential Municipal Solid Waste, in accordance with the terms of this Contract.
- 2.35** Residential Municipal Solid Waste, Recycle Storage Cart shall mean a leak-proof container with attached lid that will allow for the automated or semi-automated collection of Residential Municipal Solid Waste. The Cart shall be 96-gallon in size.
- 2.36** Residential Service Provider shall mean Contractor.
- 2.37** Service Area: The entire geographic area within the corporate limits of The Town of Mayodan. A change in Service Area shall be disclosed to the Contractor.
- 2.38** Service Fee shall mean the monthly amount paid to the Contractor to provide Base Collection Services to a Service Unit.
- 2.39** Service Unit shall mean each unit or units within the following that set out their Residential Municipal Solid Waste in single-family residential-type storage containers and/or Residential Municipal Solid Waste Storage Carts: Single-Family Dwellings; Duplexes or two-unit Multi Family dwellings; Triplexes or three-unit Multi-Family dwellings; Quadraplexes or four unit Multi-Family dwellings; and Mobile Homes
- 2.40** Single-Family Dwelling shall mean a building designed exclusively for residential occupancy by one Family.
- 2.41** Solid Waste shall mean any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include Unacceptable Waste; recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).
- 2.42** State shall mean North Carolina.
- 2.43** Term shall have the meaning set forth in section 1 above.
Unacceptable Waste shall mean Hazardous Waste, Biomedical Waste, Tires, paints, paint solvents, Treated Wood, unemptied aerosol cans, C&D Waste, compressed gas cylinders, large engine parts, small engines containing oils or fuels, chemicals, large glass panes, any yard waste including large tree debris, stumps, ammunition of any type, dead animals larger than 10 lbs., firearms, as well as

any and all waste of which the acceptance and handling by Contractor would cause a violation of any permit condition, legal or regulatory requirement, substantial damage to Contractor's equipment or facilities, or present a substantial danger to the health or safety of the public or Contractor's employees.

2.44 Unanticipated Events shall mean severe weather events such as hurricanes, tornadoes, floods, ice storms or hail, snow storms, high winds exceeding 40 mph and other disasters such as fires, which may generate unexpected Municipal Solid Waste quantities.

2.45 Uncontrollable Circumstances includes Unanticipated Events, and shall mean any act, event or condition (excluding those which result from the willful or negligent action or inaction of a party) occurring during the term that has, or may reasonably be expected to have, a material and adverse effect on a right or an obligation of either or both parties to this Contract, if such act, event or condition is beyond the reasonable control of the party relying thereon as justification for not performing under this Contract. Uncontrollable Circumstances shall include, but are not limited to, the following: an act of God, landslide, lightning, earthquake, fire, pandemic/epidemic, explosion, flood, ice storm, nuclear radiation, acts of a public enemy or terrorist, war, blockade, insurrection, riot or civil disturbance. Uncontrollable Circumstances shall not include reasonably anticipated weather conditions for the geographic area of the Town, insolvency or inability to pay any amount, or inability to obtain any letter of credit, surety bond, payment or performance bond or any other security required by this Contract.

3.1 SCOPE OF SERVICES TO BE PROVIDED BY CONTRACTOR

3.1.1 Services to be provided by Contractor during Term of this Contract, Contractor shall provide the Collection Services in accordance with the terms of this Contract, and the right to provide the Collection Services in the designated Service Area. Non-Curbside Collection must also be offered to Disabled Persons requesting such service; provided however, Non-curbside Collection is available only if all adult persons residing in the Service Unit are also Disabled Persons whom have obtained a physician's certificates certifying such disability. Accordingly, the Contractor shall provide Collection Services within this Service Area as described below:

3.1.2 (A) Residential Municipal Solid Waste Collection. The Contractor will provide once per week Collection of Residential Municipal Solid Waste from a Residential Municipal Solid Waste Storage Cart. Collection is limited to the content of the Cart. All waste must be bagged before placement in the Cart to limit blowing litter upon emptying the Cart. Additional Carts may be requested (for a fee) for overflow waste materials. It is the intent of this contract for additional Carts to be utilized for those units generating excess waste on a regular basis. Contractor shall not be deemed to be in default of this Contract in the event the Service Unit does not timely place for Collection such Residential Municipal Solid Waste Storage Cart in the Designated Collection Location. The Initial Residential Unit count is 1,220 at the signing of this contract, as units are added or deleted the count will be reflective and reported monthly.

3.1.3 (B) Residential Recycling Collection. The Contractor will provide every other week Collection of Recycling from a Residential Recycling Storage Cart. Collection is limited to the content of the Cart. All recycling must be placed in the Cart to limit blowing litter upon emptying the Cart. Additional Carts may be requested (for a fee) for overflow recycling. It is the intent of this contract for additional carts to be utilized for those units generating excess recycling on a regular basis. Contractor shall not be deemed to be in default of this Contract in the event the Service Unit does not timely place for Collection such Recycling Storage Cart in the Designated Collection Location. The initial Residential unit count is 1,220 at the signing of this contract, as units are added or deleted the count will be reflective and reported monthly.

3.1.4 Municipal Solid Waste Storage Carts. The Town will provide and the vendor shall provide service to each Service Unit with one Residential Municipal Solid Waste Storage Carts ("Cart") that shall be approximately 96 gallons for MSW. These Carts may be new, or if in good working condition and clean, may be refurbished. The Town shall maintain ownership of the Cart throughout the term of the contract. Additional Carts may be requested by the citizen and will be charged in accordance with the pricing terms.

3.1.5 Municipal Recycling Storage Carts. The Town will provide and the vendor shall provide service to each Service Unit with one Residential Recycling Storage Carts ("Cart") that shall be approximately 96-gallon Cart for Recycling. These Carts may be new, or if in good working condition and clean, may be refurbished. The Town shall maintain ownership of the Cart throughout the term of the contract. Additional Carts may be requested by the citizen and will be charged in accordance with the pricing terms.

3.1.6 Commercial Municipal Solid Waste: The Town shall provide and the vendor shall service 96-gallon carts at the fifteen (15) Town Facilities and approximately ten (10) commercial businesses for the rate designated in Exhibit A. Additional Carts may be requested (for a fee) for overflow waste materials. It is the intent of this contract for additional carts to be utilized for those units generating excess waste on a regular basis. Initial Commercial Cart count is ten (10) at the signing of this contract, as units are added or deleted the count will be reflective and reported monthly.

4.1 FEES AND PAYMENTS FOR SERVICES

4.2 The Service Fee includes Residential MSW, Recycling collections, all Commercial collections, as well as Town Facilities. Service fees will be collected monthly by the Town. After receipt of a monthly invoice from Contractor, the Town will pay the Service Fees collected by the Town to Contractor. All fees are attached to this agreement and labeled Exhibit A.

4.2 The number of Service Units shall mean the total residential dwellings receiving the Residential Service plus the total Town Facilities, and Commercial units. The Contractor shall have the right to verify the number of units annually upon submission of

a unit count audit plan to the Town. The Town shall review and approve the unit count audit plan within 30 days of submission and approval by the Town shall not be unreasonably withheld. A Town representative(s) may participate in the unit count audit; however, non-participation by the Town shall not prohibit the adoption of the audit results.

4.4 Service Fee Payment. No later than the tenth day of each calendar month, the Town shall pay the Contractor the amounts set forth in the Statement of Service Fees in accordance with this section. Within ten (10) days of receipt of the Statement of Service Fees issued by the Contractor, the Town shall notify the Contractor of any dispute it may have with respect to the Contractor's Statement of Service Fees.

4.5 Rate Adjustments. The rates shall be adjusted upward annually each year effective July 1st beginning July 1st, 2027 upon the rate of inflation as reported by the Department of Labor's Consumer Pricing Index for All Urban Consumers - U.S. City Average- Garbage and Trash Collection. (<https://www.bls.gov/news.release/cpi.to2.htm>)

4.5. Unforeseen Increases: In the event the Contractor's operational costs are increased due to changes in governmental regulations or disposal fees, the Contractor may submit a request for an increase including a cost analysis that demonstrates proof of need. Approval of the rate change shall be timely and not be unreasonably withheld.

5.1 CONTRACTOR/TOWN RESPONSIBILITIES

5.2 Initiation of Service: Contractor will only be responsible for initiating Base Collection Services for a New Customer only upon receiving notice from the Town that the Service Unit has become occupied.

5.3 The Contractor shall be responsible for collection of all base services, fielding complaints, delivering carts to new occupants, and detailed monthly reports consist of mutual consented items by both Parties.

5.4 The Contractor shall provide at the beginning of the contract and to any new occupants of a residential unit collection guidelines outlining the garbage and recycling collection schedule and placement of items including contact information for the Contractor.

5.5 Town Responsibilities. The Town will be responsible for carts, billing and collecting the Service Fee and transmitting that to the contractor for all Base Collection Services from existing Service Units and New Customers based upon occupancy permits issued by the County Town.

5.6 Service Inquiries & Referrals: The Contractor shall maintain an appropriate number of customer service representatives/dispatchers to accept and respond to Town residential calls and/or inquiries. All complaints received by the Contractor or the Town shall be resolved by the same or next business day. The Contractor shall

maintain a daily log of all complaints received and time that complaint was resolved. The Contractor shall provide a monthly report to the Town, which will include a summary of the daily reports for the prior month. The Town will be responsible for referring to Contractor any Service Unit service requests and/or complaints of which the Town becomes aware that are not reported directly to the Contractor.

5.7 Monitoring Contractor Compliance: The Town is responsible for monitoring Contractor compliance with all provisions of this Contract, including complaint resolution. The Town may, from time to time, audit the Contractor with respect to this Contract and the work performed hereunder, to assure all work is being completed in a timely manner.

6.1 SCHEDULE OF COLLECTION

6.2 Hours of Collection: All Collection must be performed between the hours of 6am and 6 pm during the Contract Year, Monday through Friday (or Monday through Saturday during a Holiday week). Contractor may request that the Town grant a variance to these normal hours of operations when special or unforeseen incidents occur.

6.3 Holidays: The Contractor shall not be required to perform Collection Services or maintain office hours on Holidays. The collections that would have been made on a Holiday will be made the day following their normal collection day.

7.1 LITTER AND SPILLAGE

7.2 The Contractor shall not litter or cause any spillage to occur upon the premises, roadway or the right-of-way wherein the collection shall occur. During hauling, all Residential Municipal Solid Waste and Recycling shall be contained, tied, or enclosed so that leaking, spilling and blowing is prevented. If any Residential Municipal Solid Waste, Recycling are spilled during Collection, or any spillage or leakage occurs, including but not limited to, spillage or leakage of hydraulic and other fluids from the Collection Vehicle or materials such as paint the Contractor shall promptly clean up all spilled materials. Each Collection Vehicle shall carry all necessary equipment, including a broom and shovel, at all times for this purpose.

8.1 DESIGNATED DISPOSAL AND PROCESSING LOCATIONS

8.2 Residential Municipal Solid Waste: All Residential Municipal Solid Waste Collected by the Contractor shall be delivered to Rockingham County Landfill an approved MSW disposal facility regulated by NCDEQ.

8.3 Recycling: All Recycling collected by the Contractor shall be delivered to an approved NCDEQ Recycling Processing Facility determined by the Contractor.

9.1 COLLECTION EQUIPMENT

9.2 Contractor shall provide a fleet of Collection Vehicles sufficient in number and capacity to efficiently perform the work required by the Contract in strict

accordance with its terms. Contractor shall have available on days of Collection, sufficient back-up Collection Vehicles for each type of Collection Vehicle used to respond to complaints and emergencies.

9.3 Specifications: All Collection Vehicles used by Contractor in providing collection of materials under the Contract shall comply with all applicable local, Town, State, and federal regulations. Collection Vehicles must be enclosed and designed to prevent leakage, spillage or overflow. All such Collection Vehicles shall comply with U.S. Environmental Protection Agency noise emission regulations and other applicable noise control regulations.

9.4 Location: All vehicles servicing the Town of Mayodan will be maintained and operated from an official Meridian Waste North Carolina facility.

10.1 UNACCEPTABLE WASTE

10.1 The Contractor shall not be required to collect or dispose of Unacceptable Waste set-out by any Service Unit. Title to Unacceptable Waste shall at all times remain with the generator of such Unacceptable Waste regardless of whether the Unacceptable Waste is loaded or unloaded. Contractor shall, however, notify the Service Unit of the reasons for rejection of the Waste.

11.1 COMPLAINTS

11.2 The Contractor shall maintain and adequately staff a Customer Service Department to handle customer calls and complaints throughout the Term of the Contract. The Customer Service Department will be open, at a minimum, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with an answering service or machine available during closure. Contractor's Customer Service Department shall be able to receive complaints by e-mail or webform and use a computerized customer database that shall be updated by the Contractor's employees. All service requests or complaints shall initially be directed to Contractor's Customer Service Department. All legitimate complaints resulting solely from the actions or omission of the Contractor shall be resolved by the end of the following business day. The Town may review and approve procedures for handling complaints.

11.3 If Contractor misses the collection of any of the services for a Service Unit and fails to resolve the complaint on the same day as reported, then Contractor shall take sole responsibility to ensure that corrective action takes place by the end of the following business day. The contractor shall maintain complaint records indicating the time and date a complaint or request is received, the nature of the complaint or request, the name and address of the persons making the complaint or request, and the disposition of the same.

11.4 If a complaint for missed collection is received it will be logged and resolved within 24 hours of receipt of the complaint. If a complaint is received on Friday after 10:00 a.m. or on a holiday it will be resolved on the next business day.

12.0QUALITY OF PERFORMANCE OF CONTRACTOR

12.1 Breach of Contract: Except as otherwise provided for herein in Section 19, the failure to remedy in a reasonable manner the cause of any legitimate complaint resulting solely from the actions or omission of the Contractor shall be considered a breach of the Contract with the Town.

13.1MANNER OF COLLECTION GENERALLY

13.2 The Contractor shall collect Residential Municipal Solid Waste, Recycle Material, with as little disturbance as possible and shall leave Carts at the Designated Collection Location. Contractor will make reasonable efforts to leave the Carts in an upright position with the lids closed, if applicable. The Carts shall at all times remain the property of Town. The cost of any cart damaged by the Contractor will paid to the Town and a replacement cart will be delivered as soon as possible.

13.1 INSURANCE

A Contractor shall maintain, during the Term of Contract, at its own expense, appropriate and adequate insurance policies as required by the Town, including, but not limited to the following:

COVERAGES

MINIMUM LIMITS OF LIABILITY

Worker's Compensation Employer Liability

employee

Commercial General Liability Automobile Liability limit

Excess Umbrella Coverage

Statutory Limits

\$1,000,000

\$1,00,000 disease/EA

\$1,000,000 disease/policy limit

\$1,000,000 each occurrence

\$2,000,000 aggregate

\$1,000,000 combined single

\$5,000,000 each occurrence

Self-Insured Retentions: Any self-insured retentions must be declared to and approved by the Town so that the Town may ensure the financial solvency of the Contractor; self-insured retentions should be included on the certificate of insurance.

Other Insurance Provisions: The policy is to contain, or be modified or endorsed to contain, the following provisions:

General Liability and Automobile Liability Coverage Requirements:

The Town is to be covered as and named as additional insured as respects: liability arising out of activities performed by or on behalf of the Contractor; materials used in providing the services the subject of the Agreement; products and completed operations of the Contractor; premises owned, leased, or used by the Contractor; and automobiles owned, leased, hired, or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the Town.

The Contractor's insurance coverage shall be primary and noncontributing insurance as respects to any other insurance or self- insurance available to the Town. Any insurance or self-insurance maintained by the Town shall be in excess of the Contractor's insurance and shall not contribute with it.

Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town.

Coverage shall state that the Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought.

Coverage shall be provided on a "pay on behalf" basis, with defense costs payable in addition to policy limits. There shall be no cross liability exclusion.

The insurer shall waive all rights of subrogation against the Town for the losses arising from work performed by the Contractor for the Town.

All endorsements to policies shall be executed by an authorized representative of the insurer.

Workers' Compensation Coverage: The insurer providing Workers' Compensation Coverage will waive all rights of subrogation against the Town for losses arising from work performed by the Contractor for the Town.

All Coverages.

Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, or canceled except after thirty (30) days prior written notice has been given to the Town. Such prior written notice shall be sent directly to:

Town of Maydan
210 W. Main Street
Mayodan, North Carolina 27027
Attn: Town Manager

Acceptability of Insurers: Insurance is to be placed with insurers with an A.M.

Best rating of no less than A-:VII.

Verification of Coverage: The Contractor shall furnish the Town with certificates of insurance and endorsements to the policies evidencing coverage required by this Article prior to the start of work. The certificates of insurance and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificate of insurance and endorsements shall be on a form utilized by the Contractor's insurer in its normal course of business and shall be received and approved by the Town prior to execution of this Agreement by the Town.

14.1 INDEMNIFICATION

14.2 The Contractor covenants and agrees to take and assume all risk and responsibility for the work rendered in connection with this Agreement. The Contractor shall bear all losses and damages directly or indirectly resulting to on account of the performance or character of the work rendered and materials used pursuant to this Agreement. Contractor shall defend, indemnify and hold harmless the Town its officers, boards, commissions, elected and appointed officials, employees, servants, volunteers and agents from and against any and all claims, injuries, suits, actions, judgments, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to attorney's fees and costs of defense, (hereinafter "liabilities") which may be alleged or result from the work and materials used, the performance of contracted services, or the actions otherwise of the Contractor or any sub-Contractor or anyone directly or indirectly employed by the Contractor or sub-Contractor or anyone else for whose acts the Contractor or sub-Contractor may be liable, regardless of whether or not the actions are caused in part by a party indemnified hereunder. This indemnity obligation does not include liabilities caused by or resulting from the sole negligence of the Town. These obligations shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity that would otherwise exist as to any party or person described in this provision. Furthermore, in the event of any and all claims against the Town by any employee of the Contractor or any sub-Contractor or anyone directly or indirectly employed by the Contractor or sub-Contractor or anyone for whose acts the Contractor or sub-Contractor may be liable, the indemnification obligation set forth in this provision shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the contract or any sub-Contractor under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. This obligation to indemnify, defend, and hold harmless the Town shall survive expiration or termination of this Agreement, provided that the claims are based upon or arise out of actions that occurred during the performance of this Agreement or the materials used during the performance of this Agreement.

15.1 POINT OF CONTACT

All dealings, contacts, notices, and payments between the Contractor and the Town shall be directed by the Contractor to the person designated by the Town.

16.1 NOTICE

16.2 Any notice, demand, communication, or request required or permitted hereunder shall be in writing and delivered in person or sent by a nationally recognized overnight delivery service, or certified mail, postage prepaid as follows:

As to the Town:

Town of Mayodan
210 W. Main Street
Mayodan, NC. 27027
ATTN: Town Manager
Telephone: (336) 427-0241
Email:
mshuler@mayodannc.org

With Copy to:

Town of Mayodan
210W. Main Street
Mayodan, NC 27027
ATTN: Finance Director
Telephone: (336) 427-0241
Email:
bcardwell@mayodannc.org

As to Contractor:

Meridian Waste North Carolina, LLC
110 Rupert Rd
Raleigh NC 27603
ATTN: Area President
Telephone: (919)832-3284
Email:
pmessinger@meridianwaste.com

Meridian Waste Acquisitions,
LLC 5925 Carnegie Blvd., Suite
370
Charlotte, NC 28209
Attn: Mary O'Brien
Telephone: 770-691-6350
Email: mO'Brien@meridianwaste.com

16.3 Notices shall be effective upon delivery or refusal of delivery at the address as specified above. Changes in the respective addresses to which such notice is to be directed, may be made from time to time by written notice.

17.1 DEFAULT OF CONTRACT

17.2 Rights and Remedies Upon Default: If a party is in Default, then, at the option of the non-Defaulting party, this Contract may be immediately terminated or suspended upon written notice to the Defaulting party after the time to cure has expired, or this Contract may be continued in force and the non-Defaulting party shall have the right to take whatever action at law or in equity deemed necessary or desirable to collect any amounts then due or thereafter to become due under this Contract, or to enforce performance of any covenant or obligation of the Defaulting party under this Contract. The rights and remedies under this paragraph shall be in addition to those otherwise allowed by law or in equity.

17.3 Events of Default by Contractor: Except to the extent caused by the occurrence of an Uncontrollable Circumstance or the Town's fault, any failure of the Contractor to comply with this Contract within 30 days after written notice from the Town setting forth the specific provision and noncompliance, said notice to be mailed to Contractor at its principal place of business by certified mail, return receipt requested, results in the Contractor being in Default.

17.4 The Contractor being insolvent or bankrupt or ceasing to pay its debts as they mature or making an arrangement with or for the benefit of its creditors or consenting to or acquiescing in the appointment of a receiver trustee, or liquidator for a substantial part of its property; or a bankruptcy, winding up, reorganization, insolvency, arrangement, or similar proceeding instituted by the Contractor, under the laws of any jurisdiction, or against the Contractor, if the Contractor does not take the appropriate action to dismiss said proceedings; which proceedings have not been dismissed within one-hundred and twenty(120) Days of the institution of such proceedings; or any action or answer by the Contractor approving, consenting to, or acquiescing in, any such proceedings; or the event of any distress, execution, or attachment upon the property of the Contractor which shall substantially interfere with its performance hereunder puts the Contractor in Default.

17.5 The Town shall within 30 days notify the Contractor of any failure on Contractor's part to comply with the terms of this Contract. After receipt of notice from the Town, Contractor shall acknowledge receipt of such notice and shall promptly provide the Town with notice of what corrective action has or shall be taken by the Contractor, within a reasonable time under the circumstances, but not less than 30 days.

17.6 Events of Default by the Town: The following shall constitute events of Default on the part of the Town, except to the extent excused by the occurrence of an Uncontrollable Circumstance or Contractor's fault unless otherwise specified herein.

17.7 A failure by the Town to timely perform any obligation under the terms of this Contract, and the continuance of such failure after 30 days after receipt of written notice from Contractor specifying such failure and requesting that such condition be remedied, If such failure is of a nature that it cannot be cured within 30 days, the Town shall not be in Default if Town commences the curing of such failure within such 30 day period, and diligently pursues the curing thereof.

17.8 The Town being insolvent or bankrupt or ceasing to pay its debts as they mature or making an arrangement with or for the benefit of its creditors or consenting to or acquiescing in the appointment of a receiver, trustee or liquidator for a substantial part of its property; or a bankruptcy, winding up, reorganization, insolvency, arrangement or similar proceeding instituted by the Town under the laws of any jurisdiction or against the Town, if the Town does not take appropriate action to dismiss said proceedings, which proceedings have not been dismissed within ninety (90) Days of the institution of such proceedings; or any action or answer by the Town, approving of, consenting to, or acquiescing in, any such proceedings; or the levy of any distress, execution or attachment upon the property of the Town, which shall substantially interfere with its performance hereunder.

17.9 Contractor shall, as soon as practical, notify the Town of any failure on the Town's part to comply with the terms of this Contract. After receipt of notice from the Contractor, the Town shall acknowledge receipt of such notice and shall promptly provide the Contractor with notice of what corrective action has or shall be taken by the Town, within a reasonable time, in light of the circumstances. Failure to promptly provide acknowledgement of receipt of notice, or notice of planned corrective action, shall constitute an event of Default by the Town.

18.1 RIGHT TO REQUIRE PERFORMANCE

18.2 The failure of either party at any time to require performance by the other party of any provisions hereof shall in no way affect the right of such party thereafter to enforce the same. Nor shall waiver by either party of any breach of any provisions hereof be taken or held to be waived of any succeeding breach of such provisions or as a waiver of any provision itself.

19.1 TITLE TO WASTE GOVERNING LAW, DISPUTE RESOLUTION

19.2 This Contract shall be governed by and interpreted under the laws of the State of North Carolina.

20.1 COMPLIANCE WITH LAWS

20.2 The Town and the Contractor shall conduct operations under this Contract in compliance with all applicable federal, state and local laws.

21.1 SEVERABILITY

21.2 The invalidity, illegality, or non-enforceability of any provision of this Contract, or the occurrence of any event rendering any portion or provision of this Contract void, shall in no way affect the validity or enforceability of any other portion or provision of the Contract. Any void provision shall be deemed severed from the Contract and the balance of the Contract shall be construed and enforced as if the Contract did not contain the particular portion or provision held to be void.

22.1 TRANSFER AND ASSIGNMENT

21.2 No assignment or transfer of this Contract or any right occurring under this Contract shall be made in whole or part by the Contractor without the express written consent of the Town, such consent not to be unreasonably withheld or delayed. This provision is not intended to preclude a Contractor or other company from acquiring or merging with another authorized Contractor providing Collection Services under a Contract with the Town at the time of such acquisition or merger, subject to Town consent as provided above. For purposes of this section a parent subsidiary or holding company shall mean any person, corporation, company or other entity holding, owning or in control of more than 10% stock or financial interest of another person, corporation, company or other entity.

23.1 MODIFICATION

23.2 This Contract constitutes the entire contract and understanding between the parties hereto, and it shall not be considered modified, altered, changed, or amended in any respect unless in writing and signed by the parties hereto. Such modification shall be in the form of an Amendment executed by both parties.

24.1 INDEPENDENCE OF PARTIES TO AGREEMENT

24.2 It is understood and agreed that nothing herein contained is intended or should be construed as in any way establishing a partnership relationship between the parties hereto, or as constituting the Contractor as the agent, representative or employee of the Town for any purpose whatsoever. The Contractor is to be and shall remain an independent contractor with respect to all services performed under this Contract.

25.1 CHANGE OF LAW

25.2 The parties understand and agree that the North Carolina Legislature from time to time has made comprehensive changes in the North Carolina Solid Waste Management Act legislation and that these and other changes in law in the future, whether federal, state or local, which mandate certain actions or programs may require changes or modifications in some of the terms, conditions or obligations under this Contract. Nothing contained in this Contract shall require any party to perform any act or function contrary to law. Any additional costs associated with a change of law shall be incorporated into the cost of service. The Contractor shall provide notice to the Town of such additional costs and approval by the Town shall not be unreasonably withheld.

26.1 BINDING EFFECT

26.2 This Contract shall inure to the benefit of and shall be binding upon the Contractor, the Town and their respective successors and assigns, subject, however, to the limitations contained in this Contract.

27.1 TIME IS OF THE ESSENCE

27.2 Time is of the essence of this Contract with respect to the obligations of the Contractor hereunder.

28.1 COUNTERPARTS

28.2 This Contract may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

29.1 REPRESENTATIONS

29.2 The parties signing this Contract warrant that they have been authorized to do so by the Town Council or by the appropriate board or officer as the case may be. The Contractor shall provide to the Town written authorization by the appropriate officer that the Contractor is authorized by the governing body of the corporation to enter into this contract and to be bound by its terms and obligations. In addition, the Town represents, warrants to Contractor and covenants and agrees as follows:

29.3 The Town validly exists as a municipal corporation under the laws of the North Carolina. The Town has full power and authority to enter into this Contract and to fully perform all of its duties and obligations hereunder. The Town has duly authorized the execution and delivery of this Contract and the Town's performance of all of its duties and obligations contained herein, and this Contract constitutes a valid and legally binding obligation of the Town, enforceable in accordance with its terms. Notwithstanding the foregoing, the Town may take any further actions it deems necessary to approve, adopt, enter, and perform this Contract.

29.4 The Town is not aware of any additional consents or approvals required to enter or perform this Contract by the Town. Furthermore, the Town is not aware of any statute, rule, regulation, ordinance, agreement, instrument, judgment, decree, or order to which the Town is a party or by which the Town or its assets is bound that conflicts with the entering into or performance of this Contract.

29.5 To the best of the Town's knowledge and belief, there is no action, suit, judgment, consent order or investigation or proceeding pending or threatened, relating to this Contract. The Town will notify Contractor promptly if any such action, suit, investigation or proceeding is instituted or threatened. The Town will notify the Contractor promptly upon receipt of any complaint or notice of non-compliance with all applicable federal, state and local laws, rules, regulations, orders, ordinances, judgments, permits, licenses, approvals, and variances.

30.1 RECITALS

30.2 The parties hereto acknowledge and agree that the "whereas" recitals set forth above are accurate, true and correct and, by this reference, are made a part hereof and are incorporated herein.

Exhibit A - Fee Schedule for Solid Waste and Recycling Services

Pricing

Residential and Light Commercial Solid Waste Collection with town provided 96-gal carts –
1 x weekly - -\$ 10.39 per month per cart
2x weekly - \$ 18.06 per month per cart

2xWeek curbside collection for Town-owned properties utilizing town provided 96gal carts-2x weekly - \$18.06 per month per cart.

Residential and Light Commercial Recycling Collection
Every other week, curbside collection with town provided 96-gal carts.
\$ 3.68 per month per cart

Note: There will be “NO Fuel Surcharges” or additional fees, all of the above pricing is inclusive of all charges.

IN WITNESS WHEREOF, the parties hereto have executed this Contract on the date evidenced on the first page hereof.

On Behalf of the Town:

ATTEST:

Town Manager

Town Clerk

Date: _____

On Behalf of the Contractor:

Meridian Waste North Carolina, LLC

By its: _____

Chief Marketing Officer & Secretary

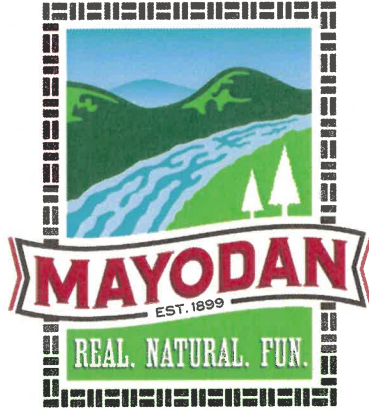
Date: _____

EXHIBIT B – PREAUDIT CERTIFICATION

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer)

Date



**Response to
REQUEST FOR PROPOSAL**

Bid Title:

Residential Solid Waste Collection Services

Date of Issue: January 13, 2026

Proposals Due: February 13, 2026

Submit To:

Brandi Shelton

Town of Mayodan, NC

201 W. Main Street

Mayodan, NC. 27027

Information provided by:

Meridian Waste North Carolina, LLC

Submission Date: February 13, 2026

Submitted To: Town of Mayodan

Contact: Brandi Shelton, Customer Service Representative

Address: 201 W. Main Street Mayodan NC 27027

Submitted By: Meridian Waste North Carolina, LLC

Address: 110 Rupert Road Raleigh N.C. 27603

Contact: Tim Webb, Director of Business Development

Email: twebb@MeridianWaste.com

Phone/Email (804)2413801; twebb@meridianwaste.com



February 12, 2026

Ms. Brandi Shelton
Customer Service Representative
Town of Mayodan
201 West Main Street
Mayodan, NC 27027

Dear Ms. Shelton:

Meridian Waste North Carolina LLC, a wholly-owned subsidiary of Meridian Waste Acquisitions LLC, ("Meridian Waste"), is pleased to submit the attached response to RFP for the Town of Mayodan Residential Solid Waste Collection Services. Meridian Waste understands the requirements set forth and is prepared and able to provide the services requested in the RFP. Meridian Waste is very interested in entering an initial five (5) year term with options for renewal at the discretion on Town Council. The company has received and reviewed answers to questions as well as the RFP. All services required for this contract will be performed from our Greensboro facility, located at 4111 Romaine Street Greensboro N.C. 27407

Our Philosophy

Meridian Waste is a company defined by our commitment to servicing our customers and employees with unwavering respect, fairness and care.

Our customers demand high quality service, and we deliver clean and clear results for your businesses, your homes and your community.

The information contained in this Proposal or any part thereof, including the exhibits, schedules and other documents and instruments delivered or to be delivered to the Town, are true, accurate and complete to the Proposer's knowledge.

I am confident that you will have a favorable response to our submission that we have provided. If, after reviewing our response, you have any questions or require any additional information, we would be pleased to meet with you to discuss your questions. Thank you for allowing Meridian Waste the opportunity to present this proposal.

Sincerely,

A handwritten signature in blue ink that reads "Tim Webb".

Tim Webb
Director of Business Development
Meridian Waste North Carolina, LLC
110 Rupert Road Raleigh N.C. 27603



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Tab 1: Company Qualifications and Experience

Meridian Waste North Carolina LLC is a wholly-owned subsidiary of Meridian Waste Acquisitions, LLC, previously known as the solid waste operations of Meridian Waste Solutions, Inc. The original Meridian Waste incorporated in 1993 and acquired the stock of Christian Disposal in December 2015. Christian Disposal has been collecting solid waste since 1978. Other acquisitions include The CFS Group in Petersburg, Virginia in February 2017, Wilson Waste in Truesdale, MO in March 2018, ETC in St. Louis marketplace in April 2018 and Blue Ridge Disposal in Christiansburg, VA in May 2018, Partner Disposal in the Jacksonville, FL marketplace in September 2018, Knoxville Landfills in Knoxville, TN in November 2018, WCA Hauling assets in Knoxville, TN in March 2019, Waste Management hauling assets and transfer Stations in St. Louis, MO in August 2019, the Shotwell Companies in Raleigh, NC in January 2020, two Greenville, SC hauling operations in February 2021, and a third Virginia hauling operation in April 2021 and four separate hauling and portable restroom companies in Raleigh, NC in 2022, 2023 and 2024. On sept. 1, 2024, the Company acquired the stock of Evergreen Environmental Partners Holdings, LLC (EEP) & ADSI Holdings, LLC (ADSI). The acquisition expands Meridian Waste’s operational footprint within the Southeast, adding a MSW landfill, a transfer station facility and additional third-party transfer station operations as well as hauling, administrative and maintenance facilities servicing commercial, industrial and residential contracts throughout Alabama and Mississippi.

	As a Contractor	As a
<u>Sub-Contractor</u>		
Solid Waste Collection Operation	45+ Years; Since 1978	N/A
Recyclable Materials Collection Operation	25+ Years; Since the late 1990's	N/A
Yard Trim Collection Operation	25+ Years; Since the late 1990's	N/A
Other Transfer/Transport Operation	6+ Years	N/A
Solid Waste (non-transfer/transport) - Landfill	6+ Years; Since Dec. 2015	N/A
Portable Toilets Operations	2+ Years; Since May 2021	N/A

While Meridian Waste started as many solid waste companies do with smaller independent companies operating in rather defined geographic areas like St. Louis, MO and Petersburg, VA, Meridian Waste underwent a transformational change in regard to leadership and experienced management along with a significant capital infusion with greater financial stability in 2018. On Monday, April 23, 2018, Warren Equity Partners purchased the waste operations from the publicly-traded company Meridian Waste Solutions, Inc. and took the company private while restructuring the waste operation’s debt, access to capital and leadership.

Walter “Wally” Hall, Jr. was named CEO and his team of experienced executive waste professionals have an impressive track record with regional private and public companies such as Southland Waste Systems, BFI Waste Systems, Republic Services and Advanced Disposal. The enclosed streamlined bios will share greater insight into the wealth of experience and successes this management team has achieved over their 80+ years of combined service in the environmental services industry. We all understand the commitment it takes to build a motivated workforce committed to clean communities as we have serviced over 800+ individual cities and counties (while at the leadership helm of Advanced Disposal Services) ranging from residential collections services



to industrial solid waste operations on a 24/7 schedule. We know that garbage is a local issue and that the best operations are those in which your organization hardly realize we are even there doing a vitally important job – keeping your Town clean and healthy at a fair and honest rate.

Our Philosophy:

Meridian Waste is a company defined by our commitment to servicing our customers, caring for and engaging our employees and generating financial value for our shareholders while delivering a clean and healthy community.

- We cannot operate successfully without equal focus on each segment of our business.
- We are proud to be called garbage men and women with our core waste business centered on residential, commercial and industrial non-hazardous waste collection and disposal.

Meridian Waste

Customers
 More than **582,834** residential, commercial, industrial, and governmental customers
117 city and county municipal contracts

Disposal Volumes
 Collects **1,232,613** tons of waste annually
 Safely disposes of **1,724,232** tons of waste in company-owned landfills

Recycling Volumes
 Collects & delivers **31,722** tons of recyclables annually to state-permitted MRFs

Locations
 Multi-state footprint, **31** hauling companies, **9** transfer stations, **3** recycling facilities/MRFs, **3** municipal solid waste landfills and **4** C&D landfills

Fleet
831 commercial, residential, and roll-off trucks

Employees **1,266** team members

\$346.5M **for 2026**
Projected Annual Revenue

COMPANY OVERVIEW



LOCATIONS & FACILITIES

8 State Footprint. **55** Active Operating Locations.
31 Hauling Locations. **7** Landfills. **3** MRFs. **9** Transfer Stations.
797 Commercial, Residential, and Roll-Off Trucks.
1,202 Team Members.

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- ▲
- ♻️
- T
- 📍

Corporate Headquarters

North Carolina: Charlotte

Hauling/Collection

Alabama: Anniston, Autauga Co., Etowah Co., Gadsden, Greensboro, Huntsville, Lee Co., Opp, Troy
 Florida: Jacksonville, Yulee
 Mississippi: Greenwood, Horn Lake, Indianola, Jasper, Meriden, Natchez
 Missouri: Bowling Green, Foristall
 North Carolina: Liberty, Raleigh, Sandy Ridge, Sanford
 South Carolina: Greenville, Greer
 Tennessee: Knoxville
 Virginia: Christiansburg, Lunenburg, Petersburg, Staunton

Landfill

Alabama: Attalla
 Missouri: Bowling Green
 North Carolina: Raleigh, Liberty
 Tennessee: Knoxville (2)
 Virginia: Lunenburg

Recycling

Missouri: Winfield*
 North Carolina: Raleigh
 South Carolina: Greenville (concrete RCY)
 Virginia: Christiansburg, Petersburg

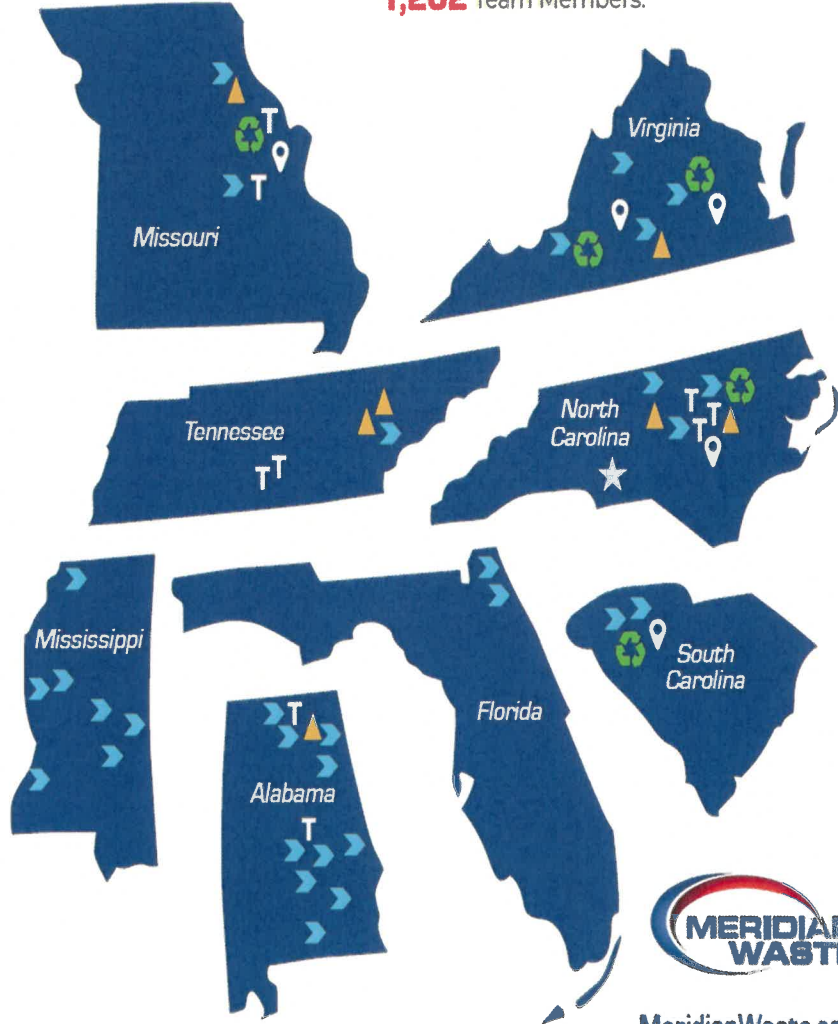
Transfer Station

Alabama: Chilton Co., Madison
 Missouri: Foristall, Winfield
 North Carolina: Goldston, Morrisville, Raleigh
 Tennessee: Estill Springs, Fayetteville

Auxiliary Sites/Offices

Mississippi: Ridgeland
 Missouri: Wanzville
 North Carolina: Raleigh
 South Carolina: Greenville
 Virginia: Christiansburg, Prince George

* One building permitted as both a recycling and transfer facility



MeridianWaste.com



COMPANY TIMELINE



ACQUISITIONS

- ★ Contracts, Trucks, & Containers
- Hauling Company
- ◆ Transfer Station
- ▲ Landfill
- ♻️ MRF

2014

DECEMBER
 ★➤
Meridian Waste Services
 St. Louis, MO

2015

DEC 29
 ★◆◆
Christian Disposal
 St. Louis, MO

DEC 29
 ★➤▲
Eagle Ridge Landfill
 Bowling Green, MO

2017

FEB 15
 ★➤▲◆
Container First Services
 Anersburg, VA

Entry into the Virginia market

Contract begins in St. Louis County, MO

Entered on 10/20/17 \$12,000,000 \$12,000 capped rate

2018

Warren Equity Partners purchases Meridian Waste
 Wally Hall assumes position of CEO

Entry into Georgia, Florida & Tennessee markets

JAN 10
 ★➤
Wilson Waste Systems
 Truesdale, MO

APR 9
 ★
Environmental Trash Company
 St. Louis, MO

MAY 1
 ★➤
Blue Ridge Disposal & Recycling
 Christiansburg, VA

AUG 2
 ★➤
Resource Management Group
 Blacksburg/Christiansburg, VA

AUG 2
 ★
New River Customer
 Blacksburg/Christiansburg, VA

AUG 2
 ★
Red's Refuse
 Blacksburg/Christiansburg, VA

SEP 28
 ★➤
Partner Disposal
 Nassau County, FL

NOV 21
 ★▲
Poplar Waste & Recycle
 GSB Landfills
 Knoxville, TN

2019

First municipal contract in Georgia begins
 Harlem, GA - Jan 1, 2019

APR 1
 ★
Waste Corporation of Tennessee Recycling Assets
 Knoxville, TN

AUG 9
 ★
ALL Waste Removal, Inc.
 Augusta, GA

AUG 23
 ★
Waste Solutions
 Augusta, GA

AUG 30
 ★◆
Waste Management of Missouri, Inc.
 St. Louis, MO

First municipal contract in Florida begins
 Callahan, FL - Oct 1, 2019

NOV 1
 ★
Designated Disposal, LLC
 Knoxville, TN

2020

JAN 10
 ★➤▲◆
Shoreland Composites
 Raleigh, NC

FEB 10
 ★
Economy Sanitation
 Augusta, GA

SEP 1
 ★
Rapid Response, Inc.
 Fossil, MO

2021

FEB 1
 ★
Santer Sanitation, LLC
 Greer, SC

FEB 5
 ★➤◆
Acc Environmental of South Carolina, Inc.
 Paler, SC

APR 1
 ★
Trash or Treasures, LLC
 Harrisburg, VA

APR 1
 ★
McCormick Waste Systems, Inc.
 Raleigh, NC

MAY 2
 ★➤
Eco Waste Services, Inc.
 Greenville, SC

City of Jacksonville, FL - Area II Municipal Contract Start (70,000 residential units)
 Jacksonville, FL - Oct 1, 2021

DEC
 ★➤
Disposal, LLC
 Raleigh, NC

DEC
 ★➤
Shoreland Disposal, LLC
 Raleigh, NC

Shutdown of Augusta, GA Recycling Operations

2022

MAR 7
 ★➤◆
Pinnacle Waste, LLC
 Goldston, NC

MAR 7
 ★
Brad Waste, LLC
 Sanford, NC

JUN 1
 ★➤
Capital Dumpster Service, LLC
 Goldston, NC

SEP 6
 ★
NC Dumpster, LLC
 Anger, NC

2023

SEP 1
 ★➤▲
Cable's Landfill, Inc + Cable's Customer Service
 Liberty, NC

OCT 1
 ★
Peterson-WI Waste Recycling
 Knoxville, TN

City of Jacksonville, FL - Area I Residential Contract Start (70,000 units)
 Jacksonville, FL - Oct 1, 2023

DEC 1
 ★
WB Waste
 Richmond, VA

2024

APR 1
 ★
Carolina Waste Services
 Moore County, NC

MAY 1
 ★
The Chen, LLC
 Lillington, NC

AUG 1
 ★
Total Garbage
 Knoxville, TN

SEP 1
 ★➤▲◆
Ecogreen Environmental Partners, LLC
 Huntsville, AL

2025

JAN 1
 ★➤
Foothills Waste Solutions, LLC
 Sandy Ridge, NC

MAY 1
 ★➤
Waste Army Dumpster Service, LLC
 Huntsville, AL

SEP 1
 ★➤
Elite Services, Inc.
 Huntsville, AL



Key Personnel Overview and Biographies

The management team is in place at Meridian Waste and consists of the following individuals who would manage the Town of Mayodan Residential Collection Services Contract starting July 1, 2026, including procurement of equipment, hiring, training, communications, data management, routing, etc.:

Corporate Executive Team

Wally Hall, Chief Executive Officer
Dave Lavender, Chief Operating Officer
Mary O'Brien, Chief Marketing Officer
Charlie Gray, Vice President – Operations
Ryan Perry, Chief Financial Officer
Zach Messinger, Director – Risk
J. D. Morgan, Director – Human Resources
Robert Maniuszko, Director - Safety

Local Operations Team

Patrick Messinger, Area President
Amanda Ayers, Area Controller
Tommy Smith, District Manager
Derrick Boles, Operations Manager
Bob Anderson, Maintenance Mgr.
Virginia Yarger, Safety Manager
Tim Webb, Business Development

The personnel listed on the right side of the team will be responsible for the day-to-day operations for the Town of Mayodan. Meridian Waste will perform all services.

Management Team Biographies

Wally Hall, Chief Executive Officer (HQ – Charlotte, NC)

Walter “Wally” Hall brings a wealth of knowledge and expertise to the solid waste management industry. For the past 7 years, he has worked with Meridian Waste – first as the Chief Operations Officer in 2016 in Georgia, and then as the Chief Executive Officer at the Charlotte headquarters. As he transitioned to the CEO role, his major focus was on growing a solid company to fill the industry need for a well-funded, nimble, and both customer and employee centric independent company for the southeast marketplace. Mr. Hall’s career began with BFI in 1989 where he learned the business from the ground up by performing all tasks necessary to understand and successfully manage a waste company. Within his first 6 years at BFI, he oversaw 400 employees with an annual revenue of \$50M. His role at BFI transitioned many times throughout the 7 years he was there – Manager Trainee - Supervisor - General Manager - Area President - Operations Manager - Area President – Regional Operations Manager. After BFI, Mr. Hall joined Republic Services as an Area President, and during his time there, acquired over 5 independent companies and transitioned them into Republic operating systems for significant growth and EBITDA improvements. In 2000, Mr. Hall was one of three founders of Advanced Disposal, making it the fourth largest solid waste company in the U.S. under his leadership. They began with 3 trucks, grew operations to over \$1.4B in annual revenue with 5300 employees, 91 collection/hauling facilities, 45 MSW and C & D Landfills, 71 transfer stations and 21 recycling facilities.



Dave Lavender, Chief Operating Officer (HQ – Charlotte, NC)

With more than 30 years of solid waste management experience, Dave Lavender is a powerful force in the industry. He joined Meridian Waste's C-Level Executive Team as the Chief Operations Officer in 2018. His responsibilities encompass all operating aspects of the company including collection, transfer, landfill and recycling services, budgeting, capital expenditures, safety, training, acquisitions, and strategic planning. Advanced Disposal brought Mr. Lavender on board as a District Manager in 2004, and he successfully coordinated and managed the entire 2005 Super Bowl solid waste program for the City of Jacksonville.

Mr. Lavender was then promoted to Regional Manager, and he grew revenues by over 8% each year by bringing in profitable new business and contract renewals. He was promoted a second time, now to Regional Vice President in 2012, and he oversaw 27 hauling companies, 14 landfills, 18 transfer stations and three recycling facilities in 13 states with 1400 employees. In this role, Mr. Lavender successfully negotiated City of Detroit privatization for their solid waste in 2014 with revenues of \$78M annually. Mr. Lavender had a major accomplishment in 2003, he started Metro Waste, grew the company's gross sales at a rate of \$10k per month, and successfully sold the company to Waste Management with over \$3.4M in annual revenue in 22 months.

Mary O'Brien, Chief Marketing Officer (HQ – Charlotte, NC)

Mary O'Brien became a part of the Meridian Waste corporate team in 2017 as the Chief Marketing Officer (CMO). In this role, she oversees the marketing and information technology programs and projects of the \$130M annual revenue waste management company. Ms. O'Brien's focus is on new market area expansion via municipal contracts and acquisition integration, company communications, website, digital and social media strategies, public relations and government and legislative affairs. Prior to Meridian Waste, she was the CMO at Advanced Disposal for 15 years. Mary O'Brien oversaw all marketing efforts with locations across 17 states plus the Bahamas with annual revenues of \$1.4B. Her concentration was on municipal market growth and retention (800+ contracts under her responsibilities), brand management, advertising and social media strategies, corporate communications, government and legislative affairs, website management and public relations. In 2016, she served as the Chief Executive Officer at Keen LLC. where she was responsible for all aspects of the firm, including financial, marketing, operations and strategic direction, and investments.

Charlie Gray, Vice President – Operations (HQ – Charlotte, NC)

Charlie Gray joined Meridian Waste in January 2023 as the Vice President -Operations and has already made a substantial impact. Mr. Gray is focused on Meridian Waste's expansion by spearheading investment, acquisition, and corporate alliance opportunities. In 2005, he took on the role of Area President for Advanced Disposal Services and oversaw operations in Georgia and South Carolina. Mr. Gray was promoted to Regional Vice President in 2012 and was a significant contributor in managing the Veolia ES Solid Waste merger for \$1.91 billion. This purchase created the largest privately owned environmental services company in the US with revenue of approximately \$1.4 billion. The large Florida Municipal Contract under Mr. Gray's RVP management included: Jacksonville, Clay County, St. John's County, Orange County, Palm Beach County and Lee County. Mr. Gray remained with Advanced Disposal through the Waste Management acquisition of ADS in the role of Regional Vice president – South. Upon departing Waste Management in December 2020, Mr. Gray worked as COO for Attaway hauling, a long-haul solid waste company, until joining Meridian Waste.



Ryan Perry – Chief Financial Officer (HQ – Charlotte, NC)

Ryan Perry joined the Meridian Waste team in 2019 and currently serves as the Company's Chief Accounting Officer. Mr. Perry is responsible for all of the company's financial functions, including accounting, audit, treasury, corporate finance, financial reporting, budgeting and acquisition integration. Prior to joining the Meridian Waste team, Mr. Perry served in roles with increasing responsibilities in the industries of Nuclear Construction & Maintenance, Nuclear Decommissioning and Decontamination, retail, and public accounting. Mr. Perry earned two Bachelor of Business Administration degrees from James Madison University in Accounting and Marketing Information Systems.

Zach Messinger, Director – Risk (HQ – Charlotte, NC)

Zach Messinger has been on the Meridian Waste team since 2020 and was promoted three times in a span of 2 years. He is currently the Director – Risk and Safety and oversees the company's overall safety program and culture at all Meridian Waste facilities in the 6-state footprint. He conducts quarterly health and safety audits at each site to ensure the company's safety program, policies and procedures are effectively implemented and compliant with regulatory requirements. He also monitors the company's fleet needs regarding licensing and registration as well as DOT and FMCSA guidelines. Mr. Messinger began his career in the waste management industry as a Manager Trainee. He assisted in the transition of the billing and collection responsibilities from the local to the corporate level. Mr. Messinger was instrumental in training and assisting the Accounts Receivable team to build the foundation of the department that successfully transitioned all locations in house, and now consists of 8 employees and 1 manager. He then transitioned to a Corporate Analyst role and developed a tier pricing matrix for local management to ensure company driven margins were meeting expectations.

J. D. Morgan, Director – Human Resources (HQ – Charlotte, NC)

JD Morgan is a human resource leader with a strong foundation in finance and operations; he brings a strategic and data-driven approach to the HR leadership. JD is overseeing the full spectrum of human capital functions—ranging from talent acquisition and employee engagement to organizational development and compliance. He is a trusted advisor to executive leadership, aligning HR strategy with broader business objectives to drive performance, culture, and growth. With over four years of progressive experience at Meridian Waste, his career has spanned HR, safety, operations, and corporate strategy. I have successfully led HR transformations, implemented enterprise-wide systems, supported M&A integrations, and built high-performing teams. His time as a Safety Manager deepened my expertise in EHS compliance and operational risk management, while his earlier roles in operations and corporate analysis sharpened my business acumen and cross-functional collaboration skills.

JD holds a Bachelor of Business Administration in Finance from the University of Georgia, where he served on the executive board of Lambda Chi Alpha Fraternity.

Backed by a blend of frontline leadership, analytical rigor, and strategic HR vision, he thrives in a fast-paced, growth-oriented environment where people and performance go hand in hand.



Robert Maniuszko, Director – Safety

Robert Maniuszko is a veteran safety professional with over 40 years of experience in transit, construction, and occupational safety. He currently serves as the Corporate Director of Safety at Meridian Waste, where he leads the strategic direction and execution of the company's enterprise-wide safety program across an eight-state operational footprint. Mr. Maniuszko works closely with the regional and local leadership to implement initiatives that align with corporate goals and regulatory standards. His responsibilities include overseeing compliance with OSHA, DOT, and FMCSA regulations, conducting quarterly site audits, and maintaining the company's Safety Scorecard to monitor performance across key safety metrics.

Prior to joining Meridian Waste, Mr. Maniuszko built an extensive career in rail transit safety, including 13 years supporting the Federal Transit Administration's (FTA) State Safety Oversight (SSO) Program. He led numerous SSO audits, triennial reviews, and safety certification efforts for major transit agencies, such as WMATA, CTA, MBTA, and LIRR. He played a key role in the development of FTA safety directives, and also served as a subject matter expert during major capital projects and inspections. His experience includes managing roadway worker protection programs, hazard analysis, and accident investigations, as well as overseeing comprehensive occupational health and safety programs for infrastructure projects like the New York Queensboro Bridge renovation and NYC Transit's Culver Line improvements. In addition to his operational leadership, Mr. Maniuszko has over 20 years of experience as an instructor and course developer, having delivered training for organizations including LIRR, PATH, and the Transit Safety Institute. He holds numerous certifications, including OSHA 1926, Tap Root Advanced Investigation, and the Transit Safety and Security Program (TSSP), and is a Certified Safety & Security Director (CSSD–Rail) through the World Safety Organization. With deep expertise in regulatory compliance, risk management, and workforce development, he continues to drive safety excellence and culture transformation across the waste management industry.

North Carolina Operations

Patrick Messinger, Area President – North Carolina

Patrick Messinger joined the waste industry in 2019 as a Senior Corporate Analyst for Meridian Waste. Before assuming the role of Area President – North Carolina, he had an instrumental role positively impacting overall company growth of hauling operations, instituting routing efficiencies in each market, and improved day-to-day operations. As Area President - South Carolina, he was responsible for all aspects of the business including collection, transfer, and disposal operations with \$18.5 million in annual revenue, 24,116 residential customers, and 1,028 commercial/industrial customers. He oversaw budgetary goals and accountability, capital needs and allocation, safety, risk, and revenue growth for the South Carolina assets include two hauling facilities and one transfer station. Messinger was appointed Area President - North Carolina in July 2023 and oversees all operational and fiscal responsibilities for the collection and disposal assets in the state. This includes the Shotwell Environmental Park (C & D landfill), Tri-Corners Landfill (C&D landfill), three transfer stations (Morrisville, Capitol Waste, and Triad Transfer Station) and two separate hauling stations (Raleigh and Goldston, NC). Messinger earned two Bachelor of Arts degrees in Finance/Accounting and Economics from Maryville College (Tennessee).



Amanda Ayers – Area Controller

Amanda Ayers joined the Meridian Waste team in December of 2022. In her role as Area Controller, Ms. Ayers provides financial support and guidance for North Carolina general managers and the area president. Ms. Ayers has made immense strides in improving severe debt collection. Last May, she began collection efforts, and the balance over 90 days was over \$3 million. Today, they are down to \$1.2 million and continue to decrease. This accomplishment is a result of holding weekly Accounts Receivable meetings and having Sales Representatives participate in collection calls. When Amanda Ayers came on board with Meridian Waste, average payables were getting paid 30+ days past terms. Today, NC is well within their terms for each vendor which is less than 30 days. Ms. Ayers' previous position as Controller for Hendrick Automotive Group focused on creating new processes and procedures to ensure financial accuracy. Ms. Ayers earned a Bachelor of Arts degree in Mathematics with a concentration in Statistics at Meredith College in Raleigh.

Tommy Smith, District Manager

Tommy Smith, Sr. joined the Meridian Waste team in March of 2022 as the General Manager at the Goldston, NC location. He brings over 40 years of experience in the solid waste industry. Mr. Smith oversees a C & D Transfer Station, inbound and outbound operations, as well as commercial and residential operations. Mr. Smith also assists with preparing Requests for Proposals and bids. He has been instrumental in contributing to the success of the business. Previously, Mr. Smith oversaw setting up a Front Load business at Triad Waste. He landed 350 new accounts in less than 2 years. Mr. Smith earned a Bachelor of Science degree in Political Science from Eastern Missouri University.

Derrick Boles, Operations Manager

Derrick Boles is an accomplished Operations Manager with extensive experience in waste management, team leadership, and operational efficiency. With a background spanning over a decade, Derrick has developed expertise in managing staff, optimizing productivity, and ensuring adherence to safety and regulatory standards. He currently leads operations at Meridian Waste (formerly Foothill Waste Solutions) in Sandy Ridge, NC, where he drives tactical initiatives to improve customer experience, business growth, and profitability. Derrick's skill set includes staff development, route management, safety program implementation, and financial oversight, coupled with a strong ability to foster relationships with customers, local authorities, and community groups. His leadership is characterized by a commitment to continuous improvement, proactive problem-solving, and a focus on creating a culture of collaboration and excellence. Derrick's comprehensive background includes hands-on experience as a driver, where he developed expertise in vehicle operations, waste management, and customer service. He holds a Class A commercial license with endorsements for Tank and Doubles, alongside knowledge in diesel mechanics and heavy equipment operation.



Bobby Anderson, Area Maintenance Manager

Bobby Anderson joined the Meridian Waste team in 2022 as an Area Maintenance Manager. Mr. Anderson immediately diagnosed and repaired mechanical issues according to Industry standards. He also collaborated with the team to implement a Preventive Maintenance Program to streamline the schedule to ensure all vehicles are maintenance as required. The goal is to shorten preventive maintenance time and reduce the downtime of the trucks. Safety is Mr. Anderson's #1 goal. It is set for employees, which leads to the crews working more efficiently and safely. Mr. Anderson is a Veteran of the United States Marine Corps.

Virginia Yarger, Director – Safety – North & South Carolina

Virginia Yarger serves as the Manager of Compliance & Safety at Meridian Waste, overseeing North Carolina, South Carolina and Virginia operations. With over three decades of progressive experience across compliance, operations, customer service, and office management, Virginia brings a wealth of knowledge and a hands-on leadership approach to environmental safety and regulatory adherence.

In her current role, she conducts site audits, safety inspections, and monthly training meetings to ensure OSHA compliance at multiple facilities including hauling locations, transfer stations, and landfills. She maintains employee safety and DOT qualification records, manages incident reporting, and drives a culture of accountability and proactive risk management across all three states.

Before joining Meridian Waste in 2022, Virginia held supervisory and management positions at GFL Environmental, where she led residential operations, safety programs, and route optimization for 30+ team members. Her early career includes extensive experience in office management, accounting, dispatch, and customer service across various industries.

Virginia holds a Bachelor of Arts in Political Science from the University of South Carolina Upstate and is known for her strong organizational skills, commitment to safety, and passion for operational excellence.

Tim Webb – Director – Business Development in North Carolina & Virginia

Tim Webb leads business development for North Carolina & Virginia. Prior to that he oversaw the Virginia operations and was responsible for all aspects including collection, transfer, and disposal operations, which include over 42,000 residential customers and 2,500 commercial/industrial customers. He was responsible for budgetary goals and accountability, capital needs and allocation, safety, risk, and revenue growth for the Virginia assets including two hauling companies, two MSW landfills, and two recycling facilities. Prior to his current role, Mr. Webb served as the Corporate Purchasing Manager and oversaw various special projects related to construction and disposal projects. Before joining Meridian Waste, Mr. Webb worked as Vice President-Landfills with The CFS Group, as COO of StampTech, as the Environmental, Health and Safety Director of Waste Management – Columbia, MD, and had a long career serving with the Hopewell Bureau of Fire. He also has a background in connecting software and hardware technologies to provide solutions for safety and efficiency within a variety of professional settings.



Meridian Waste North Carolina currently services the following locations of similar size:

- Town of Mayodan 1218 – Trash & Recycle
- Village of Tobacoville – 1204 – Trash & Recycle
- Rural Hall – 1218- Trash & Recycle
- Town of Walnut Cove 610 – Trash & Recycle
- Town of Bethania 180 – Trash & Recycle
- Town of Danbury - 64 – Trash & Recycle
- City of King – 3112 – Trash
- Town of Liberty – 1208 Trash
- Town of Siler City – 2487 – Trash & Recycle
- Town of Southern Pines – 6478 Trash & Recycle
- City of Trinity – 3764 – Trash & Yard Waste



Tab 2: Service Approach

Meridian Waste has reviewed the RFP and all additional addenda information in detail and is prepared to continue servicing the Town of Maydan's approximately 1,220 residential and light commercial solid waste and recycling customers. In a professional and efficient manner.

Collection Methods

The services provided will include once per week curbside collection of household garbage from the initial 1,220 residential units. It is understood that this number may increase during the term of the contract. Twice per week curbside collection of solid waste for ten (10) commercial businesses within the town limits. Collection and servicing of up to ten (10) Town owned properties utilizing a total of fifteen (15) individual containers, including Town Hall, Police Department, Fire Department, Elliot Duncan Park, Jake Atkinson Ballpark (seasonal), M&M Recreation and the Sewer Plant. This service will be provided by utilization of the Town's existing (96) gallon roll out trash containers. All of material will be utilizing an automated side load truck.

Once every other week, curbside collection of recyclable material shall only be collected of recyclable material from residential and light commercial businesses. Recyclable material shall only be collected from within the provided cart; Meridian Waste will not collect material placed outside the cart. All solid waste and recycling hauled by the Company will be contained, tied, covered or enclosed such that leaking, spilling or blowing are prevented.

All solid waste collected will be hauled and deposited at the Rockingham County Landfill Located at 281 Shuff Road Madison NC 27025.

All recycling material will be delivered to Davison Recycling located at 4157 Old US Highway 52 Lexington NC 27295.

The Meridian Waste Team will work very closely with the Town's Team to maintain routing as it is now unless the town would like to make any adjustments. Communication and attention to detail are paramount in ensuring a smooth service and helping residents understand the need for, and expectations of, and any changes in service.

Meridian Waste will collect all properly prepared bagged garbage placed in the provided 96-gallon wheeled cart on a weekly basis and all properly prepared recycling placed inside the provided cart every other week. Commercial and town buildings customers will receive service twice a week. All carts must be placed at the curb no later than 6:00 AM on the morning of collection and should be placed as close to the curb as is safely possible without interfering with traffic flow. Collection days for MSW will be Tuesday & Friday and Recycling on every other Wednesday. Collection will occur between the hours of 6:00 AM and 7:00 PM. The cart should remain approximately three (3) feet from any mailboxes, vehicle or obstructions. Container collection will typically occur at the curb; however, the Company will provide backdoor collection services at no additional cost for those customers who can provide documentation that they have a current medical condition preventing them from placing the garbage in the designated area. This request shall be certified by the Town. Once in place the supervisor and/or driver will meet with



the resident to determine the best cart placement for the resident while allowing the driver to service the stop safely.

Meridian Waste will handle all serviced collection containers in a way that avoids damage to them. Containers will be returned to the designated setout location at each residence, standing upright and will not be thrown or placed in areas where they become obstructions to pedestrians or traffic flow.

Meridian Waste will make collections with a minimum of noise and disturbance to the householder between specified hours. Our employees will immediately pick up trash or recyclables spilled. All solid waste hauled by the Company will be contained, tied, covered or enclosed such that leaking, spilling or blowing are prevented.

Meridian Waste will be responsible for replacing and or repairing carts if damaged. The Company will keep on hand an acceptable number of containers to serve as replacements for damaged, new or lost containers.

Meridian Waste will furnish all necessary vehicles, carts and containers for the collection and transportation of MSW and recycling throughout the Town. These vehicles will not leak and will have tops or covering to guard against spillage and shall conceal said contents from view. All vehicles are to be kept covered or closed at all times except when loaded or unloaded. Drivers, helpers, supervisor staff and certain maintenance technicians arrive at approximately 6am daily for safety and company training, pre-trip inspections and personnel requirements such as clocking in / clocking out and uniform changing, etc. Upon a valid safety check, drivers and helpers depart to their routes so as to not begin collections prior to 6am. They will work until their route is complete not to exceed 12 hours daily to meet OSHA requirements. If for any reason a route is not collected during that timeframe, the town will be notified and a relief driver will be dispatched to finish the route.

Customer Care representatives will staff the phones and website requests from 8am – 5pm Monday - Friday. Management staff hours will follow the 6am – 6pm workday hours for the majority of the time but will fluctuate based upon training, safety, company meeting schedules and the like.

If by chance a regular scheduled collection is missed, and a complaint is received prior to 12:00 on it will be recovered the same day. If after 12:00 noon it will be collected by 12:00 noon the next day. In all instances the recovery will occur within 24 hours.

It is important to reiterate the Company's approach to ensure the best service is provided to the Town of Mayodan. Meridian Waste is prepared to service the Town of Mayodan's residents and light commercial customers as well as the Town facilities. All of these services will be provided under a comprehensive solid waste management and recycling collection, processing and disposal plan that will meet or exceed the needs.



Collection Routes & Schedule

Refuse / Recycle Collection Service – Residential ASL 1x Per Week Collection

Day	Number of garbage Routes	Number of Drivers per Route	Number of Helpers per Route	Approximate number of dwelling units per route T\R	Number of Spare
Monday	0	0	0	0	0
Tuesday	1	1	0	845 Trash	1
Wednesday	1	1	0	1220 Recycle	1
Thursday	0	0	0	0	0
Friday	1	1	0	375 Trash	1

Current routes and route days will remain the same as current.

Holiday Schedule

Meridian Waste understands that no collections will be required on the three (3) annual legal holidays. Each pick up day of a holiday week after a holiday will be serviced one day behind the normal schedule. Meridian normally recognizes the following holidays and does not perform collection of the following: New Year Day, Thanksgiving and Christmas.

Customer Service

Meridian Waste shall maintain an appropriate number of customer care representatives / dispatchers to accept and respond to Town residential customer calls and/or inquiries. All complaints shall be logged, given to a supervisor and resolved by the same day if received by noon or by the end of the next day if received after noon. Meridian Waste will maintain a customer complaint log which will be updated daily, documenting the date, time and resolution. The log shall be shared with the Town in the form of a monthly report.

The Customer Service Center will be located at 4111 Romaine Street Greensboro NC. 27410 and will be operational Monday through Friday between the hours of 8:00 AM and 5:00 PM. From 5:00 PM until 8:00 AM the next day, to include all weekends and holidays, calls will be received by voicemail. If a call is received during these times, it will be routed and responded to as soon as possible upon the opening of the next business day. Emergency contact numbers shall be shared with the Town for 24/7 contact as appropriate.



Customer Care

Meridian Waste – Safety is a Verb! This is Step 1 in Customer Service.

In order for Meridian Waste to become a leading provider of environmental services, we must ensure that safety is an integral part of all that we do in our daily business operations. Why? Because it protects our most valuable assets:

- Our Employees
- Our Customers
- Our Communities

Our goal is to create and maintain a safety culture within the workplace which will minimize our risks and loss potential. We must operate our business with a proactive stance to minimize losses and accidents. Workplace safety is the foundation of every operation.

Weekly training and safety meetings are held to ensure all topics are covered and to ensure top of mind awareness that safety is critical to the success of the Company and security of the citizens we serve.

Starting at the Top – Customer Service Step 2: Our Philosophy

Meridian Waste is a company defined by our commitment to servicing our customers and employees with unwavering respect, fairness and care.

Our customers demand high quality service, and we deliver clean and clear results for your business, your home and your community.

Our senior leadership team is led by Wally Hall - CEO who has 40 years of solid waste industry experience and who made the determination that there needed to be a well-financed, experienced but nimble solid waste company that focused equally on the customers, the employees and the shareholders. This three-pronged business approach has proven to be the soundest business model for company growth and success.



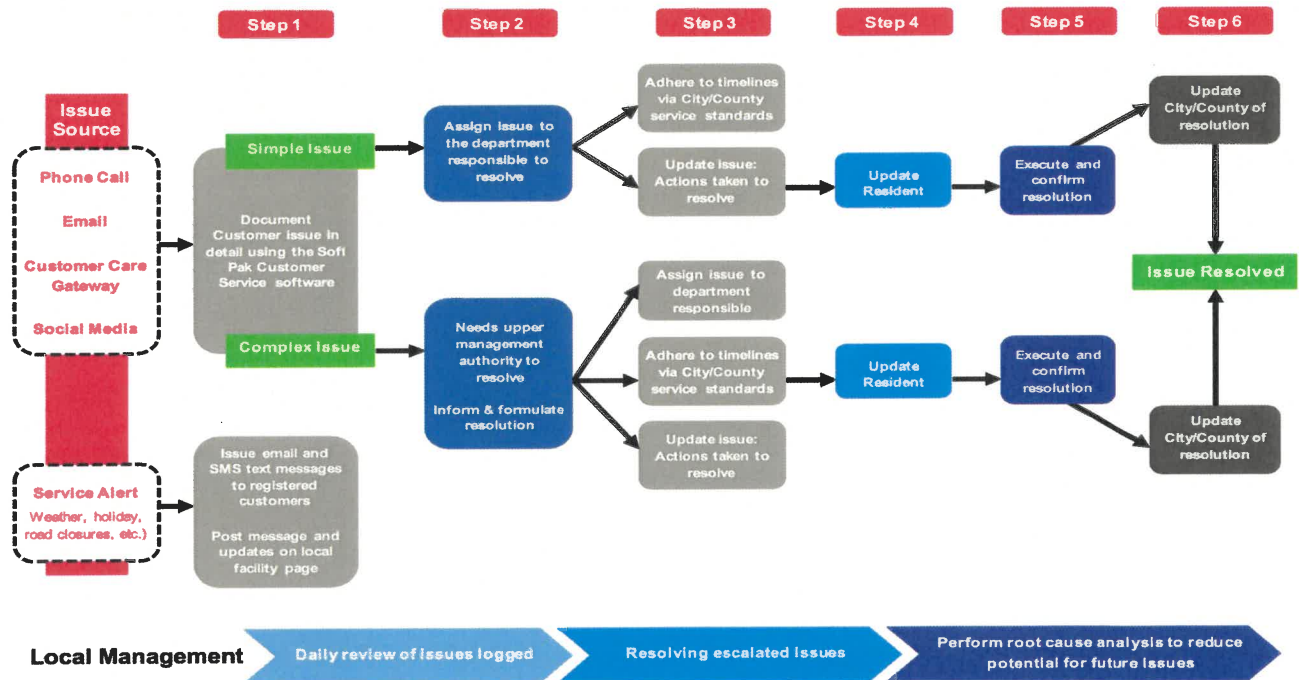
Balanced Approach – Customer Service Step 3:



Issue Resolution – Step 4:

Meridian Waste has developed a formal customer resolution process to address issues quickly and efficiently. Please see flow chart below. In addition to our resolution process, our operations team also allocates time and resources to address any urgent and/or critical needs that may arise (back-up vehicles, second shift team availability, mutual-aid arrangements with other Meridian Waste facilities etc.).

Customer Care Resolution Flow Chart





Website Services

Meridian Waste also provides 24/7 online service by using our Meridian Waste online Customer Gateway. We will work very closely with the Town of Mayodan to approve procedures for implementation and education.

24/7 online service

Meridian Waste Online Customer Gateway allows customers to:

- Request an extra pick up
- Find your pickup schedule (residential & commercial customers)
- Schedule a roll-off pick up & return (commercial customers)
- Change account password
- Report a missed collection service

Service Alerts

Another feature we provide our customers is Service Alerts. We notify customers via email and SMS text about delays in collection schedule due to holidays, weather events, and road closures. Customers and municipal staff greatly value this service as it cuts down tremendously on call volume and hassle especially during holidays.

Local Facility Page & Find My Schedule

Every location has its own local facility page which contains facility contact information, holiday schedule and links to municipal contracts.

Garbage guidelines for residents include acceptable items, how to dispose of items not accepted at the curb, and cart placement information.

There's also a zip code lookup feature that will remember your local facility every time you visit.

The Town's team will have all the contact information for the entire North Carolina Meridian Waste Management Team in case a situation arises day or night that needs our immediate attention.





Town of Maydan Account Management Team

Derrick Boles, Operations Manager
Mobile: 336-978-0161
Email: dboles@meridianwaste.com

Patrick Messinger, Area President
Mobile: 678-936-2728
Email: pmessinger@meridianwaste.com

Tommy Smith, District Manager
Mobile: 919-770-4585
Email: tsmith@meridianwaste.com

Amanda Ayers, Area Controller
Office: 919-832-8234
Email: aaayers@meridianwaste.com

Tim Webb, Director of Business Development
Mobile: 804-241-3801
Email: twebb@meridianwaste.com

Reporting - Information Management

Soft-Pak is a complete, business critical, integrated software solution that delivers an operating system using a secure web-based solution. All data access is securely controlled by Meridian Waste, so only company management or authorized administration have access. The cloud solution will prevent data loss, secure corporate information and ensure a redundant operation server.

Soft-Pak allows Meridian Waste to provide more services while managing our business with less worry and more efficiency:

- A comprehensive customer service package
- Online dispatching with route management
- Billing, accounts receivable & collections all integrated
- Productivity and profitability reporting per route
- Inventory tracking, sales management, and fleet maintenance
- Scale and landfill ticketing
- Commodity tracking and hazardous waste handling
- Extensive management reporting on all business segments

Many software packages offer service, billing or routing functions, **Soft-Pak** brings them all together in an integrated solution. You no longer require multiple databases for hauling and scale activities; **Soft-Pak** does it all while managing customer service, inventory, receivables and collections. Add value to your system with modules that are extensions of the core application.

Meridian Waste subscribes to many modules offered by **Soft-Pak**:

- Sales-Pak Module - sales tracking, quotations, and prospect reporting
- Vehicle Management - manage all aspects of your fleet
- Scale-Pak - bringing the power of **Soft-Pak** our MRF, transfer station or landfill locations
- Web-Pak - provide account information and secure credit card transaction online
- Paperless E-Mail billing - automatically send invoices &/or statements via e-mail
- Mobile-Pak - handheld electronic route sheets for driver efficiencies
- Map-Pak - view and optimize routes
- Customized outsourced billing and mailing of invoices



The **Soft-Pak** system includes hundreds of standard features, the following is an example: secure Credit Card authorization, zip code validation, letter generation, collection module, Microsoft© Excel™, Word™, Google Maps and Outlook integration.



Mobile-Pak

With Mobile-Pak, drivers can easily view and scroll through their route list, update stop activity, and receive dispatched work in real time. Route information is easily entered via a drop-down selection that instantly transmits back to **Soft-Pak**. Driver activities and their GPS locations are sent to customer service or dispatching and displayed via Google Maps. All information flows back to **Soft-Pak** in real time with back-office functions like route productivity, work orders, billing, and route follow up completed instantly.

Mobile-Pak can be mounted in the cab for one-touch use or carried by the driver for mobility purposes. Drivers can easily take photos, update notes, and instantly verify additional services with two clicks.

Truck locations are displayed via GPS (see Map Pak); thus, providing customer service and dispatching with an easy view of the entire fleet.

Mobile-Pak comes with: Real time GPS tracking on Google Maps™

- Scheduled and on call work sent instantly to drivers
- Mapping of local streets and highways
- Picture capabilities for overloaded / blocked containers
- All driver activity is recorded



[view back](#)



- Recorded service time for each stop
- Geo code each stop for route management
- Enter scale information from disposal /transfer facility
- Capture signatures for customer verification
- Drivers can easily charge for and verify additional services
- GPS locations available for playback purposes w/ Map-Pak

Easily record an entire day's activity for playback purposes to ensure driver efficiencies. Improve your fleets performance with the most cost-effective mobile application in the marketplace.

Soft-Pak Route Activity for Dispatch and Manager to View Live:

OBC Route Activity											Current Record Type: Logon		
Filters: (Add % for wild card. Ex: %trash% will show all entries with "trash")											Click to Clear All Filters --> X		
Record Type	Date	Co	Route	Rt Type	Vehicle	Driver	Day	Pics Only	Cust	Name			
Sorted by: Route Date desc													
Date	Day	Co#	Rout	Type	Vehic	Driver	Record Type	Start	Exit	Str	Odon	End Odon	Pic
2/09/17	THU	01	651	RL	1205	460	Logon/off	10:43	15:03				Y
2/09/17	THU	01	652	RL	1203	450	Logon/off	15:05	15:05				
2/08/17	MED	01	651	RL	1205	460	Logon/off	11:00					
2/02/17	THU	01	651	RL	1205	460	Logon/off	8:05					
1/31/17	TUE	01	653	RL	1212	459	Logon/off	11:43					
1/31/17	TUE	01	652	RL	1203	450	Logon/off	11:44					
1/31/17	TUE	01	654	RL	1211	457	Logon/off	11:55					
1/31/17	TUE	01	655	RL	1204	458	Logon/off	11:58					
1/31/17	TUE	01	656	RL	1206	153	Logon/off	12:05					

Soft Pak Route Activity Report in Excel:

COMP	DATE	ROUTE	DRIVER	VEHICLE	DAY	START TIME	STOP TIME	START ODOMETER	STOP ODOMETER	TYPE	COMPANY	CUST NUMBER	CUST NAME	ADDRESS	CITY	#LIFTS	W/O	TICKET #	NOTE/COMMENT	DISPOSAL	WTE	ACT	DESC	
02	01/23/17	631	DO	1310	1			93806	93806	ROUTE														
02	01/23/17	631	DO	1310	1	8:35	8:35			STOPS	02	67872	JEREMY OBERHAUS	15888 HWY UU	LOUISIANA									
02	01/23/17	631	DO	1310	1	8:35	8:35			STOPS	02	67672	JEREMY OBERHAUS	15868 HWY UU	LOUISIANA	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:37	8:37			STOPS	02	68243	JAMES KEMRY	12902 PIKE 342	LOUISIANA	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:37	8:37			STOPS	02	74253	TERRY WILSON	16736 PIKE 9226	BOWLING GREEN	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:37	8:37			STOPS	02	64760	NANCY SHUGH	12775 PIKE 142	LOUISIANA	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:53	8:53			STOPS	02	64293	ALLAN BOLTON	12570 HWY NN	LOUISIANA	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:53	8:53			STOPS	02	69682	GENE SMITH D.O.	14872 HWY NN	LOUISIANA	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:53	8:53			STOPS	02	65351	KENNETH SKIRVIN	15405 HWY NN	BOWLING GREEN	1								COMPLETE
02	01/23/17	631	DO	1310	1	8:56	8:59			STOPS	02	73063	TOM JENSEN	17052 PIKE 9223	BOWLING GREEN	1								COMPLETE
02	01/23/17	631	DO	1310	1	9:09	9:09			STOPS	02	64349	KELLY MILLS	16350 HWY UU	LOUISIANA	1								BLOCKED
01	02/09/17	651	460	1205	4	10:49	10:49			ROUTE														
01	02/09/17	651	460	1205	4	10:49	10:49			STOPS	01	110296	HERTEL KATHY	157 HWY AB	ST. CLAIR	1								
01	02/09/17	651	460	1205	4	10:49	10:49			STOPS	01	110296	HERTEL KATHY	157 HWY AB	ST. CLAIR	1								COMPLETE
01	02/09/17	651	460	1205	4	10:49	10:49			STOPS	01	114684	R & S CUSTOM CA	260 HWY AB	ST. CLAIR	1								COMPLETE
01	02/09/17	651	460	1205	4	10:49	10:49			STOPS	01	113779	ANDERSON, RODGE	295 HWY AB	ST. CLAIR	1								COMPLETE
01	02/09/17	651	460	1205	4	10:49	10:49			STOPS	01	114028	MARTIN, CHRISTI	333 HWY AB	ST. CLAIR	1								COMPLETE
01	02/09/17	651	460	1205	4	13:52	13:52			STOPS	01	113400	DONNA HOWELL	345 ROBIN LN	ST. CLAIR	1								COMPLETE

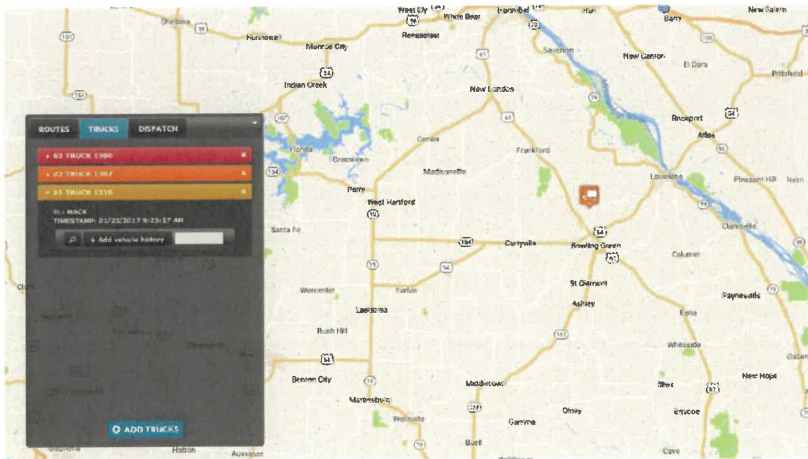
Map-Pak

Map-Pak works on the Google Map™ platform, the most powerful and cost-effective mapping application on the market. Easily view and display all routes and their stops from the Soft-Pak dispatching center. Click on any stop to verify account information and services performed. Select any criteria to view various route types, for example: same day routes, weekly routes, or different route types on different days. Visually identify overlapping stops and make the necessary changes to move stops and improve efficiencies. Take advantage of Google Map™ route optimization to re-sequence stops on a route list within **Soft-Pak**.



Map-Pak comes with:

- Visually display routes in various colors
- Utilize Google Map™ viewing (terrain, traffic, or satellite views)
- Live traffic updates for drivers (via handheld Mobile-Pak)
- No software to load, manage, or update as streets are added
- Geo Code directly from handheld to "pinpoint" a stop for route management
- Easily route new customers by viewing surrounding routes of similar service
- Route optimization and re-sequence via Google Map™
- Display and record all driver activities for playback purposes
- Increased customer service with driver and route verification



Map-Pak works in conjunction with Mobile-Pak, by displaying the location of all active mobile devices on the Google Map™ display. Each driver's GPS location is sent to **Soft-Pak** in real time, providing instant verification of vehicle location for optimum efficiencies. Provide your clients with better service while reducing drive time and dispatching errors. View traffic in real time to help make judgment calls for on call dispatched work. Save time, save money and manage your entire fleet while optimizing scheduled and unscheduled routes. Map-Pak and Google Map™, the smart choice for managing your routes and fleet.

Online – Interactive Dispatch of Work Orders

Dispatch, Customer Service, and Management are able to log into a Live – Interactive dispatch board to view work orders and the progress of the work order, from NEW to DISPATCHED to COMPLETED. Drivers are able to complete work orders in real time using GPS enabled tablets and Mobile-Pak.



Soft-Pak SOFTWARE SOLUTIONS 4/21/17 Panel (2311)

On-Line Dispatching

Open Work Orders From Jan 01, 2017 To Apr 21, 2017

Currently Sorted By: Description

Sort Columns Below By Their Column Descriptions

Date	ID	Time	Pty	Route	Vehicle	Driver	Description	Service Address	City	St	Zip	W/O#	Customer Name
04/17/17	D			0833	DEFBU	DD	BULK PICK UP	579 GREEN HEDGE DR	FENTON	MO	63026	71089	JUSTIN BROWN
04/17/17	D			087	1307	126	BULK PICK UP	491 PEREGRINE CT	WINFIELD	MO	63069	70000	COOK BRUCE
04/18/17	D			022	4002	426	BULK PICK UP	1700 JODPHUR DR	FLORISSANT	MO	63093	72236	CHRISTAL BURTON
04/18/17	D			032	1312	230	BULK PICK UP	3509 STATE HWY B	ELSBERRY	MO	63343	71900	ANITA HALE
04/19/17	D			081	1004	DD	BULK PICK UP	6656 FOOTHILLS CT	FLORISSANT	MO	63093	61202	MARSHALL FRENCH
04/19/17	D			083	DEFBU	DD	BULK PICK UP	16795 STANFORD PLACE	FLORISSANT	MO	63094	72979	CHARIS FERGUSON
04/19/17	D			025	4007	413	BULK PICK UP	905 CADES CV	FLORISSANT	MO	63091	72978	LARRAR & CATHER
04/19/17	D			054	1211	457	BULK PICK UP	591 CONESTOGA TRL	HOUSE SPRINGS	MO	63051	72519	MORGAN LENHARDT
04/19/17	D			055	1204	450	BULK PICK UP	5420 KATRINA DR	HOUSE SPRINGS	MO	63051	71673	JUDY & DON EMIL
04/19/17	D			056	1204	450	BULK PICK UP	6174 TIMBER RIDGE DR	HOUSE SPRINGS	MO	63051	69612	HELVEY BARBARA
04/20/17	D			012	4019	424	BULK PICK UP	19119 WHISPERING TIM	PACIFIC	MO	63059	73563	ENILIO TELLINI
04/20/17	D			013	4006	100	BULK PICK UP	17493 RADCLIFFE PLAC	EUPEKA	MO	63025	73553	GREG WILSON
04/20/17	D			113	DEFBU	DD	BULK PICK UP	23 S CLUB GROUNDS DR	FLORISSANT	MO	63093	73903	FRANK LIGHTFOOT
04/20/17	D			011	1307	120	BULK PICK UP	608 N ETHELYN RD	WINFIELD	MO	63069	72721	BALTZELL BRUCE
04/20/17	D			011	1307	120	BULK PICK UP	70 BLUEBIRD LN	WINFIELD	MO	63069	70400	HARPER KRISTEN
04/20/17	D			053	1212	459	BULK PICK UP	149 FLASH CREEK RD	ROBERTSVILLE	MO	63072	67901	KATHERINE RIGGS
04/21/17	D			001	1004	DD	BULK PICK UP	520 CROWN PASSAGE DR	ST CHARLES	MO	63003	74434	JIM OSTERHOL
04/21/17	D			001	1004	DD	BULK PICK UP	720 WILLOW WOOD CT	ST CHARLES	MO	63003	47992	LINDA BECKER
04/21/17	D			001	1004	DD	BULK PICK UP	923 RIVER BEND ESTAT	ST CHARLES	MO	63003	64131	SARAH ZEMR

Legend: New/Un-Dispatched Dispatched Completed In Process Cancelled by Driver At Scales +

Route Status Display

The Route Status Display Screen allows users to track information such as 'In Route', 'Broke Down', 'Traffic Delay', etc. as well as what sequence number and/or address the driver has last serviced. The Route Status Display can be updated manually or via OBC interface.

Route Status Display Scan

Select By: Date Company Route Rt Type Status

Sort By: Sorted By:

Date	Co#	Route	Type	Truck	Driver	Stop	Status	Seq	Last Serv. Add.	Notes	OBC
7/04/11	01	H01	RES	MEL	BB	55	IN ROUTE	22	14 MARGORAM WAY		
6/22/11	01	BT	REL	ABCD		1	BROKE DOWN	15	5225 W MAIN ST, SAN DIEGO	MECHANIC ON WAY .5 H	
6/22/11	01	B01	REC			1					
6/22/11	01	CH	RES			1					
6/22/11	01	CH2	RES			1					
6/22/11	01	C01	CD			1					
6/22/11	01	C1	FEL	FLT1	RA	1					
6/22/11	01	C1	FEL	FLT1	RA	1					
6/22/11	01	C101	ROLL			1					
6/22/11	01	F01	FEL	203	DW	1					
6/22/11	01	F02	FEL	202	DW	1					
6/22/11	01	H01	RES	MEL	BB	1					
6/22/11	01	R01	REC	204	RA	1					
6/22/11	01	V01	REC		LJ	1					

OBC Detail Update Delete

Soft-Pak variable report options provide flexibility in creating your own reports or templates. They can be set up for many different files, and for each file you can select several selection criteria. In addition, you can create several reports in the same file and save them as templates,



so they can be used again and again. They can be used to create a printed report, export the information to an Excel spreadsheet, or to create a database file.

Customer Note Reporting

Reports any notes added to an account by a user. In addition to showing the customer info and note detail, report will user, time, and date stamp each note.

COMPANY	CUST #	SERV FIRST NAME	SERV LAST NAME	CYCLE	NOTE CODE	NOTE DATE	NOTE TIME	NOTE	USER	CUST STOP
1	27		GERALD'S PHARMACY	CA	A/R91	38937	0.5794213	COLLECTION LETTER COMMERCIAL 91 + AGING	BETHV3	00/00/0000
3	26		FLUFF & FOLD	CA	A/R91	38937	0.5794213	COLLECTION LETTER COMMERCIAL 91 + AGING	BETHV3	00/00/0000
4	96		ABC CONSTRUCTION	JA	A/R91	38937	0.5794213	COLLECTION LETTER COMMERCIAL 91 + AGING	BETHV3	00/00/0000
5	27		GERALD'S PHARMACY	CA	A/R91	38975	0.5847338	COLLECTION LETTER COMMERCIAL 91 + AGING	DAWNV3	00/00/0000

Service Level Reporting

Reports current service levels by customer's address. Option to be produced in detail or condensed. Report used to summarize number of homes with each type of service, trash, recycle, yard waste, etc.

COMPANY	CUST #	SERV FIRST NAME	SERV LAST NAME	CYCLE	ROUTE	DAY	RTE	SEQ	QTY	SIZE	CHG	CODE	FREQ	SCHEDULE	BIN #	PAW	BIN AMT	AMTS	OVERRIDE	START
2	CW	2	GALINA	BESPECHNY	R1	H01	THU	0	1		CS		---	H---	1	1	15			39759
3	CW	2	GALINA	BESPECHNY	R1	Y01	THU	0	1		YW		---	H---	2	1	13		N	39759
4	CW	3	MANNY	BETRO	R1	H01	MON	0	1		CS		M-----		1	1	15			39759
5	CW	3	MANNY	BETRO	R1	Y01	MON	0	1		YW		M-----		2	1	15			39759
6	CW	4		FIREHOUSE GLASS	CA	F01	MON	0	2	4F	TW		M-W-F--		1	3	390			39759
7	CW	4		FIREHOUSE GLASS	CA	F01	WED	0	2	4F	TW		M-W-F--		1	3	390			39759
8	CW	4		FIREHOUSE GLASS	CA	F01	FRI	0	2	4F	TW		M-W-F--		1	3	390			39759
9	CW	6		CONROY'S FLORIST	CA	F02	WED	0	1	2F	TW		--W----		1	1	65			39759
10	CW	7		CONSTRUCTION EQUIPMENT CO	DA	1	WED	12	1	4F	CW		--W----		1	1	40			39759
11	CW	8		LOUIES	R1	H01	MON	0	1	96	GS		M-W----		1	2	7.69			40189
12	CW	8		LOUIES	R1	H01	WED	0	1	96	GS		M-W----		1	2	7.69			40189
13	CW	11	TEST	CREDIT LIMITS	R1	H01	MON	0	1		95		M-----		1	1	16			40275

Meridian Waste uses Maptitude Mapping Software to assist in Routing Efficiencies

Mapitude is simple mapping software that lets you create maps using your own data. Whether you store your data in Microsoft Excel, Access, and SQL Server, or as CSV, text, dBASE, Oracle, or any ODBC compliant data source, Mapitude can work with your data.

Create-a-Map Wizard™ provides start-to-finish assistance for locating (geocoding), geographically analyzing, and mapping your data. In a few easy steps, you can locate your

customers, color code ZIP/Postal Codes with your sales data, build bands around your facilities, and much more.

Routes

Identify routes between points and choose whether to minimize distance or time. When a trip involves several stops, Maptitude can even help you decide the best order in which to visit them. The street layer included with Maptitude includes one-way streets and travel times allowing you to create the most accurate routes ever in Maptitude.

Drive-Time Territories

Partition streets into zones so that each link is assigned to a feature based on the time or distance to that feature. For example, you can divide the streets in a city/county so that each is assigned to the nearest disposal facility.

- Optimizes your delivery routes to minimize your logistics costs
- Supports dynamic routing
- Provides fleet management tools
- Supports multiple stops
- Is the most affordable route optimization software
- Integrates with dispatch software



Right turns not only increase efficiency by reducing fuel consumption, but they also increase safety for the driver and other vehicles on the road, given that the driver no longer has to face oncoming traffic.



On-board Computers

As modern technology meets solid waste collection, numerous items have been implemented in everyday collection practices of which Meridian Waste has adopted. One of these valuable pieces of equipment is the on-board computer in our case Mobile-Pak. Not only can the driver follow his/her route on the system, but the driver can also communicate with the office notifying them of obstacles in the way or customers who do not have trash out.

Benefits that increase driver efficiency are:

- Tracks routes in real-time
- Provides accountability by being able to see where the collection vehicle is at all times
- Eliminates wondering if the driver is doing his job efficiently
- Eliminates (potentially) going back to pick up "Not Outs"
- Provides GPS time and date stamp in addition to message from driver that customer did not have trash out
- Depending on contract/requirements may be enough to not have to go back and collect a customer who indeed didn't have the trash out when the collection vehicle was there
- Turn-by-turn shows driver how to run the route properly
- Relief driver can run route without any prior knowledge of it
- Simply follow the GPS directions
- Integrates with billing systems
- With the drivers' ability to communicate with billing software, you can automatically charge the customer for extra bags or extra collection thus not missing additional revenue

Optimize Landfill Transfer Station Trips

Most drivers only head to the MRF to unload when they are completely full. This is generally not the most efficient way to handle the disposal trips. Route optimization software has a function to optimize the disposal trips. If the route requires two disposal trips, then these trips should be scheduled when the vehicle is closest to the transfer station/landfill. By optimizing the disposal trips, you can generally eliminate a trip or two per week for most routes.

Missed Pick up Resolution

Meridian Waste and its employees pride themselves on their customer service. In the unlikely event that a miss occurs the Customer Care representatives receiving the call will log the information into the system, check the system for any note or picture(s) that may have been noted during collection and immediately send the recovery note to the driver's notebook for resolution. If by chance a regular scheduled collection is missed, and a complaint is received prior to 12:00 noon it will be recovered the same day. If after 12:00 noon it will be collected no later than 12:00 noon the next day. In all instances the recovery will occur within 24 hours.



Sustainability Statement

Meridian Waste is in the business of a clean environment. The results of how we service our customers and the condition of how we leave the communities we service is our testament to sustainability. Sustainability focuses on meeting the needs of the present without compromising the ability of future generations to meet their needs. The concept of sustainability is composed of three pillars: economic, environmental, and social - also known informally as profits, planet and people¹.

Economic: Meridian Waste has a fiduciary responsibility to manage the investments of our shareholders, the revenues from our customers and the expenses we incur from service delivery in a responsible and profitable manner that benefits the long-term viability of the company, the efforts to grow and expand our financial goals and geographic footprint and to offer fair and competitive benefits and opportunities to all our team members.

Environmental: Meridian Waste's overarching deliverable every day is a clean and safe environment. We are stewards of the communities and natural environment in which we operate to ensure that solid waste is collected, transported, processed, and disposed of in a manner that meets or exceeds federal, state and local regulations and allows for a quality of life we all strive to enjoy now and well into the future.

Social: Individuals, as investors, customers and/or employees, are the underlying engines that support Meridian Waste and will shape its success in the years to come. Ensuring a safe operating environment within our facilities, trucks and landfills is of vital importance and pointed focus. However, Meridian Waste does not operate exclusively of the world around us, and we have a commitment to help ensure the physical and environmental safety of others to the best of our ability. Whether it is defensive driving on the streets we navigate, community involvement and education to help future leaders and generations understand the need for operationally and economically effective solid waste collection and disposal solutions, improved water and air protection innovations and/or an investment of people or finances to tackle an immediate need or community emergency, Meridian Waste is a community steward taking care of the needs of a clean and healthy world wherever we operate.

¹www.investopedia.com/terms/s/sustainability.asp



PROMOTION AND EDUCATION

Meridian Waste will provide an interactive system through the telephone and internet/email systems. These system(s) will allow the citizens and the town to communicate all services requested 24/7. All requested for services will be tracked, recorded, and reported monthly showing the date, time, type, and resolution of each request. Meridian Waste will maintain a sufficient number of customer service representatives to accept and respond to all inquiries in a timely fashion.

Meridian Waste will provide information promoting the guidelines of the solid waste collection program and adequate publicity to all residents within the Town as to any changes to the current system or day of service prior to the initiation of service. The information will provide but not limited to, at least one mailing or delivery to each residential dwelling within the Town limits indicating the date of change over, the day of collection for types of collection, what items are to be collected and how they are to be prepared and the telephone number, email address and web site for Meridian Waste's office where questions or complaints will be handled.

Meridian Waste believes that educating the residential customers (in particular) in regards to the overall Town's waste collection program is vital. Thus, we would work in coordination with the Town to design and deploy marketing collateral that is relevant, available 24/7, and accurate. The following pieces have been designed for other customers and are a sample of the pieces we would develop to promote proper overall solid waste preparation and to help educate the citizens of their role proper solid waste collection & disposal.

Meridian Waste will complete and provide the MSW/Recycling monthly volume report.



Town of Mayodan, North Carolina

The following services, guidelines, and resource links are available specifically for Town of Mayodan, North Carolina.

Place cart curbside the night before your collection day.



Garbage Pickup

Container: 96-gallon cart included with subscription.

Frequency: Collected weekly on Tuesday and Friday.

Materials Accepted: Bagged & containerized non-hazardous municipal solid waste.

Instructions:

All waste materials must be **BAGGED** and **INSIDE** your garbage cart at the designated collection location, in a spot that is readily accessible. If an extra cart is needed, please contact Customer Care for more information and pricing details.



Recycling

Container: 96-gallon cart included with subscription.

Frequency: Collected every other Wednesday.

Materials Accepted:



Plastic (Label #s 1, 2, 3, 5, and 7); aluminum and tin cans; mixed paper, glass.

EXPLOSION DANGER!

Lithium-ion batteries (the kind in **cell phones, laptops, tablets**) easily catch fire or explode when crushed, even if they're "dead"!

NEVER put them in the Garbage **OR** Recycling.

LITHIUM BATTERIES





Lookup Your Location

COMMERCIAL

RESIDENTIAL

GOVERNMENT

CAREERS

FIND A FACILITY

MY ACCOUNT

CONTACT US

Find your residential or commercial pickup schedule.

Enter your information below to find which day(s) of the week your solid waste materials get collected.

Option 1: Look up by Account Number (fastest)

Account Number	Email Address	Area Code	Mobile Phone
----------------	---------------	-----------	--------------

Option 2: Look up by Address

Address 1	Address 2	City	Select State
Zip	Area Code	Mobile Phone	Email

GO

IMPORTANT:

Please include your valid email address and mobile phone number as Meridian Waste will email you a link to sync (optional) your electronic calendar with your Meridian Waste pick up collection schedule.

A valid email address and mobile phone is also important to notify you of service alerts such as schedule changes due to weather delays, holidays, and other unsafe or unexpected circumstances.



Guidelines developed for the Town of Maydan NC.

Update 2025-A

EFFECTIVE January 1, 2025

Town of Maydan Collection Guidelines

Meridian Waste is proud to be your environmental services provider! Refer to the guidelines below for essential information about your services and visit MeridianWaste.com/MaydanNC for the latest news and updates to guidelines and collection schedules. It is our goal to help make taking out the trash just a little bit easier!

Prepare for Pickup

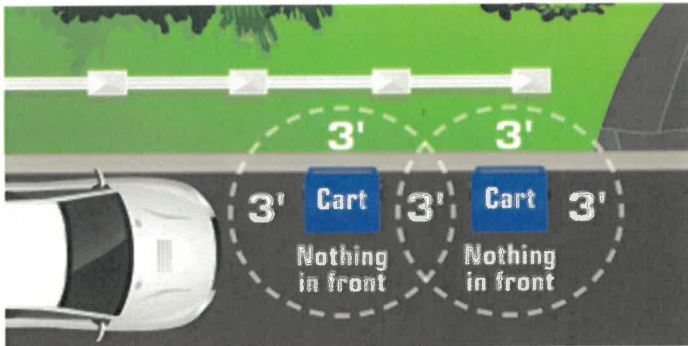
Collection Day: Garbage collected weekly on **TUESDAY** and **FRIDAY**.

Set Out Time: Place cart curbside the night before your collection day.

Materials: All waste materials must be **BAGGED** and **INSIDE** your garbage cart at the designated collection location, in a spot that is readily accessible. If an extra cart is needed, please contact Customer Care for more information and pricing details. No more than three (3) carts per address location.

Cart Placement

Carts **MUST** be **LESS THAN three (3) ft.** from the curb and **MUST** be **AT LEAST three (3) ft. away** from any standing object (this includes mailboxes, vehicles, and other waste containers).



Sign Up for Service Alerts

Stay in the know about your service—sign up for email and/or text alerts so we can notify you in the event of inclement weather, holidays, or other factors that might interrupt your service.

Sign up at: MeridianWaste.com/Service-Alert-Signup



All services are available by subscription.
Call for details & pricing.

Garbage

- Collected weekly on **TUESDAY** and **FRIDAY**.
- 96-gallon cart included with subscription.
- **Materials Accepted:** Bagged & containerized non-hazardous municipal solid waste.

Recycling

- Collected every other **WEDNESDAY**.
- 96-gallon cart included with subscription.
- **Materials Accepted:** Plastic (Labeled #s 1, 2, 3, 5, and 7); aluminum and tin cans; mixed paper; glass.

Holiday Schedule

If the holiday falls on or prior to your regular collection day, pick-up will be delayed by one day through the end of that week.

Holidays Observed:

- New Years Day
- Memorial Day
- July 4th/Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

More Information: MeridianWaste.com/MaydanNC
Email: CustomerCareMaydanNC@MeridianWaste.com
Customer Care Phone: (336) 871-4055



ATTENTION: All waste materials must be **BAGGED** and placed **INSIDE** your cart in the designated collection location. All recycling must be placed in the recycling cart.

GARBAGE

APPROVED Waste

- YES** – Non-hazardous municipal solid waste
- YES** – Food scraps and food packaging
- YES** – Disposable
- YES** – Clothing
- YES** – Compost
- YES** – *Bottles, cans, newspapers & magazines
- YES** – *Glass

NOT ACCEPTABLE

- NO** – Tires
- NO** – Yard waste
- NO** – **Hazardous Materials:** Including but not limited to: batteries; automotive fluids (fuel, antifreeze, oil); paint and paint lacquer; stains, thinners, varnish and polishes; wood preservatives; and chemicals of any kind (i.e. pool chemicals, cleaners, solvents, adhesives; pesticides and weed killer)
- NO** – Empty Hazardous Material Containers
- NO** – Radioactive Materials
- NO** – Biological/Medical Waste
- NO** – **Electronic Waste:** Including but not limited to: televisions, computers, monitors, printers, VCRs, cell phones, telephones, radios and microwave ovens
- NO** – Liquids or Water-Soluble Solids
- NO** – Salt, borax, lye, caustics/acids
- NO** – Septic Tank or Chemical Toilet Waste
- NO** – Fluorescent Light Tubes and Ballasts
- NO** – Automobile Bodies

**As much as possible, please try to recycle these materials instead of placing them in the garbage.*

RECYCLING CART

The following are accepted for curbside recycling: plastics (#s 1, 2, 3, 5, and 7); aluminum and tin cans; glass; newspaper; magazines, junk mail, office paper; paper shopping bags, tissue or cereal boxes, and other clean cardboard.

NOTE: Items must be clean, with non-paper items rinsed and labels removed.



PLASTIC (Clear or Colored*)
Label #s 1, 2, 3, 5 & 7

* NOT Accepted: # 4, # 6 & black plastics



ALUMINUM and TIN CANS



CORRUGATED CARDBOARD



MIXED PAPER



GLASS

NOT ACCEPTED CURBSIDE: PLASTIC BAGS

PLASTIC BAGS are not accepted in the curbside recycling program because they are common contaminants in the recycling stream.

We're Here to Help!

Contact us anytime with questions or concerns, and to let us know if your cart has been lost or damaged.

More Information: MeridianWaste.com/MayodanNC
Email: CustomerCareMayodanNC@MeridianWaste.com
Customer Care Phone: (336) 871-4055



Town of Mayodan 2026 Recycling Schedule



Curbside recycling for Mayodan is **picked up EVERY OTHER WEEK on Wednesdays**. While sorting, please use the list of accepted/not accepted recyclable items found at MeridianWaste.com/MayodanNC.

HOLIDAY SCHEDULE: When a holiday occurs **ON** or **BEFORE** your scheduled collection day, services will be **delayed one day for the rest of the week**. We observe New Years Day, Thanksgiving Day and Christmas Day.

RECYCLING PICK-UP

HOLIDAY

No collection that day, and services will be delayed one day for the rest of the week.

JANUARY						
S	M	T	W	T	F	S
				★	2	3
4	5	6	7	8	9	10
11	12	13		15	16	17
18	19	20	21	22	23	24
25	26	27		29	30	31

FEBRUARY						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10		12	13	14
15	16	17	18	19	20	21
22	23	24		26	27	28

MARCH						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10		12	13	14
15	16	17	18	19	20	21
22	23	24		26	27	28
29	30	31				

APRIL						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7		9	10	11
12	13	14	15	16	17	18
19	20	21		23	24	25
26	27	28	29	30		

MAY						
S	M	T	W	T	F	S
					1	2
3	4	5		7	8	9
10	11	12	13	14	15	16
17	18	19		21	22	23
24	25	26	27	28	29	30
31						

JUNE						
S	M	T	W	T	F	S
	1	2		4	5	6
7	8	9	10	11	12	13
14	15	16		18	19	20
21	22	23	24	25	26	27
28	29	30				

JULY						
S	M	T	W	T	F	S
				2	3	4
5	6	7	8	9	10	11
12	13	14		16	17	18
19	20	21	22	23	24	25
26	27	28		30	31	

AUGUST						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11		13	14	15
16	17	18	19	20	21	22
23	24	25		27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8		10	11	12
13	14	15	16	17	18	19
20	21	22		24	25	26
27	28	29	30			

OCTOBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6		8	9	10
11	12	13	14	15	16	17
18	19	20		22	23	24
25	26	27	28	29	30	31

NOVEMBER						
S	M	T	W	T	F	S
1	2	3		5	6	7
8	9	10	11	12	13	14
15	16	17		19	20	21
22	23	24	25	★	27	28
29	30					

DECEMBER						
S	M	T	W	T	F	S
		1		3	4	5
6	7	8	9	10	11	12
13	14	15		17	18	19
20	21	22	23	24	★	26
27	28	29		31		

Questions? Contact us at Meridian Waste at (336) 871-4055 or email CustomerCareMayodanNC@MeridianWaste.com.

MeridianWaste.com/MayodanNC



Tab 3: Equipment and Staffing

Description of Collection Vehicles

Side Load Packers (Refuse)

Supervisor(s)/ Ops Manager Pickups

In-Service = 2

In-Service = 1

Spare = 1

Spare = 1

Total = 3

Total = 2

Type of Vehicle (Rear Loader, Split, etc.)	Chassis Make, Yr. & Model	Body Make, Yr. & Model	Body Max. Capacity	Total Vehicle (Tare) Weight	Engine Make, Yr. & Model	Type of Fuel	Fuel Tank Capacity	Leased or Owned	Quantity to be purchased	Describe Normal Use (Refuse, Recycle, Spare, etc.)	Location of Equipment Yard
Residential Garbage & Recycle	2025 Mack	2025 Heil Body Automated Side Loader	25 CU YD	41,000 lbs (approx.)	2025 Mack Engine	Clean Diesel	80 gallons	Owned	1	Refuse and Recycling	Meridian Waste Greensboro NC
Residential Supervisor	2025 Ford	F 250	Pick up	8,000 lbs. (Approx)	2025 Ford	Clean Diesel	30 Gallons	Owned	1	Supervisor	Meridian Waste Greensboro NC

Staffing Plan

Position	# of Personnel	Job Description
General Manager	1	Oversee all operations, safety, financial P&L, personnel and service
Operations Manager	1	Manage day-to-day operations, customer service and drivers/helpers
Customer Service Representatives	3	Handle all work orders and scheduling
Drivers	1	CDL route truck drivers, collect garbage, recycle,
Swing Drivers	1	CDL drivers trained on all routes to train others and to fill in for regular drivers or helpers as needed
Maintenance Manager	1	Oversee entire fleet, truck shop, mechanics, and maintenance of route trucks
Mechanics	1	Perform all needed and daily required maintenance, preventive maintenance on fleet
Shop Clerk	1	Assist shop team, order parts, track inventory, complete reporting
TOTALS	10	



Meridian Waste Management Team that will be responsible for the oversight and management of the Town of Mayodan contract.

Derrick Boles, Operations Manager
Mobile: 336-978-0161
Email: dboles@meridianwaste.com

Tommy Smith, District Manager
Mobile: 919-770-4585
Email: tsmith@meridianwaste.com

Patrick Messinger, Area President
Mobile: 678-936-2728
Email: pmessinger@meridianwaste.com

Amanda Ayers, Area Controller
Office: 919-832-8234
Email: aayers@meridianwaste.com

Tim Webb, Director of Business Development
Mobile: 804-241-3801
Email: twebb@meridianwaste.com



Fleet and Maintenance Summary

With the successful growth experienced by Meridian Waste over the past few years, it is vital that the Company's fleet be maintained in accordance with all State, Federal and DOT regulations as well as be cosmetically suitable to the communities we serve. Meridian Waste maintenance programs include, but are not limited to:

Preventative Maintenance:

Each vehicle is inspected on a preset hourly schedule to include visual inspection, lube and grease as required by manufacturer standards and replacement of wear items as needed. In addition, each vehicle is given a DOT required yearly inspection which is kept with the vehicle at all times.

Diagnostics:

Each maintenance facility is equipped with the latest diagnostic testing computers available in the industry. Each technician has access to both in-house and factory personnel to assist in keeping our fleet in top running condition.

Safety:

Meridian Waste maintains the necessary safety tools to allow our technicians to perform their work in a manner to reduce exposure to accidents and injury. Each technician receives monthly training and has access to the required Personal Protective Equipment (PPE).

Technology:

Meridian Waste is currently implementing the Dossier Maintenance software system to better track fleet cost and technician productivity. The software will be used to identify possible equipment failures so repairs can be completed before major downtime affects higher repair costs and the availability of the unit to be on route.

Driver Inspections:

Each driver is required to complete both a Pre-Trip and Post-Trip inspection on their route vehicle daily. All necessary repairs are addressed daily with any safety related repairs given priority attention.

Facilities:

Meridian Waste continues to invest in its maintenance facilities to provide our technicians with a clean, safe, and optimal working environment. Each operating location is encouraged to make constant improvement while maintaining Meridian Waste standards of quality and safety.



Tab 4: Pricing Proposal

Residential and Light Commercial Solid Waste Collection with town provided 96-gal carts –

1 x weekly - -\$ 10.39 per month per cart

2x weekly - \$ 18.06 per month per cart

2xWeek curbside collection for Town-owned properties utilizing town provided 96gal carts-

2x weekly - \$18.06 per month per cart

Residential and Light Commercial Recycling Collection

Every other week, curbside collection with town provided 96-gal carts

\$ 3.68

Note: There will be “NO Fuel Surcharges” or additional fees, all of the above pricing is inclusive of all charges.



Tab 5: Reference

1. Town of Liberty

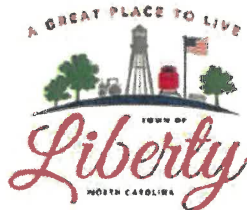
Scott Kidd, Town Manager
Phone – 336-215-2339
Email – townmanager@townoflibertync.org
1208 Residential trash service
Started 7/1/2025 – On Going

2. Town of Southern Pines N.C.

Mike Cameron, Fire Chief - Asst. Town Manager
Phone - 910-992-6190
Email - cameron@southernpines.net
6,478 Residential Customers Services MSW & EOW
Subscription Recycling.
Started January 2025 - On Going

3. Town of Siler City N.C.

John O’Keefe, Finance Director
Phone – 919-726-8636
2487 Residential Curbside and Recycling Collection
Start Date: 7/1/2026 – On Going



Town of Liberty
PO Box 1006
126 South Fayetteville Street
Liberty, NC 27298
www.liberty-nc.com
Phone: 336-622-4276

October 6, 2025

To whom it may concern,

The Town of Liberty switched from a previous trash provider that we had for many years to Meridian Waste in July 2025. We all knew there would be some hurdles to cross, but the transition was smooth. There were some trash accounts that had cans that were not being billed or had too many trash cans. As each of these issues came up, the Meridian team discussed all aspects with us, and we made the best solution on each issue. These issues were handled quickly and professionally so that the customer had minimal disruption in service. After the first 3 weeks passed and all cans have been changed out, we have had minimal issues over the past 3 months.

Meridian is a top notch trash provider that I would recommend to any municipalities.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kidd".

Scott Kidd – Town Manager

126 S Fayetteville St, Liberty NC



February 26, 2025

RE: Letter of Recommendation

To Whom It May Concern:

I am writing on behalf of the Town of Southern Pines, N.C. to share my recommendation of utilizing Meridian Waste as your solid waste and recycling provider. Meridian Waste began servicing our Town of 15,500 residents with over 6,500 residential solid waste pick-ups and 400+ commercial businesses on January 1, 2025, after the Town selected Meridian Waste following a competitive RFP and extensive evaluation process. The transition included the purchase of trucks, 96-gallon roll-out carts, commercial dumpsters, and the hiring and training of new drivers and staff. The switch to Meridian Waste from a large publicly traded company was seamless and exceeded our expectations because of the detailed transition plan Meridian Waste executed while beginning services. The Meridian team worked closely with Town staff and never missed a beat during the transition.

The Town met the Meridian Waste team during the selection and transition period. The Town greatly respects the efficient operations of the Meridian Waste team and appreciates the open, honest communication between the company and the Town.

In particular, I would like to highlight the customer care efforts on behalf of the Meridian Waste team. When a Town staff member requests a resolution or simply needs to ask a question, the office staff and field supervisors are polite, informative, and quick to respond. They have developed extreme local knowledge of our Town including the geographic and customer nuances, and are amenable to adjusting service delivery to meet the needs of the Town.

I highly recommend Meridian Waste for your local government residential and/or commercial needs and know that you will be in good hands under Meridian Waste operations.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Cameron", is written over a horizontal line.

Michael Cameron, Assistant Town Manager
Town of Southern Pines



Town of Siler City

To Whom It May Concern,

Subject: Letter of Recommendation for Meridian Waste of North Carolina

I am pleased to provide this letter of recommendation for Meridian Waste of North Carolina based on their exemplary performance as our waste management service provider for the Town of Siler City. Since initiating our new contract on July 1, 2025, Meridian Waste has demonstrated a high level of professionalism, reliability, and accountability.

As the Finance Director for the Town of Siler City, I can attest to Meridian Waste's effectiveness from both a service and financial perspective. The transition to their service was seamless, with the company providing clear communication and a well-coordinated rollout of new bins and collection schedules. This efficient implementation process resulted in minimal disruption to our residents, a key metric for a successful public service transition.

From a financial standpoint, Meridian Waste has been a transparent and dependable partner. All billing has been accurate and timely, demonstrating strong operational discipline. They have honored the terms of our contract without issue, which has been invaluable for our town's budgeting and fiscal planning. Their operational efficiency and commitment to the agreed-upon terms have proven them to be a financially sound and trustworthy service provider.

Beyond the financial and logistical aspects, Meridian Waste has shown a commendable commitment to our community. They have been highly responsive to the needs of our town staff and residents. Their local team is accessible and proactive, addressing any concerns quickly and professionally. This level of customer service is a testament to their overall dedication to being a valuable partner, not just a contractor.

In summary, Meridian Waste has exceeded our expectations in the months since they began their contract with the Town of Siler City. I am confident in recommending their services to any other municipality. Their reliability, financial transparency, and commitment to excellent customer service make them an ideal choice for waste management services.

Please feel free to contact me at the number or email address listed above for any additional information.

Sincerely,

John O'Keefe
Finance Director
Town of Siler City

John O'Keefe
Finance Director
PO Box 769 • 311 N Second Avenue
Siler City, NC 27344-0769

jokeefe@silercity.gov
Phone: 919-726-8636 • Fax: 919-663-3874
www.silercity.org

To advance a framework for our success through balanced governance, dynamic partnerships, and an engaged community.



Tab 6: Insurance and Licensing, Proof to meet standard municipal insurance requirements.

Client#: 2043560 MERIDWAS1

ACORD **CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YYYY)
02/05/2026

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER USI Insurance Svc Charlotte CL 6100 Fairview Road, Suite 1400 Charlotte, NC 28210-3293 704 543-0258	CONTACT NAME: Chris Aquino PHONE: - FAX: - EMAIL: Chris.Aquino@usi.com ADDRESS:														
INSURED Meridian Waste Acquisitions, LLC 5925 Carnegie Blvd, Suite 370 Charlotte, NC 28209	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: left;">NAIC #</th> </tr> <tr> <td>INSURER A: Crum & Forster Specialty Insurance Co.</td> <td>44520</td> </tr> <tr> <td>INSURER B: Pennsylvania Manufacturers Assoc. Inc.</td> <td>12262</td> </tr> <tr> <td>INSURER C: Gemini Insurance Company</td> <td>10833</td> </tr> <tr> <td>INSURER D: Navigators Specialty Insurance Co.</td> <td>36056</td> </tr> <tr> <td>INSURER E: GBE Specialty Insurance Company</td> <td>11515</td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Crum & Forster Specialty Insurance Co.	44520	INSURER B: Pennsylvania Manufacturers Assoc. Inc.	12262	INSURER C: Gemini Insurance Company	10833	INSURER D: Navigators Specialty Insurance Co.	36056	INSURER E: GBE Specialty Insurance Company	11515	INSURER F:	
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INSURER D: Navigators Specialty Insurance Co.	36056														
INSURER E: GBE Specialty Insurance Company	11515														
INSURER F:															

COVERAGES CERTIFICATE NUMBER: 52849610 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF. DATE (MM/DD/YYYY)	POLICY EXP. DATE (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	EPK153270	05/15/2025	05/15/2026	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (If a professional) \$100,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - CONSPIC AGG \$2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY	1525751610526	05/15/2025	05/15/2026	COMBINED SINGLE LIMIT (See below) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> EXCESS LIAB DED: RETENTION \$	EFX130203	05/15/2025	05/15/2026	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N If yes, describe below:	2025751610526	05/15/2025	05/15/2026	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - (EA EMPLOYEE) \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
A	Pollution Liab.	EPK153270	05/15/2025	05/15/2026	\$1,000,000 /condition
B	Hired Phys Damage	1525751610526	05/15/2025	05/15/2026	\$325,000
	Excess Auto Tower	(See below)	05/15/2025	05/15/2026	(See Below)

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 901, Additional Remarks Schedule, may be attached if more space is required)
 Excess Liability follows form over the General Liability and Employers Liability policies. The Automobile Liability Excess tower follows form over the Automobile Liability Policy.

Insurer C | Excess Auto Liab. Policy # GVE100353501 - Limit \$1M
 Insurer D | Excess Auto Liab. Policy # GA25EXCZ0LC9JIC - Limit \$2M xs \$1M
 (See Attached Descriptions)

CERTIFICATE HOLDER Town of Mayodan 210 W. Main Street Mayodan, NC 27027	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Paula B. Bulman</i>
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ACORD 25 (2016/03) 1 of 2 #S52849610/M49337635

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SACT



DESCRIPTIONS (Continued from Page 1)

Insurer E | Excess Auto Liab. Policy # 140002631 - Limit \$2M xs \$2M
Description of Operations: Excess Liability follows form over the General Liability and Employers Liability policies. The Automobile Liability Excess tower follows form over the Automobile Liability Policy.

Insurer C | Excess Auto Liab. Policy # GVE100353501 - Limit \$1M
Insurer D | Excess Auto Liab. Policy # GA25EXCZ0LC9JIC - Limit \$2M xs \$1M
Insurer E | Excess Auto Liab. Policy # 140002631 - Limit \$2M xs \$2M



EPK159270

Meridian Waste Named Insureds

Blue Ridge Disposal, Inc.
Capitol Recycling, LLC
Capitol Waste Transfer, LLC
Christian Disposal LLC
FWCD, LLC
Here To Serve – Missouri Waste Division, LLC
Knoxville Landfills, LLC
Meridian Land Company, LLC
Meridian Waste Acquisitions, LLC
Meridian Waste Florida, LLC
Meridian Waste Georgia, LLC
Meridian Waste Holdings, LLC
Meridian Waste Missouri, LLC
Meridian Waste North Carolina, LLC
Meridian Waste South Carolina, LLC
Meridian Waste Tennessee, LLC
Meridian Waste Virginia, LLC
Morrisville Transfer Station, LLC
RWGS, LLC
Shotwell Landfill, Inc.
The CFS Group Blue Ridge Disposal & Recycling Services, LLC
The CFS Group Disposal & Recycling Services, LLC
The CFS Group, LLC
Tri-City Recycling Center, LLC
Wilson Waste Systems, LLC
Meridian Waste Intermediate II, LLC
Coble's Sandrock, Inc. DBA Tri-Corners Landfill
Coble's, L.L.C.
Meridian Waste Alabama, LLC
Evergreen Environmental Partners, LLC
EEP Huntsville Transfer Station, LLC
A&D of Alabama LLC



NORTH CAROLINA
Department of the Secretary of State

CERTIFICATE OF EXISTENCE
(Limited Liability Company)

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify that

MERIDIAN WASTE NORTH CAROLINA, LLC

is a limited liability company duly formed, and existing under the laws of the State of North Carolina, having been formed on 9th day of August, 2019

I FURTHER certify that, as of the date of this certificate, (i) the said limited liability company is not dissolved under the terms of its articles of organization, (ii) the said limited liability company's articles of organization are not suspended for failure to comply with the Revenue Act of the State of North Carolina, (iii) that said limited liability company is not administratively dissolved for failure to comply with the provisions of the North Carolina Limited Liability Company Act, (iv) that this office has not filed any decree of judicial dissolution, articles of dissolution, articles of merger, or articles of conversion for said limited liability company.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 7th day of January, 2024.

Elaine F. Marshall

Secretary of State

Certification# 118189235-1 Reference# 20638133- Page: 1 of 1
Verify this certificate online at <https://www.sosnc.gov/verification>



Welcome
Altman Teresa

Company
Meridian Waste Acquisitions, LLC

User
ATER4

HOME CASES PROFILE **COMPANY** REPORTS RESOURCES LOG OUT

Company Information

Company Name
Meridian Waste Acquisitions, LLC
DUNS Number
081227687

Company ID Number
1295950

Doing Business As (DBA) Name
Meridian Waste

Physical Location

Address 1
5925 Carnegie Way
Address 2
Suite 370
City
Charlotte
State
NC
Zip Code
28209
County
MECKLENBURG

Mailing Address

Address 1
--
Address 2
--
City
--
State
--
Zip Code
--

Additional Information

Employer Identification Number
824934650
Administrator
--

Total Number of Employees
100 to 499

Parent Organization
--

Organization Designation

Employer Category
None of these categories apply

[View / Edit](#)

NAICS Code
562 - WASTE MANAGEMENT AND
REMEDIAL SERVICES

Total Hiring Sites
7

Total Points of Contact
2

[View / Edit](#)

[View / Edit](#)

[View / Edit](#)

[View Original MOU Template](#)

[View MOU](#)



Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Meridian Waste North Carolina, LLC	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ <u>P</u> <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> <input type="checkbox"/> Other (see instructions) ▶	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts established outside the U.S.)</small>
5 Address (number, street, and apt. or suite no.) See instructions. 5925 Carnegie Blvd Ste 370	Requester's name and address (optional)
6 City, state, and ZIP code Charlotte, NC 28209	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

	Social security number											
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	Or Employer identification number											
	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">8</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">4</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">-</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">9</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">5</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">6</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">2</td> <td style="border: 1px solid black; width: 20px; height: 20px; text-align: center;">5</td> </tr> </table>	8	4	-	2	9	5	2	6	2	5	
8	4	-	2	9	5	2	6	2	5			

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶ <u>1/17/24</u>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

AGENDA ITEM COVER

Item for Agenda:	General Ordinance Rewrite
Placement on Agenda:	New Business
Presenter:	Carrie Spencer, Municipal Services
<p style="text-align: center;">Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Background</p> <p>Through the FY 2025–2026 Budget, the Town Council authorized a comprehensive rewrite of the Town of Mayodan’s General Ordinances. The purpose of this project is to update the ordinances to ensure consistency with current North Carolina General Statutes and to improve clarity, organization, and usability.</p> <p>The Town engaged a consultant to complete the ordinance rewrite. The revised draft being presented incorporates prior feedback received from the Town Council, the Town Attorney, and department heads. Also included is a summary of amendments made, a table of contents, and the appendices.</p> <p>Discussion</p> <p>Discussion of the General Ordinance rewrite was moved to the March meeting to allow Council additional time to review the revised draft and submit feedback. To support Council consideration, the updated draft reflects incorporated revisions based on Council, attorney, and staff input. At this meeting, Council is asked to review the updated materials, consider the changes and responses provided, and determine whether any</p>

additional revisions are needed prior to adoption.

Next Steps

- If additional changes are requested, the consultant will revise the draft ordinances accordingly.
- The finalized General Ordinance rewrite will be scheduled for formal consideration and possible adoption following Council direction.

Requested Action

Council is requested to review the updated draft ordinances and either approve the revisions as presented or provide direction for further ordinance changes.



Mayodan, NC
Final Summary of Amendments

Municipal Services, Inc has completed an update of the general municipal code per the signed proposal dated August 11, 2025. The following is a summary of the amendments and reasoning behind recommended changes. All stricken language is proposed to be removed, underlined language is proposed to be added. Sections of the code that are not listed below are not recommended for substantive changes.

ARTICLE 1. INCORPORATION AND CORPORATE POWERS

- Sec 1.4 - Eminent Domain
 - Added from SL1981-100 (SB137)

ARTICLE 2. CORPORATE BOUNDARIES

- Sec. 2.1 - Boundaries Described
 - Added (a) to incorporate annexed properties.
 - Corrected 1446.31 feet to 1556.31 feet IAW SL1973-501
 - Corrected reference of “inch” to “iron” stake and 144 Will Turner Rd to Madison Throwing Plant #10
 - **Any requested changes to what is adopted in the charter through statute need to be first changed with the General Assembly. The changes above are directly from the adopted charter.**
- Added (b) as a reference to approved annexation legislation

ARTICLE 3. MAYOR AND TOWN COUNCIL

- Sec. 3.2 - Mayor and Mayor Pro Tempore
 - Added references to refer to both genders
- Sec. 3.5 - Meetings of Council
 - Included language about a six hour notice for emergency meeting requirement.
 - **Per NCGS 160A-71**
 - Added: “Pursuant to NCGS 143-318.12, public notice of a duly called special meeting shall be posted on the principal bulleting board of the Town and the door of its usual meeting room, and given to each newspaper that has filed for a written request for notice, at least 48 hours before the time of the meeting.”
Reason: references direct state statute

- Added 3.5(c) to reference emergency meetings from NCGS 143-318.12.

ARTICLE 4. ELECTIONS

- Sec. 4.1 - Regular Municipal Elections
 - Amended to read: ~~Of the five members elected to the Mayodan Town Council at the next regular municipal election in 1975, the three members with the highest total of votes shall serve four year terms on the Town Council. The remaining two members shall serve two year terms. Beginning with the regular municipal election in 1977 and at each regular municipal election thereafter, terms shall be staggered. Three council seats at one time shall be considered for election, and two council seats at one time shall be considered for election.~~ Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In each election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two years, and the three or two candidates for Council who receive the largest number of votes cast for Council shall be declared elected for terms of four years. All vacant positions on the Mayodan Town Council shall be up for election and the persons elected to fill these vacancies shall serve four-year terms. A vacancy that occurs in the town council shall be filled by appointment of the town council. If the term of the office expires immediately following the next regular town election, or if the next regular town election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled town election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. Additional vacancy situations shall follow the process outlined in NCGS 160A-63 and any amendments hereto.
 - **Reason: modernized this section and added language on terms of councilperson(s) if not finishing a term pursuant to NCGS 160A-63, referenced direct statutory charter SL1973-501.**
 - Added editors note to describe how many seats are up for election and which years.

ARTICLE 5. TOWN MANAGER

- Sec. 5.1 - Appointment; compensation
 - Amended to include statutory reference of NCGS 160A-147. **Reason: modernizes statutory reference.**
- Sec. 5.2 - Powers and Duties of Town Manager

- Amended (3) to add, "...make reasonable efforts to...". **Reason: provides flexibility and protection for the Town Manager in the event of emergencies/training/vacations where they may miss a meeting from time to time.**

ARTICLE 6. TOWN ATTORNEY

- Sec. 6.1 - Town Attorney; appointment; qualifications; term
 - Amended "may appoint" to "shall appoint" and included the statutory reference NCGS 160A-173. **Reason: requires, per referenced statute, that an attorney shall be appointed.**

ARTICLE 7. ADMINISTRATIVE OFFICERS AND EMPLOYEES

- Sec. 7.2 - Town Tax Collector (amended to change the title to "Rockingham County Tax Administrator").
 - Amended with the underlined as added language and strikethrough to be removed to read, "The Rockingham County Tax Administrator shall collect all property taxes belonging to the Town and remit to the Town as permitted by law. The Town Clerk shall collect all Town Council shall appoint a Tax Collector to collect all taxes, licenses, fees and other non-tax revenues moneys belonging to the Town. All revenues collected shall will be delivered to Town Hall and accounted for in accordance with, subject to the provisions of the Charter and the ordinances of the Town, and he The Town shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes and fees by municipalities." **Reason: Rockingham County collects taxes for all of its municipalities, and this clarifies that those property taxes are remitted to the Town and all other fees are paid through the Town. This will need to be adopted first through the General Assembly prior to adoption with the Town.**
- Sec. 7.3 - Town Finance Officer
 - Added, "All fees remitted to the Town shall be reviewed by the Finance Officer". **Reason: clarifies that the finance officer is responsible for moneys throughout the Town.**
- Sec. 7.4 - Consolidation of Functions
 - Amended to, "...may consolidate ~~any two or more of~~ the positions of Town Clerk and ~~Town Tax Collector, and~~ Town Finance Officer...". **Reason: tax collector is no longer a valid title and this position is under Rockingham County.**

ARTICLE 9. POLICE

- Sec. 9.1 - Jurisdiction
 - Amended to read, "In addition to their authority within the corporate limits, the Town police force shall have all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the Town, and on all property owned by or leased to the Town wherever located. ~~The~~

~~jurisdiction of the police force is hereby extended to include all Town owned property and facilities whether located within or outside the corporate limits [of the town], and all~~ All members of the police force shall have upon and within such area, property and facilities all rights, power and authority as they have within the corporate limits [of the town]. Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all of the privileges, immunities, and benefits to which he would be entitled if acting within the city, including coverage under the workers' compensation laws. **Reason: directly includes NCGS 160A-286.**

ARTICLE 10. STREET AND SIDEWALK IMPROVEMENTS

- Sec. 10.7 - updated references of tax collector to finance director.
 - **Needs to be updated with the General Assembly prior to local adoption.**

Part II: CODE OF ORDINANCES

CHAPTER 1 GENERAL PROVISIONS

- Sec. 1-6 - ~~Criminal penalty~~ Penalties; not exclusive remedy; continuing violations.
 - (a) Amended to read, "Unless this Code shall otherwise provide, violation of any provision hereof shall ~~be a misdemeanor punishable upon conviction by a fine not exceeding \$50.00 or by imprisonment not exceeding 30 days, as provided in G.S. 14-4~~ subject the violator to a civil penalty of one hundred dollars (\$100.00) per day for the first ten (10) days of failure to comply. Thereafter, beginning on day eleven (11) of noncompliance a penalty of two hundred fifty dollars (\$250.00) per day shall be levied. A penalty of five hundred dollars (\$500.00) per day shall be levied beginning on day 21 of noncompliance. Each day of noncompliance is a separate violation. A provision of this Code may provide by express statement that ~~the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.~~ certain violations shall all be a misdemeanor punishable upon conviction by fines as provided in G.S. 14-4. **" Reason: modernizes language to current statute NCGS 160A-175.**

CHAPTER 2 ADMINISTRATION

ARTICLE II. TOWN COUNCIL AND PLANNING BOARD

- Sec. 2-19 – Regular Meetings of the Town Council **Reason: clarifies this section is for Town Council**
- Sec. 2-21 – Committees
 - Updated councilmen to councilmembers
- Sec. 2-22 through 2-30
 - Addition of Planning Board common regulation and defining the number of board members to allow the flexibility to reduce numbers. This is included as Appendix A.

- **MSI recommends this language be moved to the zoning ordinance. Should establish the day, time, and location of planning board meetings.**

ARTICLE IV. OFFICERS AND EMPLOYEES

- Sec. 2-69 – Office of Finance Officer
 - Amended to read, “The finance officer shall be appointed annually by the ~~council~~ Town Manager. The finance officer, in addition to the duties established by G.S. ~~160A-171~~159-25, shall:
 - (1) Service as the Town’s Budget Officer as required by The Local Government Budget and Fiscal Control Act.
 - (2) Make reasonable efforts to Attend attend all meetings of the council; and
 - (3) Disburse funds for the various purposes of the town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the council in accordance with G.S. 159-25 and as assigned by the Town Manager. **Reason. Amends language to current NCGS and current process.**

CHAPTER 4. ANIMALS

- Sec. 4-2 Definitions.
 - Remove from *Animal Control Shelter* “...and operated by or under contract...”. **Reason. Many shelters are at capacity and this provides flexibility to be able to place animals in shelters with available capacity.**
- Sec. 4-5 Impoundment; notice; redemption; disposal of unredeemed dogs or cats; fees.
 - Amend (a) to remove “...designated by the town council...” to add “...with capacity.” **Reason. Consistent with recommended language.**
- Sec. 4-19 Hogs.
 - Increased fine to \$500
- Sec. 4-20 Fowl.
 - Added clarification of the fine to be \$20.00 per each animal.
- Sec. 4-21
 - Removed the section for bird sanctuary.
- Sec. 4-23 Maintaining Livestock Prohibited.
 - Added “goats and sheep” to list of prohibited livestock and removed exception of distances and cleaning. **Reason. Recommendation from Councilman Cardwell.**

CHAPTER 6 BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. ADOPTION OF REGULATORY CODES BY REFERENCE.

- Sec. 6-20 Building code adopted.
 - Removed “...volume 1, general construction...”. **Reason. The building code is amended periodically and by referencing the consistent title of state building code, this section will be incorporated herein as amendments are made to that code.**

ARTICLE III. INSPECTION DEPARTMENT.

- Sec. 6-59 Organization of department.
 - Amended to read, “The Town may create an inspection department consisting of a building inspector, a plumbing inspector, a heating-air conditioning inspector, electrical inspector and such other inspectors or deputy or assistant inspectors as may be authorized by the council. The town manager may exercise discretion to designate a department head. The following Sections 6-60 through 6-88 would apply if a Town inspections department is created.” **Reason. Provides the language for the**

Town to readily adopt when a town building inspector position is created and available.

 - Added Sec. 6-66 Designation of Enforcement Officer
 - Description to read, “The Town’s Chief Building Inspector shall be designated to oversee the duties prescribed by this Article.”

ARTICLE VI. MOBILE HOMES

- Removed article. **Reason. Regulations for manufactured homes are included in Article VI of the zoning ordinance.**

ARTICLE VI MINIMUM HOUSING – updated title to be consecutive

ARTICLE VII NONRESIDENTIAL MINIMUM MAINTENANCE – Updated title to be consecutive

CHAPTER 8 BUSINESS AND BUSINESS REGULATIONS

ARTICLE III. BEER AND WINE SALES

- Sec. 8-56: added statute reference 160A-205.3 and 18B-1004, and amended time to 10:00 a.m. on Sundays for sales

ARTICLE IV. GAME ROOMS

- Sec. 8-87 through 8-91 removed. **Reason. This revision removes the requirement for a license to comply with NCGS.** *NOTE: MSI recommends the Town add “Electronic Gaming Operation” or similar land use in the zoning ordinance and move Sec. 8-92 there.*
- Sec. 8-94 Penalty.

- Amended language to read, “(a) Any violation of any provision or section of this article shall subject the violator to the provisions of -Chapter 1 of this Part General Provisions. “and removed remaining language. **Reason. Refers to previous section for violations.**

CHAPTER 9 SOCIAL DISTRICTS

- Sec. 9-1
 - Added, “This chapter is hereby adopted in written form but shall have no force or effect until such time as the Town Council, by formal action, declares it to be in effect.” **This allows the language to be ready for adoption but not in effect at this time unless the Council so chooses.**
 - Added subsection (b) to read, “It shall be lawful, without an ABC permit, for a person to possess an open container of fortified wine or spirituous liquor in the social district in compliance with the provisions of G.S. 18B-300.1 or G.S. 18B-1001.5, respectively. “ **Reason. Includes statutory regulations for compliance.**
 - Subsection (d) is revised to allow for a social district during future annual events. **Reason. Council created the Downtown Social District as a test run during the October 2025 What the Hay Festival. The language allows Council to consider designating the social district on an annual basis.**
- Throughout Chapter 9, suggestions have been made to establish a regular social district with regulations. The Town needs to make sure that boundary signage includes all required information pursuant to GS 18B-300.1(d). **Town’s usually provide at least initial signage so it is all uniform and it is clear that everything is covered. MSI has provided language that reflects this but also if a sign needs to be replaced that any replacement cost will be on the permittee.**

CHAPTER 10 CEMETERIES

- Sec. 10-A – added definitions consistent with NCGS 65-48 (Appendix B)
- Sec. 10-2 ~~Superintendent~~ Maintenance of the cemetery.
 - Amended to read, “...It shall be the duty of the ~~town manager to appoint some suitable person~~ public works department to maintain as superintendent of the cemetery. The ~~superintendent~~ public works department shall have charge of the upkeep, protection and preservation of the cemetery. ~~He~~ The public works director (“director”) or their designee shall ~~also~~ supervise the digging of all graves...” **Reason. Directs the public works department and its director to maintain the cemetery. Includes changes throughout from “superintendent” to “director”.**
- Secs 10-3, 4, 7, 9, 13
 - Amendments from “superintendent” to “director”.

- Sec. 10-6 New sections of municipal cemetery
 - (b) establishes a fee is set by town council.
- Sec. 10-8 Landscaping
 - Amended to read, “All grading, landscaping and improvements of every kind shall be made or done by the town or designee only. If the proposed work cannot be completed by the town, the process for contracting outlined in NCGS 143 Article 8, 160A-16, and 89D shall be reviewed to determine if a contract can be entered into by the town manager or if council needs to review.” **Reason. Modernizes to allow the town to explore contracting with a company if proposed work requested/needed cannot be completed by the town.**
- Sec. 10-9 Structures
 - Amended (a) to allow 90 days for repair of structures/grave sites. Amended (b) to add columbariums and maximum size of structure. **Reason. (a) allows flexibility as owners/family may not be local to make/request repairs within 30 days. (b) added specifications for a columbarium.**
- Sec. 10-10 Transfer of lots
 - Allows transfer of lots to be reviewed by the town manager and not the council. **Reason. Amends this to be an administrative review and request.**
- Sec. 10-13 General regulations – maintenance
 - Added (6) to require that no food be left at grave sites, and renumbered (6) to (7). **Reason. Comment from Councilman Lake to prevent attracting wildlife to the cemetery.**
 - Remove (e). **Reason. This is not a process conducted by the town.**
- Sec. 10-14 General regulations – control and conveyance
 - Added “columbarium” to (b)(2).
- Sec. 10-15 Lot charges
 - Added “columbarium”

ARTICLE II. FIRE DEPARTMENT

- Sec. 12-20 Selection of chief
 - Stated the fire chief is appointed by the town manager and does not need to reside within the fire district.
- Sec. 12-66 Fuel oil tanks, etc
 - Modernized (a-e) as shown in Appendix B

CHAPTER 14 HEALTH AND PUBLIC NUISANCES

ARTICLE II. GENERAL HEALTH REGULATIONS

- Sec. 14-19 Unlawful to violate county health regulations
 - Amended to read, “...regulation of the Rockingham county–County board–Board of Health and Human Services. The enforcement of this section shall be under the supervision of the county health officer local health director.” **Reason. Establishes the specific county and title of the supervisor.**

ARTICLE III. GRASS, NOXIOUS WEEDS, AND SIMILAR NUISANCES

DIVISION 2. NOXIOUS WEEDS AND SIMILAR NUISANCES

- Sec. 14-58 Repeat offenders; chronic violators
 - Added “registered or” for mailing requirements to (b)(2). **Reason. Consistent with statutes.**

CHAPTER 16 LAW ENFORCEMENT

- Sec. 16-3 Chief of police to have control
 - Added “...report to the Town Manager and...” of who the chief is to report to.

CHAPTER 18 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE II. DISORDERLY CONDUCT ON PUBLIC PROPERTIES

- Sec. 18-19 Consumption or possession of malt beverages and unfortified wine on public property.
 - Added (c)(4)(ii), “Within the confines of Elliot Duncan Memorial Park owned by the Town of Mayodan and bounded on the south by Main Street, on the east by 5th Avenue, on the west by 6th Avenue, and on the north by a line 300 feet south of and parallel with the southern line of Madison Street. (June 30, 2023)”
Reason. Establishes boundary for social district.
- Sec. 18-20 Alcoholic beverages at Farris Memorial Park.
 - This title has been changed to **No** Alcoholic beverages at Farris Memorial Park.
- Sec. 18-23 Loitering
 - Moved from 18-56, “It shall be unlawful for any person to loiter in the police office, mayor's office, or clerk's office. Persons having business with the town officials and transacting said business, or persons expressly given permission to be in the offices by town officials, are expressly excluded from the effect of this section.” Also added town manager’s office per Councilman Lake’s suggestion.
 - Removed as signage is covered in the development ordinances

ARTICLE III. GENERAL NUISANCES

- Sec. 18-48 retitled to Annoying and Disturbing Noises

- Amended section to read as in Appendix C. **Reason. Modernizes noise nuisances.**
- Sec. 18-50 Firearms discharge regulated
 - Amended “peace” to “law enforcement” officer. **Reason. Town utilizes law enforcement officers.**
- Sec. 18-53 Firebombs - prohibited
 - Retitled to Explosives – Prohibited
 - Replaced Firebomb definition with Explosive definition
 - Explosive means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, black powder, pellet powder, initiating explosives, ammonium nitrate fuel oil (ANFO) mixtures, safety fuses, squibs, mixed binary explosives, and igniters.
 - Amended molotov cocktail definition to:
 - ~~means any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.~~ filled with a flammable liquid and fitted with a fuse or wick, which is designed to ignite its contents when broken upon impact.
 - Amended (b) from firebomb to explosive.
- Sec. 18-54 Firebombs – enforcement
 - Amended to read, “~~The mayor, and in his absence, the mayor pro tempore, and in the absence of both officials, the~~ chief of police, shall be and are hereby authorized to enforce section 18-53 for such periods of time as they shall deem necessary.” **Reason. Leaves this enforcement with law enforcement.**
- Sec. 18-55 Abandoned Refrigerators (1/24/26)
 - Removed as this is part of the junk regulation section.
- Sec. 18-56 Loitering
 - Removed section. **Reason. Moved to Sec. 18-23**

ARTICLE IV. REMOVAL, DISPOSAL OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

- Sec. 18-87 Definitions
 - Amended as shown in Appendix C.
- Sec. 18-89 Nuisance vehicle unlawful; removal authorized
 - Amended (b) to include police officer. **Reason. Permits law enforcement to designate nuisance vehicles.**
- Sec. 18-90 Junked motor vehicle regulated; removal authorized
 - Amended (d) to include police officer. **Reason. Permits law enforcement to designate nuisance vehicles.**
- Sec. 18-92 Exceptions to prior notice requirement
 - Amended (2) to include law enforcement officer. **Reason. Permits law enforcement to designate nuisance vehicles.**

CHAPTER 20 PLANNING

- Added language that includes the zoning and subdivision ordinances of the Town. Reason. This codifies the development regulations as part of the overall municipal code.
- Removed the planning board sections. Reason. The planning board is described in Part II Code of Ordinances Chapter 2 Administration of this code.

CHAPTER 22 SOLID WASTE

- Sec. 22-7 Commercial service
 - Amended (c) to read: Owners/lessees choosing to have private commercial solid waste service must provide proof to the town in order to be exempt from municipal solid waste services and charges.
- Sec. 22-11 Yard waste, bulk yard waste, leaves, and bulk item collections regulated
 - Amended (f)(1) to read, "*Yard waste*. The town encourages residents to recycle grass clippings and soft plant materials (flower stems, very small branches, and leaves) by leaving clippings on the grass or by composting. Residential grass clippings and soft plant materials will be picked up if placed within clear plastic bags of no more than 50 pounds each and free of all other trash and debris. Bags shall be placed at the curb or street edge and will be picked up weekly."
 - Amended (f)(2) to read, "*Bulk yard waste*. Shall be placed at the curb or street edge either bundled, stacked neatly, or placed in clear plastic bags, or in a roll-out container that is no larger than 32 gallons. Generally, tree limbs shall not exceed ~~ten~~six inches in diameter and should be cut in lengths no longer than five feet. Bags and containers should not weigh more than 50 pounds when full. Any single item weighing 200 pounds or more, or loads over three cubic feet up to ten cubic feet will not be collected without an additional charge for service. Residential properties will be allowed ~~seven~~ three cubic yards (eight feet by six feet by four feet high) a cubic yard is approximately 3ft x 3ft x 3ft) of bulk yard waste per every other week free of charge. The town reserves the right to reject collection or charge an additional fee for collection of bulk yard waste items or piles larger than that permitted by this subsection. The Town does not collect debris from contracted landscaping/tree services."
 - Amended (f)(4) to include "clear plastic"
 - Amended (f)(5) to read, "...allowed ~~two~~ one cubic yards (three feet by three feet by three feet) of bulk items per every other week free of charge. Any single item weighing 200 pounds or more, or loads over one cubic yard up to ten cubic yards,..."

Reason for all subsections of this chapter. Amended to follow current practices of the town

- Sec. 22-12 Removal of dead animals
 - Amended for the public works director to be notified.
- Sec. 22-14 Use of landfill regulated

- Added statement that the landfill is no longer in use.
- Sec. 22-16 amended title to be Bult Item Pickup
 - Amended to read, “The town ~~shall pick up~~ picks up certain items that do not fit in the rollout garbage container, and dispose of passenger tires with the rims removed at no additional charge. The -items that are allowed and disallowed shall be posted on the Town’s website.” **Reason. The town no longer picks up tires, but does pick up bulk items that are posted on the Town’s website.**

CHAPTER 24 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE II. DAMAGING STREETS AND SIDEWALKS

- Sec. 24-19 Permit to dig in streets
 - Amended to require a permit from the town manager or appointed designee.
Reason. The Town Clerk was the approval authority in the current code but the Town Manager is ultimately responsible for these permits They can designate the responsibility to the town clerk.
- Sec. 24-23 Streets not to be damaged
 - Removed. **Reason. Archaic language and streets governed by 160A-296.**
- Sec. 24-24 House moving
 - Removed. **Reason. Archaic language and streets governed by 160A-296.**
- Sec. 24-25 Damage to bridges and culverts
 - Modernized language to better enforce: No person shall damage, remove, alter, or obstruct any bridge, culvert, ditch, drain, stormwater structure, or other property belonging to or used by the Town. No person shall place, deposit, or cause to be placed any material, debris, fill, or other obstruction in any ditch, culvert, drain, or watercourse in a manner that restricts or prevents the free flow of water. Violations of this section may be enforced through civil penalties, restoration requirements, or other remedies authorized by law.
- Sec. 24-28 Driveways – Application
 - Amended to read, “...permit when connecting to a municipal roadway shall...” and, “If the driveway is connecting to a roadway maintained by NCDOT, the requestor shall provide the driveway permit to the superintendent of streets and/or the town manager for signature.” **Reason. Clarifies when this applies and clarification on NCDOT connections.**
- Sec. 24-29 Driveways – Standards
 - The minimum residential driveway width of 12’ has been replaced with language requiring the Streets Director to approve all residential driveways on to town-maintained roads.

ARTICLE IV. USE AND CLEANLINESS OF STREETS AND SIDEWALKS

- Sec. 24-83 Snow and ice removal

- Amended to state that every occupant of a building will clear as soon as weather permits. **Guidance from Town’s insurance policy.**
- Sec. 24-84 amended the title to read “Transportation methods on sidewalks prohibited”
 - Amended to read, “It shall be unlawful for any person to ~~ride~~operate a bicycle, scooter, skateboard, rollerskates/blades, golf cart, and the like, on any sidewalk in the business district of the town.” **Reason. Includes additional modes of transportation.**
- Sec. 24-85 amended the title to be “Sports on the streets prohibited”
 - Amended to read, “No person shall play ~~ball or bat or catch ball~~any sport on any of the streets of the town.” **Reason. Modernizes the term to sports in general.**
- Sec. 24-88 Signs on poles
 - Amended to read, “...~~sort and by any means~~ whatsoever to ~~telephone poles, electric utility poles, or other~~any utility poles...” **Reason. Incorporates regulation from 160A-296 to remove signs in the right of way. NOTE: MSI recommends adding a section for “Prohibited Signs” and moving this section there.**

ARTICLE V. SMOKING REGULATION

- Sec. 24-107 Definitions
 - Amended definitions to match NCGS 130A Art. 33 and included as Appendix B.
- Sec. 24-108 Amended title to read “Smoking prohibited in/on local government buildings and grounds”
 - Amended to read, “...~~building, or facility, or on grounds~~ or portion of a building, ~~or facility~~ or grounds now or hereafter owned, leased, operated, occupied, managed, or controlled by the town except in areas marked as “smoking allowed”.” **Reason. Updates to prohibit smoking in public areas.**
- Sec. 24-109 Amended title to read, “Smoking prohibited in local vehicles” **Reason. The statutory definition of municipal vehicles is entitled ‘local vehicles’.**
- Sec. 24-110 Exemptions
 - Section removed. **Reason. Now aligns with the Town’s practices.**
- Sec. 24-111 Penalty
 - Added as reads in Appendix B. **Reason. Align section with Statutes.**
- Removed Article II. Traffic Administration. **Reason. The town does not provide vehicle registration services.**

CHAPTER 26 TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

- Sec. 26-1 Definitions
 - Amended bicycle to read: means a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a

human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle.

- Sec. 26-25 Motor vehicles required to be registered; period of registration; fee
 - Amended to remove registration period and replaced with North Carolina Department of Motor Vehicles.

ARTICLE III. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

- Sec. 26-54 Authority of police and fire department officials
 - Amended (c) to read, “traffic ~~thereat~~ at the scene or...”
- Sec. 25-26 Persons propelling push carts or riding animals to obey traffic laws
 - Amended to the following: Persons riding animals, driving animal-drawn vehicles, or propelling pushcarts on a public roadway are subject to the traffic regulations applicable to vehicle operators, except where such regulations are not reasonably applicable.
- Sec. 26-57 Use of coasters, roller skates, and similar devices restricted
 - Adds “a skateboard, scooter...” to prohibited modes of transportation on roadways and which roads are permitted to be used on.

ARTICLE IV. TRAFFIC-CONTROL DEVICES

- Sec. 26-77 Authority to install traffic-control devices
 - Amended, “The town ~~shall~~ may place and maintain traffic-control signs...”
Reason. Allows flexibility for the posting of signs by the town.
- Article X. Pedestrian’ rights and duties.
 - Modernized language. **Reason. The NCDOT has well thought out guidelines that align with the state’s safety goals for nonvehicular transportation.**

ARTICLE X. PEDESTRIANS’ RIGHTS AND DUTIES

- Sec. 26-251 Pedestrians subject to traffic-control signals
 - Amended to read: Pedestrians shall obey pedestrian-control signals and traffic-control devices in accordance with the North Carolina MUTCD and as declared in sections 26-81 and 26-82. At all other locations, pedestrians shall have the rights and be subject to the duties set forth in this article and in N.C.G.S. Chapter 20.
- Sec. 26-252 Pedestrians’ right-of-way in crosswalk
 - Amended (a) to read: When traffic-control signals are not in place or not operating, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing within a marked crosswalk or within an unmarked crosswalk at an intersection. Drivers shall slow or stop as necessary to yield. A pedestrian shall not suddenly leave a curb or place of safety and enter the path of a vehicle that is so close as to constitute an immediate hazard.

- Amended (b) to read: When a vehicle is stopped at a marked or unmarked crosswalk to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake or pass the stopped vehicle.
- Sec. 26-353 Pedestrians to use right half of crosswalk
 - Amended to read: Pedestrians should, when practicable, use the right half of crosswalks to facilitate orderly movement.
- Sec. 26-254 Crossing at right angles
 - Amended to read: Except in a marked crosswalk, pedestrians shall cross roadways by the most direct route and at approximately right angles to the curb or roadway edge.
- Sec. 26-255 When pedestrians shall yield
 - (a) amended to: A pedestrian crossing a roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles.
 - (b) amended to: A pedestrian using a location where a pedestrian tunnel or overhead crossing is provided shall yield the right-of-way to vehicles on the roadway.
- Sec. 26-256 Prohibited crossing
 - (a) amended to: Between adjacent signalized intersections, pedestrians shall not cross except within a crosswalk.
 - (b) amended to: In a business district, pedestrians shall not cross a roadway except within a crosswalk.
- Sec. 26-257 Pedestrians walking along roadways
 - (a) amended to: Where sidewalks are provided and accessible, pedestrians shall use them and shall not walk along the adjacent roadway.
 - (b) amended to: Where sidewalks are not provided, pedestrians shall walk on the left side of the roadway or shoulder, facing oncoming traffic, when practicable.
- Sec. 26-258 Pedestrians soliciting rides or business
 - (a) amended to: No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.
 - (b) amended to: No person shall stand on or near a street or highway for the purpose of soliciting the watching or guarding of any vehicle parked or to be parked on a street or highway.
- Sec. 26-259 Drivers to exercise due care
 - Amended to read: Notwithstanding any other provision of this article, every driver shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary. Drivers shall exercise proper precaution upon observing any child, or any confused, incapacitated, or otherwise vulnerable pedestrian.

ARTICLE XI. REGULATIONS FOR BICYCLES

- Sec. 26-291 Riding on sidewalks
 - Modernized section to current practices.
- Sec. 26-292 Lamps and other equipment on bicycles

- Amended section to read, “Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least ~~500~~ 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of at least 300 feet. ~~red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~ If the operator does not have the aforementioned lamps, the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle.” **Reason. Consistent with NCGS 20-129.**

ARTICLE XVII. PARADES

- Sec. 26-475 Application
 - Modernized (1) to require 60 day notice and removed exception to issuing within 96 hours. **Reason. This is common practice as NCDOT requires a certain amount of notice to close roads. This is also consistent with recommended changes to Stoneville’s parade section.**
- Sec. 26-476 Requirements for issuance
 - Modified (b) to make a distinction between only town roads used for parades and their approval vs. NCDOT roads used for parades.
- Sec. 26-477 Standards applicable to parades
 - Modified (i) to state town law enforcement is to be reimbursed at cost. This is a common practice.
- Sec. 26-478 Notice of rejection
 - Modernized that if using NCDOT roads that council will review and respond if rejected and that the town manager will respond if rejected if only using town roads.

ARTICLE XVIII. REGULATION FOR THE USE OF GOLF CARTS

- Sec. 26-500 amended to be definitions
- Sec. 26-501 Rules and regulations for operation on public streets
 - Amended (1) to read, “...carts; carts may be driven on all public streets within the corporate limits of the town where the speed limit is 35 miles per hour or less, however, it...” and adding, “Golf carts shall not be operated on public streets in satellite annexed areas of the town.” **Reason. Regulates use of golf carts on public streets.**
 - Removed (5). **Reason. Included with (1).**
- Sec. 26-502 Mandatory liability insurance coverage

- Amended to require the following coverages: \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$25,000 for property damage.
Reason. Incorporates requirements of NCGS 160A-300.6

CHAPTER 28 UTILITIES

ARTICLE II. UTILITY RATES, BILLING, AND COLLECTION

DIVISION 1. GENERALLY

- Sec. 28-10 Definitions
 - Added definition for major repairs to read, "Major repairs are specifically including:
Extensive excavation: large trench dug to access pipes;
Full or partial replacement of pipes;
Trenchless repairs: pipe bursting, pipe lining, cured in-place pipe (CIPP), slip lining, horizontal directional drilling (HDD);
Repairs required due to a collapse or break, structural issues, extensive root intrusion, and/or widespread damage." **Reason. Specifies what constitutes a major repair.**

DIVISION 2. UTILITY RATES

- Sec. 28-22 Sewer Rates
 - Amended (b) to read: Any person who can show proof that the monthly water meter reading is not indicative of the quantity of waste being discharged to the town sewer system may present this proof to the ~~town council at a regularly scheduled meeting~~ public works director. If, after examination of the evidence, the ~~town council~~ public works director is satisfied as to ~~its~~ its validity, suitable adjustment may be made in computing the sewer charge and/or surcharge. The burden of proof shall rest on the person receiving the bill. Disputes shall be submitted to Town Hall. Evidence regarding the dispute must be submitted to Town Hall within 60 days of submitting the dispute. **Reason. Clarifies process for disputes.**
- Sec. 28-51 Protesting unusually high bills
 - Amended to clarify this is tied to the property
 - Amended to read: A ~~citizen~~ customer protesting an unusually high water and sewer bill may claim a hardship if the charges are significantly higher than his/her normal average bill for that season, upon providing evidence that major repairs have been made and the system is up to standard. The sewer bill may be adjusted to the ~~property's~~ citizen's seasonal average charge for that season. Seasonal average is to be computed on ~~at least~~ three (3) months' charges for and at the property in question, for the same time period of the previous three (3)

years. A citizen-customer protesting an unusually high water and sewer bill may claim a hardship when that charge is significantly higher than his/her seasonal average and, if the meter is inoperative or defective, the bill shall be adjusted to the normal average for that season. This shall be assessed if two consecutive bills are unusually high and both shall be adjusted accordingly if a hardship is approved. **Reason. Clarifies the dispute is for the property and timeframes to compare bills.**

DIVISION 4. COLLECTION

Sec. 28-68 Submission of fees

- Removes “~~No employee of the town except those employees assigned to the finance department shall accept any money, check, or other negotiable instrument as payment of any utility bill or utility fee.~~” **Reason. Clarifies that fees shall be remitted as directed through the utility bill.**

ARTICLE III. MUNICIPAL WATER SYSTEM

DIVISION 2. GENERAL WATER SYSTEM USE REQUIREMENTS

- Sec. 28-120 Private water supplies
 - Amends (a) to add, “...if the property has not received an exemption as outlined in NCGS 160A-317(a)(2).” **Reason. References general statute for exemptions to connecting to town services.**
 - Amends (c) to add, “...unless authorized by the local county health director.” **Reason. Grants health director to authorize certain exemptions.**
- Sec. 28-123 Unauthorized tampering prohibited
 - Added (c), “Wilfull injury to property of a public utility shall be a felony in accordance with NCGS 62-323.” **Reason. References statute that enforces penalties.**

DIVISION 3. WATER CONNECTION

- Sec. 28-140 Connection Requirement
 - Amended to read as shown in Appendix D.
- Sec. 28-141 Water permit
 - Amended to replace “town plumbing” to “building” inspector. **Reason. Building inspector is a broad term for several inspections.**

DIVISION 4. PROTECTION OF POTABLE WATER SUPPLY

- Sec. 28-168 Purpose; policy, etc.
 - Adds (b)(4) to read, “To require that all water flowing from the public water system for nonresidential and high risk uses, must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.” **Reason. Requires backflow for public safety.**
- Sec. 28-169 Definitions
 - Adds and modifies definitions, as read in Appendix D.
- Sec. 28-170 Regulation of connection to public potable water system
 - Amended (b) to add, “The Backflow Administrator or administrator's designee shall notify the owner, in writing, of any such building or premises, to correct within a time set by this article, any plumbing installed or existing that is in violation of this article. After surveying the private water system the Backflow Administrator will select an approved backflow prevention assembly required for containment control to be installed at service entrance. Before the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.”
 - Amend (c) to add, “If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this article the Town of Mayodan may assert any available action against the tenant to assure the private water system is brought into compliance with this article.”
- Sec. 28-171 Right of entry
 - Amended (a) to add, “Authorization and duties. Upon presentation of proper credentials and identification, aAuthorized...”
 - Amended (b) to read, “...shall furnish the ~~director~~ town with any pertinent information...”
- Sec. 28-172 Unprotected cross-connection prohibited
 - Added section and is attached as Appendix D.
- Sec. 28-173 Installation of devices
 - Amended section (a) to include further detail, as read in Appendix D.
 - Amended section (c)(1) to read, “...installed in watertight drainable pits...”, and adds, “If a drain cannot be provided, the assembly must be installed above ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Backflow Administrator provided the flow of water is in an upward direction.”
 - Added a note to (f) and added (g) and (h) as shown in Appendix D.

DIVISION 5. WATER SHORTAGE RESPONSE

- Sec. 28-193 Authorization; notifications; procedure.
 - Amended (a) to remove the specific name of the manager. Recommend the Town add a standard contact email for Town Hall that won't change with staff.

ARTICLE IV. COLLECTION SYSTEM AND MUNICIPAL WASTEWATER SYSTEM

DIVISION 1. GENERALLY

- Sec. 28-211 Definitions and rules of construction
 - Amends the definition as read in Appendix D.

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

- Sec. 28-231 Use of public sewers required
 - Amends (c) to read, "Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater."
- Adds Sec. 28-232 Service Connection Required as read in Appendix D.
- Sec. 28-233 Protection from damages
 - Adds, "Anyone found to be guilty shall be charged with a Class C felony pursuant to NCGS 62-323." **Reason. Includes statute reference for penalties.**
- Sec. 28-234 Connection specifications and restrictions
 - Amended as read in Appendix D.
- Sec. 28-236 Connections outside town
 - Amends to add, "...the town may do so following an approved annexation request to the town and by complying with..."
- Sec. 28-238 Prohibited discharge standards
 - Amends (b)(6) to add, "...measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer, or which will..."
 - Adds the following between (7) and (8):
 - Liquid wastes containing any toxic or poisonous substances in sufficient quantities to:
 - (a) Constitute a hazard to personnel operating or maintaining the sewer system and pollution control plants;
 - (b) Interfere with the biological processes used in the treatment plant;
 - (c) Which, in combination with other liquid wastes, upon passing through the sewer system will be harmful to persons, livestock or aquatic life utilizing the receiving streams into which water from the treatment plant is discharged; or
 - (d) As may be restricted by local, state and federal regulations.

- Adds the following to (10), “Any materials which form excessive amounts of scum that may interfere with the operation of the pollution control plants or cause undue additional labor in connection with their operation”
- Amends (11) to read, “...limited to, ~~dye wastes~~wastes containing dyes and vegetable...”
- To (25) adds specific materials that are prohibited to be discharged into the sewer system as read in Appendix D.
- Sec. 28-240 Local limits
 - Added (a-c) and is shown in Appendix D.
- Sec. 28-247 Oil and grease in sanitary sewer
 - Adds specifications as read in Appendix D.
- Sec. 28-248 Interlocal sewer agreement
 - Modified to read: The Towns of Mayodan and Madison, and Stoneville have agreed to conditions set forth in Interlocal Sewer Agreements. [The agreement, titled “Interlocal Agreement for Current and Future Water Needs Between Rockingham County, North Carolina, Town of Madison, North Carolina, and Town of Mayodan North Carolina” is hereby attached to the ordinance from which this chapter is derived.](#), ~~titled “ ” is hereby attached to the ordinance from which this chapter is derived.~~ [A second agreement entitled “](#)

CHAPTER 30 VEHICLES FOR HIRE

ARTICLE II. TAXICABS

This article has been removed as no longer relevant

APPENDIX A TRAFFIC

- Sec. 101
 - Removed (1) per Councilman Cardwell’s comments.
 - Removed (2) per Councilman Cardwell’s comments.
- Sec. 103
 - Removed (3) as this has been expired since 1995.
- Sec. 106
 - Removed as taxi stands are no longer allowed.
- Sec. 107
 - Removed per council comment
- Sec. 131
 - Removed per Councilman Cardwell and Councilman Lake’s comments as school is no longer there.
- Sec. 202
 - Removed (1)

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Municipal Code of Ordinances
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**PART I
CHARTER¹**

ARTICLE 1. INCORPORATION AND CORPORATE POWERS

Sec. 1.1. Incorporation and general powers.

The Town of Mayodan shall continue to be a body politic and corporate under the name of the 'Town of Mayodan', and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

(Ord. of 5-15-1973, § 1.1)

Sec. 1.2. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Town Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

(Ord. of 5-15-1973, § 1.2)

Sec. 1.3. Enumerated powers not exclusive.

The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition, to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Mayodan shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina

¹Editor's note(s)—Printed herein is the Charter of the town, as adopted on May 15, 1973. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity are indicated by brackets.

and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

Sec. 1.4 Eminent Domain.

In the exercise of the power of eminent domain granted to the Town of Mayodan by this Charter or any other law, public or local, the town may follow the procedures now or hereafter prescribed by said laws; provided, that in the exercise of its authority of eminent domain for the acquisition of property to be used for streets and highways, water and sewer facilities, and for all other purposes authorized by the provisions of G.S. 160A-241, the Town of Mayodan is hereby authorized to use the procedure and authority prescribed in Article 9 of Chapter 136 of the General Statutes of North Carolina, as now or hereafter amended; provided, further, that all reference in Article 9 of Chapter 136 of the General Statutes to 'Department of Transportation' shall be deemed to mean 'Town of Mayodan', all reference to the 'Secretary of Transportation' shall be deemed to mean 'Town Manager' of the Town of Mayodan, all references to 'Raleigh' shall be deemed to mean 'Mayodan', and all other reference, directly or by implication, to the condemning authority or persons or agencies connected therewith shall be deemed to mean the Town of Mayodan.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation."

(SL 1981-100)

(Ord. of 5-15-1973, § 1.3)

ARTICLE 2. CORPORATE BOUNDARIES

Sec. 2.1. Boundaries described.

~~The corporate boundaries of the Town of Mayodan shall be as follows until changed in accordance with law:~~

(a) The corporate boundaries of the Town of Mayodan include the following boundary with the addition of those areas annexed pursuant to the General Statutes of North Carolina.

Beginning at a point at the southwest corner of the old city limits at the intersection of N.C. No. 704 and Ayersville Road; thence along the northern margin of N.C. No. 704, North 55 deg. 35 min. West, 722.19 feet to an iron stake and North 54 deg. 25 min. West 424.15 feet to an iron stake; thence leaving the northern margin of N.C. No. 704, North 35

deg. 20 min. East 474.45 feet to an inch stake; thence North 17 deg. 11 min. West ~~1556.31~~~~1446.31~~ feet along a line lying westwardly of the airport runway; thence North 81 deg. 40 min. West 1245.86 feet to an ~~iron~~~~inch~~ stake on the western side of Will Turner Road, near the southeastern corner of ~~144 Will Turner Road~~ Madison Throwing Plant #10; thence along the southern line of said plant, North 54 deg. 16 min. West 1105.05 feet to an iron stake; thence North 33 deg. 25 min. East 883.12 feet to an iron stake; thence North 50 deg. 15 min. East 483.5 feet to an iron stake; thence North 3 deg. 36 min. East 749.45 feet to an iron stake; thence North 37 deg. 42 min. East 578.65 feet to an iron stake; thence North 20 deg. 31 min. East 384.15 feet to an iron stake in the eastern margin of Ayersville Road; thence with the eastern margin of Ayersville Road the two following courses and distances: North 6 deg. 33 min. East 236.5 feet to an iron stake and North 23 deg. 50 min. East 326.55 feet to an iron stake; thence leaving Ayersville Road, South 86 deg. 55 min. East 196.21 feet to an iron stake; thence North 48 deg. 16 min. East 234.41 feet to an iron stake; thence North 43 deg. 03 min. East 173.66 feet to an iron stake; thence North 31 deg. 07 min. East, 1033.16 feet to an iron stake; thence North 80 deg. 28 min. East 1637.91 feet to an iron stake; thence North 64 deg. 45 min. East 1877.89 feet to an iron stake on the bank of a branch; thence with the meanderings of the branch the nine following courses and distances: South 22 deg. 05 min. East 227.81 feet; South 7 deg. 37 min. East 188.19 feet; South 64 deg. 30 min. East 162.52 feet; South 14 deg. 03 min. East 187 feet; South 25 deg. 48 min. East 353.45 feet; South 21 deg. 41 min. East 397.08 feet; South 23 deg. 57 min. East 113.46 feet; South 40 deg. 29 min. East 104.17 feet; and South 76 deg. 09 min. East crossing U.S. Highway No. 220 and the Norfolk and Western Railroad, 463.85 feet to an iron stake on the north side of Mayo River; thence with the North side of said river the three following courses and distances: South 10 deg. 57 min. West 142.75 feet; South 211.32 feet; thence South 8 deg. 09 min. East 91.42 feet to an iron stake on the north side of Mayo River; thence down the river to the southeast corner of Washington Mills Park (formerly Mayo Mills) property; thence westerly with Washington Mills Park South line to the east side of Norfolk and Western Railway; thence westerly with the division line between the W.N. Mebane Estate and the Piedmont Land and Manufacturing Company to the Beginning.

(Ord. of 5-15-1973, § 2.1)

(b) Areas annexed pursuant to the General Statutes of North Carolina include the following:

- (1) Ordinance 2001-04, Adopted July 9, 2001
- (2) Ordinance 2002-05, Adopted September 9, 2002
- (3) Ordinance 2004-01, Adopted January 12, 2004
- (4) Ordinance 2004-02, Adopted April 12, 2004
- (5) Ordinance 2004-07, Adopted November 8, 2004
- (6) Ordinance 2004-08, Adopted November 8, 2004

(7) Ordinance	2005-01	Adopted	March 14, 2005
(8) Ordinance	2005-02	Adopted	June 13, 2005
(9) Ordinance	2006-02	Adopted	May 8, 2006
(10) Ordinance	2007-03	Adopted	May 14, 2007
(11) Ordinance	2007-06	Adopted	September 10, 2007
(12) Ordinance	2007-07	Adopted	October 8, 2007
(13) Ordinance	2007-08	Adopted	October 8, 2007
(14) Ordinance	2009-05	Adopted	December 14, 2009
(15) Ordinance	2014-04	Adopted	December 8, 2014
(16) Ordinance	2016-01	Adopted	February 8, 2016
(17) Ordinance	2022-03	Adopted	December 26, 2022

Sec. 2.2. Extension of corporate boundaries.

All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

(Ord. of 5-15-1973, § 2.2)

ARTICLE 3. MAYOR AND TOWN COUNCIL

Sec. 3.1. Composition of Town Council.

The Town Council shall consist of five members to be elected by the qualified voters of the Town voting at large in a manner provided in Article 4 of this Charter.

((Ord. of 5-15-1973, § 3.1)

Sec. 3.2. Mayor and Mayor Pro Tempore.

The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article 4 of this Charter. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. When there is an equal division on a question, the Mayor shall resolve the deadlock by his/her vote, but he/she shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him/her by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Town Council shall choose one of its number to act as Mayor Pro Tempore, and he/she shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the council.

(Ord. of 5-15-1973, § 3.2)

Sec. 3.3. Terms; qualifications.

- (a) The members of the Town Council shall serve for terms of four years, and the Mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter, provided they shall serve until their successors are elected and qualify.
- (b) No person shall be eligible to be a candidate or be elected as mayor or as a member of the Town Council or to serve in such capacity, unless he/she is a resident and a qualified voter of the Town.
- (c) In the event a vacancy occurs in the office of Mayor or Council member~~man~~, the Council shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

(Ord. of 5-15-1973, § 3.3)

Sec. 3.4. Organization of Council; oaths of office.

The Town Council shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Council in December following each biennial election. Before entering upon their offices, the Mayor and each Council member~~man~~ shall take, subscribe to, and have entered upon the minutes of the Council the following oath of office:

‘I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as so help me, God.’

(Ord. of 5-15-1973, § 3.4)

Sec. 3.5. Meetings of Council.

- (a) The Town Council shall fix a suitable time and place for its regular meetings, which shall be held at least as often as once monthly.
- (b) The Mayor, the Mayor Pro Tempore, or any two members of the Council may at any time call a special Council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council~~member~~man or left at his/her usual dwelling place at least six hours before the meeting Special meetings may be held at any time when the Mayor and all members of the Council are present and consent thereto, or when those not present have signed a written

waiver of notice. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice. Pursuant to NCGS 143-318.12, public notice of a duly called special meeting shall be posted on the principal bulletin board of the Town and the door of its usual meeting room, and given to each newspaper that has filed for a written request for notice, at least 48 hours before the time of the meeting.

- (c) Pursuant to NCGS 143-318.12(b)(3), For an emergency meeting, the Town Council shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the Town Clerk or with some other person designated by the Town Council. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the Town Council and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.

(Ord. of 5-15-1973, § 3.5)

Sec. 3.6. Quorum; votes.

- (a) A majority of the members elected to the Town Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such a manner as may be prescribed by ordinance.
- (b) The affirmative vote of a majority of the members elected to the Council not excused from voting on the question in issue shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

(Ord. of 5-15-1973, § 3.6)

Sec. 3.7. Ordinances and resolutions.

The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enacting clause of all ordinances shall be: "Be it ordained by the Town Council of the Town of Mayodan." All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

(Ord. of 5-15-1973, § 3.7)

ARTICLE 4. ELECTIONS

Sec. 4.1. Regular municipal elections.

Of the five members elected to the Mayodan Town Council at the next regular municipal election in 1975, the three members with the highest total of votes shall serve four-year terms on the Town Council. The remaining two members shall serve two-year terms. Beginning with the regular municipal election in 1977 and at each regular municipal election thereafter, terms shall be staggered. Three council seats at one time shall be considered for election, and two council seats at one time shall be considered for election. Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In each election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two years, and the three or two candidates for Council who receive the largest number of votes cast for Council shall be declared elected for terms of four years. All vacant positions on the Mayodan Town Council shall be up for election and the persons elected to fill these vacancies shall serve four-year terms. A vacancy that occurs in the town council shall be filled by appointment of the town council. If the term of the office expires immediately following the next regular town election, or if the next regular town election will be held within 90 days after the vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled town election that is held more than 90 days after the vacancy occurs, and the person appointed to fill the vacancy shall serve only until the elected successor takes office. The elected successor shall then serve the remainder of the unexpired term. Additional vacancy situations shall follow the process outlined in NCGS 160A-63 and any amendments hereto.

Editor's note: Three council seats, with four year terms, shall be considered for election starting in 1975, and repeating in years 1979, 1983...2023 and so forth. Two council seats, with four year terms, shall be considered for election starting in 1977, and repeating in years 1981, 1985...2025 and so forth.

(Ord. of 4-7-1975, § 4.1)

Sec. 4.2. Regulation of elections.

All Town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections.

(Ord. of 5-15-1973, § 4.2)

ARTICLE 5. TOWN MANAGER

Sec. 5.1. Appointment; compensation.

The Town Council shall appoint an officer whose title shall be Town Manager and who shall be the head of the administrative branch of the Town government. The Town Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or knowledge of, accepted practice in respect to the duties of his/her office as hereinafter prescribed. ~~At the time of his/her appointment, he/she~~The Town Manager need not be a resident of the Town. (Local bill House 1675, 1999-2000; Local Bill H1029 Session Law 2012-101; N.C.G.S. 160A-147) No person elected as Mayor or as a member of the Council shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he/she was elected. The Town Manager shall serve at the pleasure of the Council and shall receive such salary as the Council shall fix.

(Ord. of 5-15-1973, § 5.1)

Sec. 5.2. Powers and duties of Town Manager.

The Town Manager shall be the chief administrator of the Town. He/She shall be responsible to the Town Council for administering all municipal affairs placed in his/her charge by them and shall have the following powers and duties:

- (1) He/She shall appoint and suspend or remove all Town employees, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt.
- (2) He/She shall direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Council, except as otherwise provided by law.
- (3) He/She shall make reasonable efforts to attend all meetings of the Council and recommend any measures that he/she deems expedient.
- (4) He/She shall see that all laws of the State, the Town Charter, and the ordinances, resolutions, and regulations of the Council are faithfully executed within the Town.
- (5) He/She shall prepare and submit the annual budget and capital program to the Council.

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- (6) He/She shall annually submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town at the end of the fiscal year.
 - (7) He/She shall make any other reports that the Council may require concerning the operations of the Town departments, offices, and agencies subject to his/her direction and control.
 - (8) He/She shall perform any other duties that may be required or authorized by the Council.

(Ord. of 5-15-1973, § 5.2)

ARTICLE 6. TOWN ATTORNEY

Sec. 6.1. Town Attorney; appointment; qualifications; term.

The Town Council ~~may~~shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his/her tenure. The Town Attorney shall serve at the pleasure of the Council. (N.C.G.S. 160A-173)

(Ord. of 5-15-1973, § 6.1)

Sec. 6.2. Duties of Town Attorney.

It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Town Council, Town Manager, and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to draft proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend all meetings of the Town Council when required by the Council and to perform such other duties as may be required of him/her by virtue of his/her position as Town Attorney.

(Ord. of 5-15-1973, § 6.2)

ARTICLE 7. ADMINISTRATIVE OFFICERS AND EMPLOYEES

Sec. 7.1. Town Clerk.

The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Town Council and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Council may direct.

(Ord. of 5-15-1973, § 7.1)

Sec. 7.2. Town Tax Collector.

The Town contracts with the Rockingham County Tax Collector to collect all ad valorem property taxes due the Town of Mayodan as permitted by state law. The Town Clerk acting as Tax Collector shall collect all property taxes, licenses, fees and other non-tax revenues~~monies belonging due to the Town. All revenues collected shall will be delivered to Town Hall and accounted for in accordance with, subject to the provisions of the Charter and the ordinances of the Town. and he~~ The Town shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes and fees by municipalities.

(5/15/73, Art. VII. Sec. 7.2)

Sec. 7.3. Town Finance Officer.

The Town Manager shall appoint a Town Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act. All fees remitted to the Town shall be reviewed by the Finance Officer.

(Ord. of 5-15-1973, § 7.3)

Sec. 7.4. Consolidation of functions.

The Town Manager with approval of the Town Council may consolidate ~~any two or more of~~ the positions of Town Clerk and ~~Town Tax Collector, and~~ Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions.

(Ord. of 5-15-1973, § 7.4)

ARTICLE 8. FINANCE

Sec. 8.1. Custody of Town money.

All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository or depositories. Such institutions shall be designated by the Town Council in accordance with the regulations and subject to the requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall be disbursed in accordance with the provisions of the local Government Budget and Fiscal Control Act.

(Ord. of 5-15-1973, § 8.1)

Sec. 8.2. Independent audit.

As soon as possible after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or an accountant certified by the Local Government Commission. The audit shall be secured in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

(Ord. of 5-15-1973, § 8.2)

ARTICLE 9. POLICE

Sec. 9.1. Jurisdiction.

In addition to their authority within the corporate limits, the Town police force shall have all the powers invested in law-enforcement officers by statute or common law within one mile of the corporate limits of the Town, and on all property owned by or leased to the Town wherever located. The jurisdiction of the police force is hereby extended to include all Town-owned property and facilities whether located within or outside the corporate limits [of the town], and all All members of the police force shall have upon and within such area, property and facilities all rights, power and authority as they have within the corporate limits [of the town]. Any officer pursuing an offender outside the corporate limits or extraterritorial jurisdiction of the city shall be entitled to all of the privileges, immunities, and benefits to which he would be entitled if acting within the city, including coverage under the workers' compensation laws.

(Ord. of 5-15-1973, § 9.1)

ARTICLE 10. STREET AND SIDEWALK IMPROVEMENTS

Sec. 10.1. Street improvements; assessment of costs.

In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Town Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

(Ord. of 5-15-1973, § 10.1)

Sec. 10.2. When petition necessary.

The Town Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes, without the necessity of a petition, upon the finding by the Council as a fact:

- (a) That the street improvement project does not exceed 1,200 linear feet; and
- (b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement; or
- (c) That it is in the public interest to connect two streets, or portions of a street already improved; or
- (d) That it is in the public interest to widen a street, or part thereof, which is already improved, provided that assessments for widening any street or portion of street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

(Ord. of 5-15-1973, § 10.2)

Sec. 10.3. Street improvement defined.

For the purposes of this Article, the term "street improvement" shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

(Ord. of 5-15-1973, § 10.3)

Sec. 10.4. Sidewalks; assessments of costs.

In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Town Council is hereby authorized, without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Council may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners, abutting both sides of such street.

(Ord. of 5-15-1973, § 10.4)

Sec. 10.5. Assessment Procedure.

In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

(Ord. of 5-15-1973, § 10.5)

Sec. 10.6. Effect of assessments.

The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

(Ord. of 5-15-1973, § 10.6)

Sec. 10.7. Acceptance of conveyance in satisfaction of assessments.

The Town ~~finance director~~ ~~Tax Collector~~, or any other official or employee of the Town having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the Town Council first obtained and had, to receive and accept a fee simple conveyance to the Town of any lot or parcel of land in the town, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and no such right, power, and authority exercised as to a part, only, of the

property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the Town, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property, as fully to all interests and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

(Ord. of 5-15-1973, § 10.7)

ARTICLE 11. CLAIMS AGAINST THE TOWN

Sec. 11.1. Presentation of claims; suit upon claims.

- (a) All claims or demands against the Town of Mayodan arising in tort or in contract shall be presented to the Town Council in writing, signed by the claimant, his/her attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.
- (b) No action shall be instituted against the Town for damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejection of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his/her executor, administrator, guardian, or next friend, shall have given notice in writing to the Town Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.
- (c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his/her action shall not be barred if notice of claim is given by him or on his/her behalf within six months after the termination of his/her incapacity, provided that the minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his/her action shall not be barred if notice of claim is given on his/her behalf within three years after the occurrence of the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his/her action shall not be barred if notice of claim is given on his/her behalf within six months after termination of the incapacity, or within three years after the occurrence of the infliction of the injury complained of, whichever is the longer period. The Town may at any time request the appointment of a next friend to represent any person having a

potential claim against the Town and known to be suffering from physical or mental incapacity.

(Ord. of 5-15-1973, § 11.1)

**PART II
CODE OF ORDINANCES**

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in this and the following chapters shall constitute and be designated the "Code of Ordinances, Town of Mayodan, North Carolina," and may be so cited. Such ordinances may also be cited as the "Mayodan Code of Ordinances."

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday, or a legal holiday, that day shall be excluded.

Council. The term "the council" means the town council of the Town of Mayodan.

County. The term "county" means County of Rockingham, in the State of North Carolina, except as otherwise provided.

Gender. Terms importing the masculine gender shall include the feminine and neuter.

G.S. The abbreviation "G.S." means the North Carolina General Statutes.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Mayor. The term "mayor" means the mayor of the Town of Mayodan.

Month. The term "month" means a calendar month.

Number. Terms used in the singular include the plural, and terms used in the plural include the singular number.

Oath. The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

Owner. The term "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The term "person" includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property except real property as herein defined.

Preceding, following. The terms "preceding" and "following" mean next before and next after, respectively.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements, and hereditaments.

Sidewalk. The term "sidewalk" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Signature. The terms "signature" or "subscription" include a mark when the person cannot write.

State. The term "state" means the State of North Carolina, except as otherwise provided.

Street. The term "street" means and includes any public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, or bridge and the approaches thereto within the town.

Tenant. The term "tenant" or "occupant," applied to a building or land, includes any person who occupies the whole or a part of such building or land whether alone or with others.

Tense. Terms used in the past or present tense include the future as well as the past and present.

Town. The term "town" means the Town of Mayodan in Rockingham County, North Carolina, except as otherwise provided.

Writing. The terms "writing" and "written" include printing and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

(Code 1975, § 1.1)

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same as ordinances adopted prior to this Code and included herein, shall be considered as continuations thereof and not as new enactments.

(Code 1975, § 1.2)

Sec. 1-4. Section designations.

The headings of the several sections of this Code printed in bold-face type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1975, § 1.3)

Sec. 1-5. Effect of repeal or expiration of ordinances.

The repeal of an ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued, any offense committed, any penalty or punishment incurred or any proceeding commenced before the repeal took effect or the ordinance expired. When an ordinance which repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

(Code 1975, § 1.4)

Sec. 1-6. ~~Criminal penalty~~Penalties; not exclusive remedy; continuing violations.

- (a) Unless this Code shall otherwise provide, violation of any provision hereof shall ~~be a misdemeanor punishable upon conviction by a fine not exceeding \$50.00 or by~~

~~imprisonment not exceeding 30 days, as provided in G.S. 14-4~~ subject the violator to a civil penalty of one hundred dollars (\$100.00) per day for the first ten (10) days of failure to comply. Thereafter, beginning on day eleven (11) of noncompliance a penalty of two hundred fifty dollars (\$250.00) per day shall be levied. A penalty of five hundred dollars (\$500.00) per day shall be levied beginning on day 21 of noncompliance. Each day of noncompliance is a separate violation. A provision of this Code may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4. certain violations shall be a misdemeanor punishable upon conviction by fines as provided in G.S. 14-4.

- (b) In addition, and unless otherwise provided by this Code, any provision of this Code that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs the town may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and rule 65 in particular.
- (c) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture or other moveable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.
- (d) Except as otherwise provided in this Code or in any ordinance of the town, each day any violation of such Code or ordinance shall continue shall constitute a separate and distinct offense.

(Code 1975, § 1.5)

Sec. 1-7. Severability of parts of Code.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code since the same would have been enacted by the council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Code 1975, § 1.6)

Sec. 1-8. Damaging ordinances prohibited.

No person shall tear or deface any of the town ordinances.

(Code 1975, § 1.7)

Sec. 1-9. Amendments to Code.

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect any section or subsection of this Code, shall be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. When subsequent ordinances repeal any chapter, section or subsection, or any portion thereof, the repealed portions shall be excluded from the Code by omission from reprinted pages. The subsequent ordinances, so numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted by the town council as a new Code.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section ___ of the Code of Ordinances, Town of Mayodan, North Carolina, is hereby amended to read as follows:" The new provisions shall then be set out in full.
- (c) If a new section not heretofore existing in the Code is to be added, the following language shall be used: the "Code of Ordinances, Town of Mayodan, North Carolina, is hereby amended by adding a new section to be numbered section ___, which section reads as follows:" The new section shall then be set out in full.

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- (d) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number in the following language: "Section (chapter or article) ___ of the Code of Ordinances, Town of Mayodan, North Carolina, is hereby repealed."

Sec. 1-10. Supplementation of Code.

- (a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to this Code shall include all substantive permanent and general parts of ordinances passed by the town council during the period covered by the supplement and all changes made thereby in this Code, and shall also include all amendments to the Charter during that period. The pages of a supplement shall be numbered so that they will fit properly into this Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that, when they have been inserted, this Code will be current through the date of the adoption of the latest ordinances included in the supplement.
- (b) In preparing a supplement to this Code, all portions of this Code which have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
- (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of this Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in this Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the term "this ordinance," or terms of the same meaning, to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of this Code which embody the substantive sections of the ordinance incorporated into the Code); and

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- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into this Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in this Code.

Sec. 1-11. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any of the following, when not inconsistent herewith:

- (1) Any ordinance promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town, or any evidence of the town's indebtedness, or any contract or obligation assumed by the town;
- (2) Any annual tax levy, appropriation or budget;
- (3) Any right or franchise conferred by ordinance on any person or corporation;
- (4) Any ordinance adopted for purposes which have been consummated;
- (5) Any ordinance which is temporary, although general in effect, or special, although permanent in effect;
- (6) Any ordinance relating to the salaries of the town officers or employees;
- (7) Any ordinance annexing territory to the town;
- (8) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the town;
- (9) Any ordinance pertaining to traffic or parking regulations applying to specific streets;
- (10) Any ordinance setting fees, charges or rates for town services;
- (11) Any ordinance pertaining to zoning or subdivision regulations, and all such ordinances shall remain in full force and effect as if set out at length in this Code.

Chapter 2 ADMINISTRATION²

²State law reference(s)—Cities and towns, G.S. ch. 160A , 160D.

ARTICLE I. IN GENERAL

Secs. 2-1—2-18. Reserved.

ARTICLE II. TOWN COUNCIL AND PLANNING BOARD³

Sec. 2-19. Regular meetings of the Town Council.

The regular meetings of the mayor and council shall be held on the second Monday of each month at 6:00 p.m., at the town hall unless otherwise designated by the council.

(Code 1975, § 2.1)

Sec. 2-20. Meetings open to public; restrictions.

Any citizen who wishes to appear before the council, on any matter pertaining to local government shall first submit in writing to the town clerk, a summation of what he/she intends to discuss with the council and sign his/her name thereto, at least one week before the date of the next regular town meeting; that this written statement be directed to the town manager who shall in turn contact the citizen who wishes to appear before the council in order that the town manager may settle the question outside the meeting if possible; if, after such discussion the town manager is of the opinion that the matter should be brought to the attention of the full council, or if the citizen appears before the council and asks that he/she be heard, then he/she shall be allowed to express his/her views on the subject matter he/she is interested in but shall be limited to three minutes discussion time unless the council, by majority vote extends his/her time, exclusive, however, of any question or answer period as may elapse between the council members and the citizen after his/her three minute discussion. However, should a citizen have a problem of pressing urgency and it should arise within a period of time less than the one week period hereinabove set out before the regular meeting; thence he shall be permitted to appear before the council and explain the situation and his/her failure to follow the administrative procedures as above set out, and should the council find, by majority vote, that he/she should be excused from following said procedures, then he/she will be heard, but subject to the three minute discussion limitation as above set out unless the council, by majority vote, extends his/her time.

³State law reference(s)—Mayor and council, G.S. 160A-66 et seq.; government and general management of municipality vested in governing body, G.S. 160A-67; governing body has authority to organize and reorganize municipal government, G.S. 160A-146; general ordinance-making power, G.S. 160A-174. Planning Board, G.S. 160D

(Code 1975, § 2.2)

Sec. 2-21. Committees.

The mayor and council ~~members~~ ~~men~~ may create such committees of the council for special purposes as they deem best.

(Code 1975, § 2.3)

~~**Secs. 2-22—2-45. Reserved.**~~

Sec. 2-22. Planning board created.

A town planning board is hereby created under the authority of G.S. 160D-301.

Sec. 2-23. Members of planning board.

(a) The town planning board shall consist of five members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals or housing authority board. The mayor may appoint two ex officio members to the board who shall have no vote but who shall act as advisors to the planning board.

(1) The composition of the Planning Board shall contain a minimum of four (4) regular members within municipal limits, one (1) regular member within the extraterritorial jurisdiction (ETJ), two (2) alternate members, one (1) each from the municipal limits and from the ETJ.

(b) The citizen members shall be appointed by the town council upon creation of the planning board to hold office as follows: two members for one year, two members for two years and one member for three years; thereafter, members shall be appointed for a term of three years. All members of the planning board shall serve as such without compensation. Members may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The mayor shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the ~~board~~ town council.

(Code 1975, § 12.2)

Sec. 2-24. Organization and rules of planning board.

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

(Code 1975, § 12.3)

Sec. 2-25. Staff and finances of planning board.

The planning board may contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the planning board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council and no indebtedness for which the town shall be liable shall be contracted by the planning board unless an appropriation is made by the board for such purposes, and then only to the extent of the appropriation.

Sec. 2-26. General powers and duties of planning board.

- (a) The duties of the planning board are as set forth in G.S. 160D-301(b).
- (b) It shall be the function and duty of the planning board to make recommendations for a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction in accordance with G.S. 160D-501

(Code 1975, § 12.5)

Sec. 2-28. Miscellaneous powers and duties of planning board.

- (a) Before the adoption by the planning board of the plan or any such part, amendment, extension or addition, the planning board shall hold at least one public hearing thereon. The planning board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the planning board, when duly authorized by the planning board, may attend planning conferences or meetings of planning institutes or hearings

upon pending Town planning legislation, and the planning board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. All officers and employees of the town shall render such reasonable assistance and any such information to the planning board as may be requested by the planning board for its work.

(b) The planning board shall from time to time, and at least annually, submit reports in writing to the council giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof, and these reports shall contain such other recommendations as the planning board feels should have immediate attention.

Sec. 2-30. Regular meetings of the Planning Board.

Regular meetings of the Planning Board will be held on the third Thursday of the month at 6:00 PM at Town Hall, 210 W Main Street, Mayodan, NC 27027. unless otherwise designated by the Town Clerk.

Secs. 2-3029—2-45. Reserved.

ARTICLE III. ORDINANCES

Sec. 2-46. Ordinances confined to one subject.

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

(Code 1975, § 2.11)

Sec. 2-47. Official copy.

A true copy of an ordinance, which has been duly enacted by the council, signed by the mayor, and attested by the clerk shall be known as an official copy of any ordinance for the town. All ordinances or a true copy thereof shall be inserted into this Code in the proper chapter.

(Code 1975, § 2.12)

Sec.s. 2-48—2-67. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES

Sec. 2-68. Office of mayor.

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

(Code 1975, § 2.21)

Sec. 2-69. Office of finance officer.

The finance officer shall be appointed annually by the ~~council~~ Town Manager. The finance officer, in addition to the duties established by G.S. ~~160A-171~~ 159-25, shall:

~~(1) (1)~~ Service as the Town's Budget Officer as required by The Local Government Budget and Fiscal Control Act.

~~(1)(2)~~ Make reasonable efforts to ~~Attend~~ attend all meetings of the council; and

~~(2)(3)~~ Disburse funds for the various purposes of the town ~~only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the council~~ in accordance with G.S. 159-25 and as assigned by the Town Manager.

(Code 1975, § 2.22)

Sec. 2-70. Other officers and employees.

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

(Code 1975, § 2.23)

Sec. 2-71. Employees' bonds.

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

(Code 1975, § 2.24)

Secs. 2-72—2-100. Reserved.

ARTICLE V. EMERGENCIES

Sec. 2-101. State of emergency; curfew authorized.

- (a) A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives or property.
- (b) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town, or threatening damage to or destruction of property, the mayor of the town is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions herein authorized.
- (c) The mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firemen and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the town.
- (d) The mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the town council.
- (e) During the existence of a proclaimed state of emergency, the mayor may impose by proclamation any or all of the following restrictions:
 - (1) Prohibit or regulate the possession off one's own premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof;

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- (2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises;
 - (3) Prohibit or regulate any demonstrations, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property;
 - (4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or inflammable fluids or substances;
 - (5) Prohibit or regulate travel upon any public street, alley, or roadway or upon any other public property, except by those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families or some member thereof;
 - (6) Prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.
- (f) Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.
- (g) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this section.

(Code 1975, § 2.31)

Sec. 2-102. Law enforcement assistance.

The mayor is hereby authorized to execute contracts or agreements with such other political subdivisions of the state as to him may seem advisable, pursuant to G.S. 160-20.2, whereby the parties agree to render mutual aid and assistance by the loan of law enforcement officers and/or equipment in time of emergency. Such contracts or agreements shall provide that they shall take effect upon ratification by the governing bodies of each party thereto and recordation in the minutes thereof.

(Code 1975, § 2.32)

Secs. 2-103—2-132. Reserved.

ARTICLE VI. FINANCE AND PURCHASING

Sec. 2-133. Disbursement of funds.

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

(Code 1975, § 2.41)

Sec. 2-134. Funds received.

Moneys due to the town for municipal services shall be received at the town office during regular business hours and a receipt for said moneys, in triplicate, shall be issued immediately upon receipt.

(Code 1975, § 2.42)

Sec. 2-135. Purchasing.

Any town employee or official desiring to obtain goods, materials, or services for town use shall first present a requisition to the town manager. No purchases shall be made without the signature of the town manager.

(Code 1975, § 2.43)

Secs. 2-136—2-153. Reserved.

ARTICLE VII. TOWN SEAL, LOGO, AND OTHER IDENTIFIERS

Sec. 2-154. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Identifiers means any symbol, seal, logo, tag line, picture, written word or work of art approved by the town council as a representation of the town being used as evidence of authenticity or recognition as being representative of the town.

Town logo means a graphic representation or symbol approved by the town council as a symbol of ready recognition for the town.

Town seal means the town council-approved embossed emblem, symbol, letter, etc., used as attestation or evidence of authenticity; an authenticating mark or symbol attached to a legal document.

(Code 1975, § 2.61)

Sec. 2-155. Custodian of town seal, town logo, and other identifiers.

The town clerk shall have the custody of the town seal, town logo and other identifiers, and the same shall be carefully preserved and kept at all times at the town hall.

(Code 1975, § 2.62)

Sec. 2-156. Use of town seal, town logo, and other identifiers.

The town seal, town logo and other identifiers, as approved by the town council, cannot be used by any individual or organization without the express written consent of the town. The town seal, town logo and other identifiers may be used in conjunction with events that the town is sponsoring or co-sponsoring. The town seal, town logo, and other identifiers may not be used at events that merely are held on town property or that are produced by outside organizations. Written consent of the town does not imply that the town seal, town logo, or other identifier may be shared to other persons or organizations other than the original consented party.

(Code 1975, § 2.63)

Chapter 4 ANIMALS⁴

Sec. 4-1. Animals at large.

No horse, goat, cattle, or other animals shall be permitted to run at large within the town limits. All animals caught running at large shall be impounded by the police and, unless claimed within four days, shall be disposed of as the town shall deem best.

(Code 1975, § 11.31)

⁴State law reference(s)—Dogs, generally, G.S. ch. 67; rabies control, G.S. 130A-184 et seq.; regulation of domestic animals, G.S. 160A-186; regulation of dangerous animals, G.S. 160A-187; limitations on municipal regulations concerning standards of care for farm animals, G.S. 160A-203.1.

Sec. 4-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control shelter means a place provided ~~and operated by or under contract~~ for the town, whether or not jointly with another governmental unit or with a private individual or concern, for the restraint, care, placement and/or disposal of animals.

At large. Any dog or cat shall be deemed to be at large when it is off the property of its owner and not under restraint.

Cat means any male or female cat.

Dangerous dog means any dog that, without provocation, has killed or inflicted injury on a person; or is determined by the person or board designated by the town authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed for a "potentially dangerous" dog; or any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

Dog means a dog of either sex over four months of age.

Exposed to rabies means introduction of the saliva or nervous tissue of a proven rabid animal or an animal reasonably suspected of having rabies into a person or animal through a bite, through an open cut on the skin or through the mucous membranes.

Fencing means any means of containment, including, but not limited to, the use of wood or chain link material sufficient to contain a pet.

Keeper means any person, other than the owner, harboring or having in his/her possession any dog or cat. The term "keeper" also means one who, either with or without the owner's permission, undertakes to manage, control, or care for a dog or cat as an owner customarily does.

Owner means any person owning, keeping or harboring a dog or cat. A dog or cat shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Potentially dangerous dog means any dog that the person or board designated by the county or town authority responsible for animal control determines to have inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or killed or inflicted severe injury upon a domestic animal when not on the

owner's real property; or approached a person when such person was not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack or belligerence; or exhibited any other similar specific behavior that the town official responsible for animal control may deem as potentially dangerous.

Property owner means the owner of a parcel of real property.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

Stray dog or cat means any dog or cat within the town wandering at large or lost without an apparent owner; or, any dog or cat within the town whose owner has failed to comply with the requirements of section 4-10.

Tethered means tying out or fastening a dog outdoors to a line so as to restrict its range of movement.

Under restraint means secured by a leash or lead; fenced in or otherwise confined on the property of its owner; or under the immediate and effective control of a responsible person.

Under restraint for dangerous and/or potentially dangerous dogs means secured by a leash or lead; fenced in or otherwise confined on the property of its owner; under the immediate and effective control of a responsible person. Chaining or tethering a dog declared dangerous or potentially dangerous to an inanimate object is specifically excluded as a sole means of restraint. Any dangerous or potentially dangerous dog outside the residential structure shall be confined in a chain link fence. The chain link fence shall have a minimum wire gauge of nine and shall include four sides, an attached top consisting of chain link fencing and a bottom floor. The sides shall be at least six feet tall (as measured from the ground). The bottom shall consist of either a concrete pad extending at least one foot beyond the enclosed area or in the alternative, the side fencing shall be buried one foot deep into hard packed soil (the sides must still be at least six feet tall as measured from ground level). The fence structure shall be at least 150 square feet in size and be secure enough to contain the dog at all times. There shall be no more than two animals confined per enclosure. Dangerous or potentially dangerous dogs shall be leashed and muzzled when off of or away from the owner's property or residence.

(Code 1975, § 11.32.A)

Sec. 4-3. Enforcement.

The provisions of this chapter shall be enforced by the town police department.

(Code 1975, § 11.32.B)

Sec. 4-4. Restraint.

All dogs and cats shall be kept under restraint at all times.

(Code 1975, § 11.32.C)

Sec. 4-5. Impoundment; notice; redemption; disposal of unredeemed dogs or cats; fees.

- (a) Dogs or cats found not under restraint or abandoned may be seized and impounded by any member of the town police department. Impoundment may be in an animal shelter ~~designated by the town council~~ with capacity.
- (b) In the event the owner of the dog or cat can be ascertained, then in such event, the town shall send notice to said owner regarding the impoundment of said animal. Such notice shall include a notice of violation of this section.
- (c) Any owner redeeming a dog or cat from impoundment shall, before release, pay an impoundment fee based on the schedule on file in the town clerk's office, plus a boarding charge equal to the cost of caring for the dog or cat for each day for said impoundment.
- (d) In the event a dog or cat is not redeemed by the owner within five business days after impoundment, the dog or cat may be disposed of in one of the following manners:
 - (1) Euthanasia, using a method approved by the Humane Society of the United States.
 - (2) Released for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care, provided that no unclaimed dog or cat may be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within 14 days of adoption.

(Code 1975, § 11.32.D)

Sec. 4-6. Proper care.

Owners and keepers of dogs or cats shall provide humane shelter from heat, cold, rain, wind, and snow, and shall provide food and water adequate to keep the animal in good health and comfort. Dog houses and kennels must be soundly constructed, dry and provided in cold weather with clean bedding. All dogs and cats must have proper immunization records with said records being kept with the owner of the dog or cat and available for inspection by the town police department upon request.

(Code 1975, § 11.32.E)

Sec. 4-7. Nuisances.

- (a) It shall be unlawful for an owner or keeper to permit a dog or cat to create a nuisance, or maintain a nuisance created by a dog or cat. For the purposes of this section, the term "nuisance" means any dog or cat if it:
- (1) Damages, soils or defiles private or public property;
 - (2) Interferes with, molests, or attacks persons or other animals;
 - (3) Causes unsanitary, dangerous or offensive conditions, including fouling of the air by odors;
 - (4) Is repeatedly at large;
 - (5) Chases, snaps at, harasses, impedes pedestrians, joggers, bicyclist or vehicles;
 - (6) By virtue of number or type is offensive to the public health, safety or welfare;
 - (7) Is diseased or dangerous to the public health;
 - (8) By prolonged habitual barking, howling, or whining causing interference with the reasonable use and enjoyment to neighboring residents.
- (b) Any person complaining of a nuisance under this section shall file a written and signed complaint with the police department. It shall be the duty of the police department and/or a designated animal control officer to investigate the complaint. If the police department finds reasonable grounds for the complaint, the police department shall notify the owner of the animal and the property owner in writing to abate such nuisance within 24 hours. Failure to abate within 24 hours after notification shall subject the owner of the animal and the property owner to a civil fine of \$500.00 for each occurrence and/or criminal punishment under the laws of the state for an ordinance violation. The criminal punishment shall include a criminal penalty of \$500.00. Each day's violation after the initial notification shall constitute a separate offense.

(Code 1975, § 11.32.F)

Sec. 4-8. Confinement of females in heat and nursing females.

The owner shall confine any female dog or cat in heat within a building, in such manner that the dog or cat will not be accessible to other dogs or cats except for planned breeding and will not attract male dogs or cats. Any female dog or cat nursing or caring for puppies or kittens shall be physically confined in an enclosed structure.

(Code 1975, § 11.32.G)

Sec. 4-9. Exemptions.

The provisions of this chapter do not apply to the following:

- (1) Any dog used by law enforcement to carry out the officer's official duties;
- (2) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime;
- (3) Hospitals, clinics and other facilities operated by licensed veterinarians for care and treatment of animals.

(Code 1975, § 11.32.H)

Sec. 4-10. Compliance with rabies laws and license tax ordinance.

- (a) The failure of an owner to comply with any law of the state relating to the control of rabies shall constitute a violation of this section. Specifically, but not to be construed as a limitation hereof, it shall be unlawful for an owner to fail to have each animal owned by him vaccinated against rabies as required by said state law and to procure the tag issued upon such vaccination. (Such tag shall hereinafter be referred to as a "rabies tag.")
- (b) It shall be unlawful for any owner to fail to provide each animal owned by him, which is required by state law to be vaccinated against rabies, with a collar or harness to which a currently valid rabies tag is securely attached.
- (c) It shall be unlawful for any person to place or cause or allow to be placed on any animal a rabies tag other than each tag duly issued with respect to such animal.

(Code 1975, § 11.32.I)

Sec. 4-11. Dangerous dogs.

The town council designates any police officer to be responsible to notify the owner and property owner when a dog is considered a dangerous dog, as defined in this chapter. The process for any appeal shall be the same as set forth for appeals of a determination of potentially dangerous dogs.

(Code 1975, § 11.32.J)

Sec. 4-12. Potentially dangerous dogs.

- (a) The town council designates any police officer to be responsible for determining when a dog is potentially dangerous. The town manager shall hear any appeals from such determination. In determining a dog to be potentially dangerous the officer shall follow those procedures set forth in G.S. 67-4.1. The process for such determination is set forth in G.S. 67-4.1(C).
- (b) The owner or property owner shall enter a notice of appeal, in writing, within three business days of said determination. The written appeal must be received by the town manager, or the manager's office, within the appeal period. A hearing shall be set to hear the appeal within five business days.
- (c) The decision of the town manager may be appealed to the town council. The process for entering a notice of appeal from the town manager's decision shall be the same as stated above. The appeal shall be filed with the town manager, or the manager's office.
- (d) Any appeal from a determination by the town manager that a dog is potentially dangerous shall be set for hearing at the next regularly scheduled town council meeting. In the event a town council meeting is scheduled less than ten days from the date of the initial determination, excluding the date of determination, then in such event, the appeal shall be held at the following meeting of the town council.
- (e) The town police department shall provide notice of dangerous or potentially dangerous dog determination to the owner and property owner by first class certified letter.
- (f) Once a dog is designated dangerous or potentially dangerous the owner shall not have said animal off of or away from the owner's property or residence unless leashed and muzzled. The owner and/or the property owner shall comply with all other provisions of this chapter within 30 days of such designation.

(Code 1975, § 11.32.K)

Sec. 4-13. Violation.

- (a) It shall be unlawful for an owner or keeper to:
- (1) Fail to keep a dangerous or potentially dangerous dog under restraint, as defined in section 4-2; or
 - (2) Permit a dangerous or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- (b) It shall be unlawful for a property owner to permit an owner or keeper of a dangerous or potentially dangerous dog, as defined in section 4-2, to keep or harbor such animal in violation of any portion of this chapter.

(Code 1975, § 11.32.L)

Sec. 4-14. Notification.

If the owner of a dangerous or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to the town police department stating the name, address and all contact information of the new owner or possessor of the dog; and the person taking ownership or possession of the dog shall be notified in writing of the town's determination that such animal is a dangerous or potentially dangerous dog.

(Code 1975, § 11.32.M)

Sec. 4-15. Penalties for dangerous and potentially dangerous dogs.

- (a) A violation of any portion of section 4-13, unless otherwise provided herein, shall result in a civil penalty against the offender in an amount of \$500.00 and/or shall result in criminal punishment of a class three misdemeanor to include a fine of \$500.00. Each day of such violation is a separate offense.
- (b) A violation of section 4-13(b) shall result in a civil penalty against the property owner in an amount of \$500.00. Each day of such violation is a separate offense.
- (c) A violation of any other section of this chapter shall subject the owner and/or property owner to punishment as defined in section 1-6.

(Code 1975, § 11.32.N)

Sec. 4-16. Penalty for attacks by dangerous dogs.

The penalty for attacks by dangerous dogs is set forth in G.S. 67-4.3.

(Code 1975, § 11.32.O)

Sec. 4-17. Strict liability.

The owner of a dangerous dog and property owner shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, property or other animal.

(Code 1975, § 11.32.P)

Sec. 4-18. Tethered animals.

- (a) *Fixed.* Tethered animals must be attached to a swiveled ground anchor by a coated cable wire at least 15 feet in length and of sufficient strength to restrain the animal without breaking. Chains, ropes and non-cable wire are not acceptable types of tethers. All tethers must have swivels at both ends to prevent twisting. The tether must be arranged so as to be free from obstacles that may limit the movable length of the tether. Tethers must be attached to a safe and secure harness or collar. The tether cable wire may not be used as a collar. Shelter and water must be present and always within reach of a tethered animal. If a tethered animal cannot reach its shelter or water due to a tangled or shortened tether or if the tether does not meet the requirements of this subsection, the owner or keeper of the animal is considered to be in violation of this section.

- (b) *Running cable or trolley system.* A running cable line (minimum of 15 feet in length) must be firmly secured to fixed anchor points (i.e., posts, trees or fences) and attached at least four feet but not more than seven feet above ground. The tether shall be attached to the running cable line and must have a swivel at both ends to prevent entanglement and must have a stopper device attached near each end of the running cable line to prevent the cable wire tether from entangling around the anchor points. The running cable wire must be of sufficient strength to support the tether cable wire and restrain the animal without breaking. Tethers must be attached to a safe and secure harness or collar. The tether cable wire may not be used as a collar. Only one animal may be tethered to a single running cable line or trolley system. Shelter and water must be present and always within reach of the tethered animal. If the tethered animal cannot reach the shelter or water due to a tangled or shortened tether, or if the running cable line or trolley system does not meet the requirements of this subsection, the owner or keeper of the animal is considered to be in violation of this section.

(Code 1975, § 11.32.R; Ord. No. 2019-02, 2-11-2019)

Sec. 4-19. Hogs.

It shall be unlawful for any person, firm or corporation to keep or maintain a hog on his/her premises within the corporate limits of the town. Any person, firm or corporation violating the provisions of this section shall pay a fine of \$500 ~~5-00~~, and each and every day such hog is kept and maintained on said premises shall be and constitute a new offense.

(Code 1975, § 11.33)

Sec. 4-20. Fowl.

It shall be unlawful for any person, firm or corporation to keep or maintain chickens, turkeys, or other fowl on his/her premises within the corporate limits of the town. Any person, firm or corporation violating the provisions of this section shall pay a fine of \$20.00 ~~10-00~~, per each animal and each and every day such chicken, turkey, or other fowl is kept and maintained on said premises shall be and constitute a new offense.

(Code 1975, § 11.34)

Sec. 4-21. Reserved ~~Bird sanctuary.~~

~~(a) The entire area embraced within the corporate limits of the town is, and the same is hereby designated, as a bird sanctuary.~~

~~(b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper health authorities of the town, then in such event said health authorities shall meet with the representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of said clubs as are found to exist in the town, after having given at least three days' actual notice of the time and place of said meeting to the representatives of said clubs.~~

~~(c) If as a result of said meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said health authorities under the supervision of the chief of police.~~

~~(Code 1975, § 11.35)~~

Sec. 4-22. Hunting of wildlife prohibited.

No person may hunt wildlife, with or without a gun, within the corporate limits of the town.

(Code 1975, § 11.36)

Sec. 4-23. Maintaining livestock prohibited.

It shall be unlawful to maintain any livestock of any kind, including, but not limited to, ~~goats, sheep, cows, cattle, bulls, horses and/or ponies~~ within the corporate limits of the town ~~unless said livestock shall be maintained at least 150 feet from any residence or street and the manure or refuse from said livestock shall be cleaned out and removed at least once per week.~~

(Code 1975, § 11.37)

Chapter 6 BUILDINGS AND BUILDING REGULATIONS⁵

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. ADOPTION OF REGULATORY CODES BY REFERENCE

Sec. 6-19. Scope of article and codes.

- (a) The provisions of this article and of the regulatory codes herein adopted shall apply to the following:
 - (1) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to such building or structure;

⁵State law reference(s)—Building code enforcement, G.S. 160D-111 et seq.; state building code and building code council, G.S. 143-136 et seq.; warrants to conduct inspections, G.S. 15-27.2; contractors, G.S. Ch. 87; public building contracts, G.S. 143-128 et seq.; manufactured housing and mobile homes, G.S. 143-143.8 et seq.; state code officials qualification board, G.S. 143-151.8 et seq.

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- (2) The installation, erection, alteration, repair, use and maintenance of plumbing systems, consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;
 - (3) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning, and refrigeration systems, fuel burning equipment, and appurtenances thereof;
 - (4) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.
- (b) The adoption of the ordinance from which this article is derived and the codes herein adopted by reference shall constitute a resolution within the meaning of G.S. 143-138(d) making the regulatory codes herein adopted applicable to dwellings and outbuildings used in connection therewith and to apartment buildings used exclusively as the residence of not more than two families.

(Code 1975, § 8.1)

Sec. 6-20. Building code adopted.

The current edition of the state building code, ~~volume I, general construction,~~ as adopted by the state building code council, and as amended, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent such code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

(Code 1975, § 8.2)

Sec. 6-21. Plumbing code adopted.

The current edition of the state plumbing code (state building code, volume II, plumbing), as adopted and published by the state building code council, and as amended, is hereby adopted by reference as fully as though set forth herein as the town plumbing code.

(Code 1975, § 8.3)

Sec. 6-22. Heating code adopted.

The current edition of the state heating code (state building code, volume III, heating), as adopted and published by the state building code council, and as amended, is hereby adopted by reference as fully as though set forth herein as the town heating code.

(Code 1975, § 8.4)

Sec. 6-23. Electrical code adopted.

The current edition of the state electrical code (state building code, volume IV, electrical), adopting by reference the current edition of the National Electrical Code of the National Fire Protection Association as adopted and published by the state building code council, and as amended, is hereby adopted by reference as fully as though set forth herein as the town electrical code.

(Code 1975, § 8.5)

Sec. 6-24. Residential building code adopted.

The current edition of the state uniform residential building code, as adopted by the state building inspectors association, and as published by the state building code council, is hereby adopted by reference as fully as though set forth herein as the town residential building code for one- and two-family residential buildings.

(Code 1975, § 8.6)

Sec. 6-25. Amendments to codes.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in the town at the time such amendments are filed with the town clerk or building inspector as provided in section 6-27.

(Code 1975, § 8.7)

Sec. 6-26. Compliance with codes.

- (a) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the state building code,

volume I, general construction, or the state uniform residential building code, whichever is applicable, or both if both are applicable.

- (b) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the state plumbing code (state building code, volume II, plumbing).
- (c) All mechanical systems consisting of heating, ventilating, air conditioning, and refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the state heating code (state building code, volume III, heating).
- (d) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the state electrical code (state building code, volume IV, electrical).

(Code 1975, § 8.8)

Sec. 6-27. Copies of codes filed with clerk.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the town clerk or county building inspector. Such copies shall be the official copies of the codes and amendments.

(Code 1975, § 8.9)

Sec. 6-28 – 6-57. Reserved.

ARTICLE III. INSPECTION DEPARTMENT⁶

Sec. 6-58. County may perform building inspections.

The town may enter into an intergovernmental agreement with the county for the county to perform building inspections.

⁶State law reference(s) — Building inspection, G.S. 160D-1101 et seq.; building permits, G.S. 160D-1110.

Sec. 6-59. Organization of department.

The Town may create an inspection department consisting of ~~The inspection department may consist of~~ a building inspector, a plumbing inspector, a heating-air conditioning inspector, electrical inspector and such other inspectors or deputy or assistant inspectors as may be authorized by the council. The town manager may exercise discretion to designate a department head. The following Sections 6-60 through 6-88 would apply if a Town inspections department is created.

(Code 1975, § 8.11)

Sec. 6-60. General duties of department and inspectors.

- (a) It shall be the duty of the inspection department, in the absence of an agreement with the county, to enforce all of the provisions of this article and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this article and such codes are being met.
- (b) The state building code, volume I, general construction, and the state uniform residential building code shall be enforced by the building inspector. The state plumbing code shall be enforced by the plumbing inspector. The state heating code shall be enforced by the heating-air conditioning inspector. The state electrical code shall be enforced by the electrical inspector.

(Code 1975, § 8.12)

Sec. 6-61. Conflict of interest.

No officer or employee of the inspection department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No officer or employee of the inspection department shall engage in any work which is inconsistent with his/her duties or with the interests of the town.

(Code 1975, § 8.13)

Sec. 6-62. Reports and records.

The inspection department, and each inspector, shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections made, and all other work and activities of the inspection department. Periodic reports shall be submitted to the council, and to other agencies, as required.

(Code 1975, § 8.14)

Sec. 6-63. Inspection procedure.

(a) *Inspections.*

- (1) The inspection department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this section and the appropriate codes.
- (2) When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations, provided no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.
- (3) All holders of permits, or their agents, shall notify the inspection department and the appropriate inspector at each of the following stages of construction so that approval may be given before work is continued:

- a. *Foundation inspection.* To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles, and similar types of foundations shall be inspected as installed.
- b. *Framing inspection.* To be made after all structural framing is in place and all roughing-in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.
- c. *Fireproofing inspection.* To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.
- d. *Final inspection.* To be made after building or structure has all doors hung, fixtures set, and ready for occupancy, but before the building is occupied.

- (b) *Calls for inspection.* Request for inspections may be made to the office of the inspection department or to the appropriate inspector. The inspection department shall make inspections as soon as practicable after request is made therefor, provided such work is ready for inspection at the time the request is made.

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- (c) *Re-inspections.* Re-inspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his/her agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this section.
- (d) *Street or alley lines.* Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley, or other public place, he shall secure a survey of the line of such street, alley, or other public place, adjacent to the property upon which such building or structure is to be erected before proceeding with construction of such building or structure. It shall be the duty of the building inspector to see that the building does not encroach upon such street, alley, or other public place.
- (e) *Certificate of occupancy.* No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the inspection department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his/her agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this section, the appropriate regulatory codes and any zoning ordinance for the occupancy intended. The inspection department shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this section, the regulatory codes, and any zoning ordinance for the occupancy intended.

(Code 1975, § 8.15)

Sec. 6-64. Oversight not to legalize violation.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the inspection department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory codes herein adopted.

(Code 1975, § 8.16)

Sec. 6-65. Powers of inspection officials.

- (a) *Authority.* Inspectors are hereby authorized, empowered, and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted.
- (b) *Right of entry.* Inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the regulatory codes, upon presentation of proper credentials.
- (c) *Stop orders.* Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in violation of any provision of this chapter or any other town ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order such work to be immediately stopped. Such order shall be in writing to the owner of the property or to his/her agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed.

(Code 1975, § 8.17)

Sec. 6-66 . . Designation of enforcement officer.

The Town's Chief Building Inspector shall be designated to oversee the duties prescribed by this Article.

Secs. 6-66—6-88. Reserved.

ARTICLE IV. ENFORCEMENT

Sec. 6-89. Registration of contractors.

Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the town shall register at the office of the inspection department, giving name and place of business.

(Code 1975, § 8.21)

Sec. 6-90. Bond required of contractors.

Every person required to register at the office of the inspection department under section 6-89 shall also give a good and sufficient bond in the sum of \$1,000.00, to be approved by the

town attorney, conditioned upon faithful performance of duty in doing any work which he may have contracted to do, and to indemnify the town against loss in any manner whatsoever for any unskillful or negligent work or conduct in the performance of the duties imposed by the provisions of this chapter or any regulatory code herein adopted, or any damage to any utility lines, streets, or sidewalks in the town or for any damage which may accrue to any person by reason or any default of the contract, or for the payment of any inspection or other fees required by this chapter.

(Code 1975, § 8.22)

Sec. 6-91. Permits required.

(a) *Building permit.*

- (1) No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal, or demolition of any building or other structure, or any part thereof, without a written permit therefor from the building inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed \$100.00 and which does not involve any change of the structural parts of the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. County board of health approval of property for septic tank is required where a raw sewage system cannot be connected to town sewer.
- (2) In all cases of removal or demolition of a building or structure a good and insufficient bond in the sum of \$500.00 shall be posted by the property owner or by his/her contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his/her contractor to completely demolish, remove and clear the premises after 30 days' notice by the building inspector shall be cause for forfeiture of such bond.

(b) *Plumbing permit.* No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit therefor from the plumbing inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if such repairs or replacements do not disrupt the original water supply or the waste or ventilating systems. Board of health approval of property for septic tank is required where a sewage system cannot be connected to the town sewer.

(c) *Heating-air conditioning permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any heating or cooling equipment system without a written permit from the heating-air conditioning inspector; provided,

however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling system.

- (d) *Electrical permit.* No person shall commence or proceed with the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the electrical inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided, further, no permit shall be required for the installation, alteration, or repair of the electrical wiring, devices, appliances, and equipment installed by or for an electrical public utility corporation for the use of such corporation in the generation, transmission, distribution, or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.

(Code 1975, § 8.23)

Sec. 6-92. Application for permit.

Written application shall be made for all permits required by this article and shall be made on forms provided by the inspection department. Such application shall be made by the owner of the building or structure affected or by his/her authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspector to enable him to determine whether the permit applied for should be issued, shall show the following:

- (1) Name, residence, and business address of owner;
- (2) Name, residence, and business of authorized representative or agent, if any;
- (3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such is required for the work involved in the permit for which application is made.

(Code 1975, § 8.24)

Sec. 6-93. Plans and specifications.

Detailed plans and specifications shall accompany each application for permit when the estimated total cost of the building or structure is in excess of \$20,000.00, and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain

information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

(Code 1975, § 8.25)

Sec. 6-94. Limitations on issuance of permits.

- (a) No building shall be issued for any building or structure the estimated total cost of which is more than \$20,000.00 unless the work is to be performed by a licensed general contractor.
- (b) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than \$20,000.00 unless the plans bear the state seal of a registered architect or a registered engineer.
- (c) Where any provision of the state statutes or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.
- (d) Where detailed plans and specifications are required under this chapter, no building permit shall be issued unless such plans and specifications have been provided.

(Code 1975, § 8.26)

Sec. 6-95. Issuance of permit.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this chapter and the appropriate regulatory codes, he shall issue such permit upon payment of the proper fee as provided in section 6-99.

(Code 1975, § 8.27)

Sec. 6-96. Revocation of permits.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any material departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the inspector; for refusal or failure to comply with requirements of this chapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing such permit.

(Code 1975, § 8.28)

Sec. 6-97. Time limitations on validity of permits.

All permits issued under this chapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.

(Code 1975, § 8.29)

Sec. 6-98. Changes in work.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory codes adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.

(Code 1975, § 8.30)

Sec. 6-99. Permit fees.

Fees for permits shall be based upon the total estimated cost of the proposed work, including all sub-contracts, if any, but in no case shall the total estimated cost be less than the market value of similar completed work in the town as determined by the appropriate inspector. Permit fees shall be as follows:

- (1) *Building permit fees.* See schedule of fees in office of building inspector.
- (2) *Plumbing permit fees.* See schedule of fees in office of plumbing inspector.
- (3) *Heating-air conditioning permit fees.* See schedule of fees in office of heating-air conditioning inspector.
- (4) *Electrical permit fees.* See schedule of fees in office of electrical inspector.

(Code 1975, § 8.31)

Secs. 6-100—6-126. Reserved.

ARTICLE V. ENFORCEMENT OF ZONING ORDINANCE

Sec. 6-127. Duty of inspection department.

- (a) If the inspection department is charged with enforcement of a zoning ordinance, then no permit for alteration, repair, or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with applicable provisions of the zoning ordinance.
- (b) If the inspection department is not charged with enforcement of a zoning ordinance, then no permit for alteration, repair or construction of any building or structure shall be issued until a zoning permit has first been issued by the appropriate official charged with enforcement of the zoning ordinance. The town manager is the zoning officer unless another person is charged with the duty.

(Code 1975, § 8.41)

Secs. 6-128—6-152. Reserved.

ARTICLE VI. MOBILE HOMES

Sec. 6-153. Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Mobile home* means any vehicle or similar portable structure mounted on wheels, jacks, skirtings or other foundations and so designed as to permit occupancy for dwelling or sleeping purposes.~~

~~*Mobile home court* means any plot of ground upon which one or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such location.~~

~~(Code 1975, § 8.51)~~

Sec. 6-154. Issuance of permit.

~~The town council may authorize the issuance of a special use permit for the construction of a mobile home court upon evidence of compliance of the following special regulations:~~

- ~~(1) The area, lot or tract used for a mobile home court shall be not less than two acres nor contain fewer than ten mobile home spaces. The mobile home court shall have direct access to a state or town maintained street or road.~~
- ~~(2) Mobile home spaces shall be laid out in such a manner that the outer boundaries of the mobile home spaces closest to the side and rear exterior property lines shall provide a distance from the property lines as aforesaid of at least five feet. The outer boundaries of mobile home spaces bordering on a street or road or other public way shall observe a setback requirement from the street or road or other public way of at least 15 feet. A planting of evergreen trees or shrubs designed to be at least five feet in height and at least four feet in depth at the base and spaced so as to provide uninterrupted screening at maturity, shall be maintained along all front, side and rear boundaries of the mobile home court except where a natural or artificial barrier such as a screen fence, wall, or abrupt difference in grade exists or is constructed and provides at least equivalent screening from the adjoining properties; provided, further, that each boundary of the mobile home court or park must be at least 200 feet from any permanent residential building located outside of the park unless all of the adjoining property owners within said 200 feet consent in writing to the establishment of the court.~~
- ~~(3) Mobile homes shall be parked or harbored in such a manner that the end to end clearance and the lateral clearance between mobile homes, including enclosed extensions thereof, shall be not less than 20 feet; and no mobile home shall be located nearer than 20 feet to any common building on the premises, such as an office, utility or laundry building.~~
- ~~(4) Recreation space equal to 100 square feet for each mobile home space shall be provided within the mobile home court, as a common recreation area.~~
- ~~(5) The maximum number of mobile homes per gross acre in a mobile home court shall be ten.~~
- ~~(6) Every mobile home space shall abut on a driveway within the mobile home court. Driveways shall be graded to a width of at least 20 feet, shall have an all-weather surface free from mud or dust, and shall be maintained in good condition. All driveways which are dead ended shall be provided with a turnaround having a minimum radius of 40 feet.~~
- ~~(7) Walkways shall be provided to connect each mobile home space with any utility room or other common facilities serving the mobile homes. Such walkways shall be not less~~

- ~~than three feet in width and shall be graded and finished with an all-weather surface free from mud and dust.~~
- ~~(8) Each mobile home space shall be provided with at least one off-street parking space located on or adjacent to the mobile home space. One additional off-street parking space shall be provided for each three mobile home spaces in the park. Driveways within a mobile home court shall not qualify to satisfy the foregoing requirement subject to the following: driveways 26 feet wide may have parking spaces on one side and driveways 36 feet wide may have parking spaces on both sides.~~
- ~~(9) All buildings and other structures in a mobile home court, including the mobile homes shall be subject to building inspections for the purpose of enforcing any regulation of the state, county or the town.~~
- ~~(10) Applications to the town council for a permit to construct, alter or enlarge a mobile home court shall be accompanied by the following documents:~~
- ~~a. A plan of the mobile home court, prepared by a registered engineer or registered surveyor, drawn to scale and referenced to intersections of public streets compliance, or intent to comply with all of the existing regulations of the town;~~
 - ~~b. Two copies of this plan indicating the applicant's proposals for general layout of the mobile home court, and his proposals for water and sewage facilities, bearing a notation of approval by the county board of health with the date of such approval and the signature of an authorized representative of the county board of health.~~
- ~~(11) If a mobile home court is to be developed in sections, the plans submitted to the town board shall clearly include the area planned for ultimate development and the extent of the area to which the immediate application for a permit applies. No permit shall be issued for the initial establishment of any section of a mobile home court to occupy an area of less than two acres and ten mobile home spaces. The original permit and occupancy permit shall show clearly that portion of the mobile home court to which the permits apply.~~
- ~~(12) The town council shall not issue an occupancy permit for any mobile home court which fails to comply with all of the foregoing regulations, and for which the required county board of health operating permit has not been issued or has been revoked or suspended.~~

~~(13) All required permits shall be kept posted in a conspicuous location on the premises. Such location may be inside the administrative office of the mobile home court, provided that the office is located on the same site or immediately adjacent to the mobile home court.~~

~~(14) Mobile homes not in mobile home courts.~~

~~a. Except in an emergency, no mobile home may be parked on a public street or road.~~

~~b. No mobile home may be occupied or used as a residence, temporarily or permanently, outside of a mobile home court, with the following exceptions and subject to setback regulations as hereinbefore stated for mobile home courts, and the approval of the county board of health:~~

~~1. The town council shall issue a permit for continued use of those mobile homes which were located outside of a mobile home court prior to November 1, 1965, upon the following conditions:~~

~~(i) Within 60 days from the adoption of the ordinance from which this section is derived, the owner of the real estate on which said mobile home is located shall apply for such permit, and such application shall designate the owner of the mobile home, the make and model of the mobile home and such other information as the town council may require.~~

~~(ii) It shall appear to the satisfaction of the council that the mobile home complies with all laws and ordinances which apply to any other single family residence in the town and complies with all state and county regulations with regard to mobile homes or other residences.~~

~~(iii) Such permits shall be issued for 12 months and must be renewed annually subject to the provisions of this section and the laws of the state, county and the town.~~

~~2. A mobile home may be occupied as a temporary office or temporary residence of a supervisor on the premises of a construction job inside the town, for a period not to exceed one year.~~

- ~~3. No mobile home may be stored on a privately owned lot inside the town; however, an unoccupied travel or camping trailer not more than 25 feet in length may be stored on a privately owned lot subject to the same setback regulations as hereinbefore stated and such a storage shall not require the issuance of a zoning permit.~~
- ~~4. In the event that the town council, in its discretion, does not issue a permit for a mobile home outside of a mobile home court, and such mobile home is now situated on a lot inside of the town, the owner of said mobile home shall have 90 days' time after being notified by the town council in which to move the mobile home outside of the town or onto a space provided inside a mobile home court.~~

~~(Code 1975, § 8.52)~~

ARTICLE ~~##~~VI MINIMUM HOUSING

Sec. 6-155 Authorization

- (a) Dwellings. The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of the Town. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever the Town finds that there exists in the planning and development regulation jurisdiction dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the Town, power is conferred upon the Town to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of Article 12 (Minimum Housing Codes) of Chapter 160D of the NC General Statutes.
- (b) Abandoned Structures. This ordinance provides for the repair, closing, or demolition of any abandoned structure that the Town Council finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. This ordinance provides for the repair, closing, or demolition of such structure pursuant to the same provisions and procedures as are prescribed by Article 12 of Chapter 160D for the repair, closing, or demolition of dwellings found to be unfit for human habitation.

HISTORY

Amended by Ord. on September 9, 2024

Sec. 6-156 Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this Article unless a different meaning clearly appears from the context:

- (a) Abandoned structure. Any dwelling, dwelling unit, habitable room, multiple dwelling, room unit, rooming house, structure, or manufactured/mobile home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.
- (b) Alter, repair, or similar words. The work is workmanlike and performed in a workmanlike manner.
- (c) Area, as applied to the dimensions of a building. The maximum horizontal prospected area of the building at grade.
- (d) Area, as applied to the dimensions of a room. The total square footage of floor area between finished walls.
- (e) Basement. A portion of a dwelling, structure or abandoned structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- (f) Council. Town Council.
- (g) Building. Any structure enclosed and isolated by exterior walls constructed or used for, but not limited to, residence, business, industry or other public or private purposes, or accessory hereto, and also tents, lunch wagons, dining cars, trailers, and similar structures, whether stationary or movable.
- (h) Cellar. A portion of a dwelling, structure or abandoned structure located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- (i) Code Enforcement Officer (Officer). The officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by the ordinances and by Article 12 of Chapter 160D.

- (j) Deteriorated. A dwelling, structure or abandoned structure that is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- (k) Dilapidated. A dwelling, structure or abandoned structure that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- (l) Dwelling. Any building, structure, manufactured/mobile home, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit," as defined in this section.
- (m) Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- (n) Extermination. The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the code enforcement officer.
- (o) Garbage. The organic waste resulting from the handling, preparation, cooking, and consumption of food.
- (p) Governing body. The Town Council of the Town of Mayodan.
- (q) Habitable space or room. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.
- (r) Infestation. The presence, within or around a dwelling, structure, or abandoned structure of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.
- (s) Multiple dwelling. Any dwelling containing more than two dwelling units.

- (t) Occupant. Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.
- (u) Operator. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (v) Owner. The holder of the title in fee simple and every mortgagee of record.
- (w) Parties in interest. All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.
- (x) Plumbing. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (y) Public authority. Any housing authority or any officer who is in charge of a department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.
- (z) Rooming unit. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (aa) Rooming house. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- (bb) Rubbish. Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass, crockery, and dust.
- (cc) Structure. Anything constructed or erected, the use of which requires location on the land, or attachment to the land or something having a permanent location on the land such as billboards, signs, or fences.
- (dd) Substandard dwelling or structure. A dwelling, dwelling unit, multiple dwelling, apartment house, structure, abandoned structure or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum

requirements of this chapter for such use.

- (ee) Supplied. Paid for, furnished, or provided by, or under the control of, the owner or operator.
- (ff) Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- (gg) Tenant. Any person who alone or jointly or severally with others occupies a residential building under a lease or holds a leasehold interest in a building.
- (hh) Unfit for human habitation. Conditions existing in a dwelling, dwelling unit, rooming house, rooming unit, structure, or abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-157 Ordinance authorized as to repair, closing, and demolition: order of Code Enforcement Officer

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist within the Town of Mayodan, the Town Council is authorized to adopt and enforce ordinances relating to dwellings within the planning and development regulation jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- (a) Designation of enforcement officer. The Town's Code Enforcement Officer shall be designated to exercise the powers prescribed by the ordinance.
- (b) Investigation, complaint, hearing. Whenever a petition is filed with the Code Enforcement Officer by a public authority or by at least five (5) residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the Code Enforcement Officer that any dwelling is unfit for human habitation, the Code Enforcement Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the Code Enforcement Officer, or the officer's designated agent, at a place within the Town of

Mayodan. The hearing shall be not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the Code Enforcement Officer.

(c) Orders. If, after notice and an administrative hearing, the Code Enforcement Officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one (1) of the following orders, as appropriate:

(1) If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, considering the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under Sec. 6-175(d).

(2) If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

(d) Lis Pendens.

(1) After a Code Enforcement Officer issues, a complaint containing a notice of hearing or issues an order pursuant thereto, the Town Clerk shall file a notice of Lis pendens with the Rockingham County Clerk of Superior Court. A copy of the complaint containing a

notice of hearing, and a copy of the order shall be attached to the Lis pendens. When the Lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lien holders and tenants who may be determined by the exercise of reasonable diligence.

- (2) Any Officer may cancel the Lis pendens upon a determination by that Officer that the property fully complies with the Minimum Housing Code. Cancellations of the Lis pendens must be made in a writing signed by the Officer and filed with the Clerk of Court.
- (e) Repair, closing, and posting. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Code Enforcement Officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the Code Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Code Enforcement Officer set forth in this subdivision shall not be exercised until the Town Council shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the Rockingham County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.
- (f) Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the Officer may cause such dwelling to be removed or demolished. The duties of the Officer set forth in this subdivision shall not be exercised until the Town Council shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the Rockingham County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.
- (g) Abandonment of Intent to Repair. If the dwelling has been vacated and closed for a period of one (1) year pursuant to an ordinance adopted pursuant to Subsection (e) of this section or after a Code Enforcement Officer issues an order or proceedings have commenced under

the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Town Council may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Town Council may, after the expiration of such one (1)-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- (1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days.
- (2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
- (3) This ordinance shall be recorded in the Rockingham County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.

(h) Liens.

- (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- (2) If the real property upon which the cost was incurred is located in an incorporated Town, then the amount of the cost is also a lien on any other real property of the owner located within the Town limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

- (3) If the dwelling is removed or demolished by the Code Enforcement Officer, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Code Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.
- (i) Civil action. If any occupant fails to comply with an order to vacate a dwelling, the Officer may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the Town Council pursuant to Subsection (f) of this section authorizing the Officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Town Council has ordered the Officer to proceed to exercise his/her duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.
- (j) Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Officer, to allow the opportunity for any organization to negotiate with the owner to

make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Officer to wait forty-five (45) days before causing removal or demolition.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-158 standards

This ordinance adopted under Article 12 of Chapter 160D provides that the Code Enforcement Officer may determine that a dwelling is unfit for human habitation if the Officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. This ordinance provides the following additional standards to guide the Officers in determining the fitness of a dwelling for human habitation:

- (a) Compliance with standards required.
 - (1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with the conditions and standards below.
 - (2) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with the conditions and standards listed below.
 - (3) Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling, then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard (b)(10) below, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard (b)(10).
- (b) If the Officer finds one (1) or more of the following conditions to exist in a dwelling, then the dwelling is rendered unfit for human habitation:

- (1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
 - (2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
 - (3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - (4) Such damage by fire, wind, or other causes as to render the dwelling unsafe.
 - (5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
 - (6) Inadequate facilities for egress in case of fire or panic.
 - (7) Defects significantly increasing the hazards of fire, accident, or other calamities.

 - (8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
 - (9) Lack of proper electrical, heating, or plumbing facilities required by this Article which constitutes a definite health or safety hazard.
 - (10) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one (1) of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill pursuant to the Town's utilities ordinances or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- (c) If the Officer finds seven (7) or more of the following standards that a dwelling fails to fully comply with, then the dwelling is rendered unfit for human habitation:
- (1) Structural Standard - Structural Integrity. Walls, partitions, supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, shall not be

rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

- (2) Structural Standard - Supports. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (3) Structural Standard – Foundations. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (4) Structural Standard – Steps. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (5) Structural Standard – Egress. Adequate facilities for egress in case of fire or panic shall be provided.
- (6) Structural Standard - Interior Materials. Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) Structural Standard – Weatherization. The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained to be weather and watertight.
- (8) Structural Standard – Chimneys. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- (9) Structural Standard – Floors. There shall be no use of the ground for floors, or wood floors on the ground.
- (10) Plumbing Standard – Facilities. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

- (11) Plumbing Standard – Maintenance. All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- (12) Plumbing Standard – Accessible. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- (13) Heating Standard – Generally. Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
- a. Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
 - b. Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms, and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.
- (14) Electrical Standard – Wiring. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall type electrical convenience receptacles, connected in such manner as determined by the State Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.
- (15) Electrical Standard - Hall Lights. Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural light is not sufficient.
- (16) Electrical Standard – Maintenance. All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electric Code.

- (17) Ventilation Standard – Generally. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.
- (18) Ventilation Standard - Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.
- (19) Ventilation Standard - Bathroom and water closet room. Every bathroom equipped with more than one (1) water closet compartment shall comply with the light and ventilation requirements for habitable rooms.
- (20) Space, Use, and Location Standard – Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. (Floor area shall be calculated based on habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4½) feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

- (21) Space, Use, and Location Standard – Ceiling Height. At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'-6").
- (22) Space, Use, and Location Standard – Cellar. No cellar shall be used for living purposes unless:
- a. the floor and walls are substantially watertight.
 - b. the total window area, total openable window area and ceiling height are equal to those required for a habitable room.
 - c. the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.
- (23) Safe and Sanitary Maintenance Standard – Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.
- (24) Safe and Sanitary Maintenance Standard – Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- (25) Safe and Sanitary Maintenance Standard – Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water-tight and rodent proof; and shall be kept in sound working condition and good repair.
- (26) Safe and Sanitary Maintenance Standard – Stair's porches and appurtenances. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (27) Safe and Sanitary Maintenance Standard – Bathroom and kitchen floors. Every bathroom and kitchen floor surface and water closet compartment floor surface shall

be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.

- (28) Safe and Sanitary Maintenance Standard – Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- (29) Safe and Sanitary Maintenance Standard – Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- (30) Safe and Sanitary Maintenance Standard – Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.
- (31) Safe and Sanitary Maintenance Standard – Carbon Monoxide Alarm. Carbon monoxide alarms shall be provided in dwelling units in accordance with the NC Residential Code.
- (32) Insect, Rodent & Infestation Control Standard – Screens. For protection against mosquitoes, flies, and other insects ever, dwelling shall have:
- a. Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self-closing devices, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
 - b. Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year-round with an operable and installed heating and air conditioning system.
- (33) Insect, Rodent & Infestation Control Standard – Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

- (34) Insect, Rodent & Infestation Control Standard – Infestation. Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents, or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his/her dwelling unit is the only one (1) infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- (35) Insect, Rodent & Infestation Control Standard – Rubbish storage and disposal. Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
- (36) Insect, Rodent & Infestation Control Standard – Garbage storage and disposal. Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.
- (37) Rooming House Standard – Water closet, hand lavatory and bath facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (38) Rooming House Standard – Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

- (39) Rooming House Standard – Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (40) Rooming House Standard – Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by Sec. 8-79(c)(36) shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.
- (d) Rooming House Standards Exception. All of the provisions of this Article, and all of the minimum standards and requirements of this Article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the subsections 36-39 of Secs. 8-79(c).
- (e) Structure and materials. Ceilings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling.
- (f) Access. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).
- (g) Space and security. A living room, kitchen area and bathroom shall be present and shall contain at least one (1) sleeping or living/sleeping room of appropriate size for each two (2) persons. Exterior doors and windows accessible from outside the dwelling shall be lockable.
- (h) Heating system. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-159 Service of complaints and orders

- (a) Complaints or orders issued by a Code Enforcement Officer pursuant to an ordinance adopted under Article 12 of Chapter 160D shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.
- (b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of Article 12 of Chapter 160D. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-160 Periodic inspections

- (a) Except as provided in Sec. 8-81(b), the Code Enforcement Officer may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the Officer determines that a safety hazard exists in one (1) of the dwelling units within a multifamily building, which in the opinion of the officer poses an immediate threat to the occupant, the Officer may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following:
 - (1) the landlord or owner has a history of more than two (2) verified violations of the housing ordinances or codes within a twelve (12)-month period,
 - (2) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected,
 - (3) the planning department has actual knowledge of an unsafe condition within the building, or

(4) violations of the Town ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the Officer shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, the Officer shall have a right to enter on any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State fire prevention code or as otherwise required by State law.

(b) In no event may the Town do any of the following:

- (1) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 of Chapter 160D from the Town to lease or rent residential real property or to register rental property with the Town, except for those individual properties that have more than four (4) verified violations in a rolling twelve (12)-month period or two (2) or more verified violations in a rolling thirty (30)-day period, or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance,
- (2) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy,
- (3) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in Sec. 8-81(c)(1) and the fee does not exceed five hundred dollars (\$500.00) in any twelve (12)-month period in which the unit or property is found to have verified violations,
- (4) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or
- (5) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the Town.
- (6) For purposes of this section, the term "verified violation" means all of the following:
 - a. The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a seventy-two (72)-hour period.

- b. Any violations that have not been corrected by the owner or manager within twenty-one (21) days of receipt of written notice from the Town of the violations. Should the same violation occur more than two (2) times in a twelve (12)-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within thirty (30) days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.
- (c) If a property is identified by the Code Enforcement Officer as being in the top ten percent (10%) of properties with crime or disorder problems, the Officer shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the Officer and the County sheriff's office or Town's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the County sheriff's office or Town's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.
- (d) If the Officer takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Board of Adjustments (Board of Appeals) acting as the Housing Appeals Board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-161 Remedies

- (a) As authorized by G.S. 160D-305, this ordinance provides for the Board of Adjustments (Board of Appeals) to act as the Housing Appeals Board. An appeal from any decision or order of the Code Enforcement Officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the Town. Any appeal from the

Officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the Officer and with the Board of Adjustments (Board of Appeals) a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the Officer requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the Code Enforcement Officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Officer, by the board, or by a court of record upon petition made pursuant to Sec. 6-161(d).

- (b) The Board of Adjustments (Board of Appeals) shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustments (Board of Appeals) may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the Officer, but the concurring vote of four (4) members of the Board of Adjustments (Board of Appeals) is necessary to reverse or modify any decision or order of the Officer. The Board of Adjustments (Board of Appeals) also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- (c) Every decision of the Board of Adjustments (Board of Appeals) is subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.
- (d) Any person aggrieved by an order issued by the Officer, or a decision rendered by the Board of Adjustments (Board of Appeals) may petition the superior court for an injunction restraining the Officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Officer pending a final disposition of the cause. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within twenty (20) days and shall be given preference over other matters on the court's calendar. The court

shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file the bond in any amount before obtaining a temporary injunction under this subsection.

- (e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of Article 12 of Chapter 160D or of any ordinance or code adopted under authority of Article 12 of Chapter 160D or any valid order or decision of the Officer or Town Council made pursuant to any ordinance or code adopted under authority of Article 12 of Chapter 160D, the Officer or Town Council may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-162 Compensation to owners of condemned property

Nothing in Article 12 of Chapter 160D shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-163 Powers of code enforcement officer

Pursuant to NCGS 160D-1210, the Officer shall have the following powers:

- (a) To investigate the dwelling conditions in the Town's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- (b) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (c) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.

- (e) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.
- (f) To carrying out the objectives of this article with respect to such dwellings.
- (g) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- (h) To keep record of the results of inspection made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.
- (i) To perform such other duties as may be herein prescribed.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-164 Administration of ordinance

Pursuant to NCGS 160D-1211, the finance officer and appropriate staff shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under Article 12 of Chapter 160D. The Town is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-165 Supplemental nature of ordinance

Pursuant to NCGS 160D-1212, nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the Town to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-166 Accessory structures

- (a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.
- (b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.
- (c) Any electrical, plumbing, heating or other utilities furnished with an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.
- (d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-167 Demolition of dwellings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- (a) Obtain a Demolition Permit from the Rockingham County Building Inspections Department.
- (b) Remove and properly dispose of all asbestos containing materials (ACM's).
- (c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- (d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- (e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to detract from

the aesthetics and value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-168 Alternative remedies

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 1-12, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-169 Conflict with other provisions

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-170 Violations; Penalty

- (a) It shall be unlawful for the owner to occupy or to permit the occupancy by others or for anyone to occupy a dwelling which has been posted with the notices authorized by this Article after the time prescribed in the notice for the vacation of said dwelling. Each day's occupancy after said date shall be a separate and distinct offense.
- (b) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined to be unfit for human habitation pursuant to the provisions contained in this Article, or who permits the re-occupancy of an unfit dwelling in violation of this Article shall be subject to a civil penalty of \$100.00 for the first day following the expiration of an order to repair, vacate and close or demolish any dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this Article. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that

the unfit dwelling remains in violation of an order issued pursuant to this Article or in violation of this Article. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

- (c) Any owner of a dwelling whose property shall be subject to an order to repair, vacate and close, or demolish said dwelling or who permits the re-occupancy of an unfit dwelling as provided in subsection (c) shall on the second offense occurring within 1 year be subject to an additional civil penalty of \$100.00 for the first day following the expiration of the order to repair, vacate and close or demolish said dwelling or the unlawful re-occupancy of the unfit dwelling. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the order or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- (d) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined unfit for human habitation pursuant to the provisions contained in this Article shall be subject to an additional civil penalty of \$100.00 for the first day following the effective date of a Town Council Ordinance declaring said dwelling to be unfit for human habitation or ordering it to be repaired or demolished. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the Ordinance or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- (e) When the building is declared unsafe the person in violation shall be guilty of a misdemeanor and shall be punished as provided by law.

HISTORY

Amended by Ord. (01) on (date adopted)

Sec. 6-171 Administrative Fee

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon an inspection hearing disclosing violations of minimum housing code standards.

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon any additional inspection hearing disclosing violations of minimum housing code standards within the same 12-month period. The property owner may also be assessed any costs incurred in obtaining service including legal publication of notice of complaint charges, hearing notice and findings of fact and orders related to the dwelling.

HISTORY

Amended by Ord. (01) on (date adopted)

ARTICLE ~~IV~~VII. Nonresidential Minimum Maintenance

FOOTNOTE(S): Cross reference— solid waste. State Law reference— General ordinance-making power, G.S. 160A-174; Enforcement of ordinances, G.S. 160A-175; Regulating and licensing businesses, trades, etc., G.S. 160A-194; Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures, G.S. 160D-1119, 1121, 1122, 1123, 1124, 1125; order of public officer, G.S. 160D-1129; Authorization (minimum housing codes for abandoned structure that is a hazard), G.S. 160D-1201.

Sec. 6-172 Authority

- (a) The Town Council adopts and enforces the prescribed regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the Town Council. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures.
- (b) Designation of enforcement officer. The Town's Code Enforcement Officer (CEO) shall be the public officer designated to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this Article.
- (c) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence, or which may be built within the Town's Corporate Limits.
- (d) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings or structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure contained therein.

Sec. 6-173 Investigation

Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the public are jeopardized for failure of the property to meet the minimum standards established by the Town Council, the public officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

Sec. 6-174 Complaint And Hearing

If the preliminary investigation discloses evidence of a violation of the minimum standards, the public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the Town scheduled not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

Sec. 6-175 Order

- (a) If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the Town Council, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within the reasonable time specified, subject to the procedures and limitations herein.
- (b) Following such hearing, the public officer shall dismiss the complaint; or order compliance setting forth up to a maximum of one hundred eighty (180) days within which to correct the violations and containing an outline of remedial action which, if taken, will affect compliance with the provisions of this Code. Extensions of this time requirement may be issued by the public officer upon application by the property owner. Issuance of extensions would be available if:
 - (1) A plan of action for each violation is in place including due dates; and
 - (2) Substantial work has been completed within the last one hundred eighty (180) days.
- (c) Notice of lis pendens. Upon issuance of a complaint and notice of hearing or order, a notice of lis pendens with a copy of the complaint and notice of hearing or order attached thereto may be filed in the office of the clerk of superior court of Rockingham County. The notice of

lis pendens and a copy of the complaint and notice or order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice or order shall be binding upon the successors and assigns of the owners of and parties in interest in the nonresidential building or structure. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the nonresidential building or structure at the time of filing. The Town may cancel the notice of lis pendens if the action in which the complaint and notice or order was issued has been settled, discontinued, or abated.

Sec. 6-176 Limitations On Orders

- (a) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the Town Council or to vacate and close the nonresidential building or structure for any use.
- (b) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Town Council determines, after a public hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the Town Council.
- (c) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Sec. 6-177 Action By Town Council Upon Failure To Comply With Order

- (a) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Town Council may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor

index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

- (b) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Town Council may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Town Council. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

Sec. 6-178 Action By Town Council Upon Abandonment Of Intent To Repair

- a) If the Town Council has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two (2) years pursuant to the ordinance or order, the Town Council may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Town Council may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
- 1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within ninety (90) days.
 - 2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then

current value, the ordinance shall require the owner to demolish and remove the building or structure within ninety (90) days.

- b) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before the Town Council may take action under this subsection. The ordinance shall be recorded in the office of the Rockingham County register of deeds wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

Sec. 6-179 Service Of Complaints And Orders

Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the Town at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

Sec. 6-180 Liens

- a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- b) If the real property upon which the cost was incurred is in an incorporated Town, the amount of the costs is also a lien on any other real property of the owner located within the Town limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- c) If the nonresidential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal

or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town Council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec. 6-181 Ejectment

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the Town to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the Town Council pursuant to Sec. 6-126 to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated, and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least thirty days before the filing of the summary ejectment proceeding, that the Town Council has ordered the public officer to proceed to exercise his or her duties under Sec. 6-126 to vacate and close or remove and demolish the nonresidential building or structure.

Sec. 6-182 Violation; Civil Penalty; Fee; Remedies

- a) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or remove or demolish the same, upon order of the administrator duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.
- b) It shall be unlawful for the owner or agent of the owner in charge of such nonresidential building or structure with respect to which an order has been issued pursuant to this

article, to occupy or permit the occupancy of the same in a dilapidated or deteriorated condition found to be unfit for any use in violation of such order for its repair, alteration or improvement or its vacation, closing or demolition, and each day that such unlawful occupancy continues after the expiration of the time prescribed in the order to repair, alter, improve, vacate, close or demolish such nonresidential building or structure shall constitute a separate and distinct offense.

- c) The Town Council may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this Article. However, the imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town Council for the enforcement of any ordinances adopted pursuant to this section. The civil penalty amount shall be one hundred dollars (\$100.00). Each day that any person or entity fails to comply with an order pursuant to this article, shall be considered a separate and distinct offense for purposes of the penalties and remedies specified in this section. Should any person or entity fail to comply within thirty (30) days after the initial day of noncompliance, the Town shall seek to recover the penalty together with all costs (including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt and seeking appropriate injunctive relief to remedy the violation.
- d) The owner of any nonresidential building or structure who fails to repair or vacate and close it, or demolish or remove it, upon order of the administrator duly made and served as herein provided, within the time specified in such order, shall be subject to an administrative fee in an amount set by the Town Council for noncompliance. This fee allows the Town to recover some of its administrative costs incurred due to the owner's failure to comply with the administrator's order described herein.
- e) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by G.S. 160A-175. The Town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

Sec. 6-183 Supplemental Powers

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Town Council may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- a) To investigate nonresidential buildings and structures in the Town's Corporate Limits to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- b) To administer oaths, affirmations, examine witnesses, and receive evidence.

- c) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the Town Council.
- e) To delegate any of his or her functions and powers under the ordinance to other officers and agents.
- f) Perform such other duties as may be prescribed herein or assigned to the administrator by the Town Council.

Sec. 6-184 Appeals

The Town Council may provide that appeals may be taken from any decision or order of the public officer to the Town's board of adjustment in accordance with Section 4-7 of the Town's Minimum Housing Ordinance. Any person aggrieved by a decision or order of the public officer shall have the remedies provided in G.S. 160D-1208.

Sec. 6-185 Funding

The Town Council is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the Town Council.

Sec. 6-186 No Effect On Just Compensation For Taking By Eminent Domain

Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Sec. 6-187 Definitions

As used in this Article, the following definitions apply:

- a) Agent. Any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing, or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner of any property or who in any other way represents the owner of the property in any case.
- b) Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle refers to the making of an alteration.

- c) Appurtenances. Something subordinate to another structure, building, or property; adjunct; accessory. A term for what belongs to and goes with something else, with the appurtenance being less significant than what it belongs to.
- d) Bathroom. A heated enclosed space with privacy containing a toilet with access to a lavatory (either within enclosed space or specifically accessible by enclosed space).
- e) Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- f) Breaks. Lapse in continuity; any projection from the general surface of a wall.
- g) Commercial. Any structure as defined as 'commercial' by the North Carolina (hereinafter NC) Building Code, as amended, regardless of the use. Some commercial buildings contain residential uses, such as multifamily buildings and mixed-use buildings, but the building itself is regulated as a commercial building by the NC Building Code.
- h) Commercial Business. Any business or enterprise which produces and/or offers for sale products and/or services which, in any manner, conducts commerce, within the Town.
- i) Crack. A narrow opening between two parts which has been split or broken.
- j) Days. Consecutive calendar days.
- k) Decay. Disintegration of wood fiber.
- l) Defect. Irregularity in a material that reduces its strength and/or durability.
- m) Deterioration. The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay or loss of structural integrity.
- n) Egress. Exit or means of exiting an area.
- o) Fire Hazard. Anything or act which increases, or may cause an increase of the hazard, likelihood, or menace of fire to a greater degree than reasonable for the conduct of the commercial business on the premises, or which may unreasonably obstruct, delay, or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression, or extinguishment of fire.
- p) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- q) Load. forces or other actions that result from weight of building materials, occupants and their possessions, environmental effects, differential movement, and restrained dimensional changes.
- r) Nonresidential. Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home,

residing place, living space, or sleeping space for one or more human beings, either permanently or transiently. Any building classified as commercial by the NC Building Code, as amended, regardless of the use of the building.

- s) Nuisance. Any public nuisance known as common law or in equity jurisprudence, or as provided by the statutes of the State of North Carolina, or the ordinances of the Town of Mayodan; or
 - 1) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises of a building, or part of a building or upon an occupied lot; or
 - 2) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists; or
 - 3) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or
 - 4) Fire hazards or other safety hazards.
- t) Occupant. Any person having actual possession of building, structure, or environs whether or not lawfully obtained.
- u) Occupied. Any structure in current use for any purpose relative to commercial, industrial, or residential use, including storage.
- v) Operator. Any person who has charge, care, or control of a nonresidential building or structure, or part thereof.
- w) Owner. Any person who alone, jointly, or severally with others:
 - 1) Shall have legal title in fee simple to, or hold mortgage or deed of trust in, any nonresidential building or structure, with or without accompanying actual possession thereof; or
 - 2) Shall have charge, care or control of any nonresidential building or other structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if such person were the owner.
- x) Parties in interest. All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
- y) Plumbing. All the following supplies, facilities, and equipment: gas pipes, gas burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower bath, installed clothes

washing machines, catch basins, vents, and other similar fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with HVAC equipment.

- z) Premises. A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator, devoted to or zoned for non-residential use, together with all adjacent land.
- aa) Removal. the demolition and removal of the entire building (including foundation walls, footings, paved driveways, parking areas and sidewalks), leaving the premises free and clear of any debris, with any excavation properly filled in and with no holes or pockets which may retain water.
- ab) Rubbish. Combustible and non-combustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.
- ac) Safe. A condition which is not likely to do harm to humans or to real or personal property.
- ad) Sanitary. Characterized by or readily kept in cleanliness; of, or relating to, or used in disposal of waste.
- ae) Structurally Sound: Substantially free from flaw, defect, decay, or deterioration to the extent that such structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.
- af) Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. The term "structure" does not include the terms "retaining wall", "fence", "utility pole" or "driveway." (Refer to the definition of "building" herein.)
- ag) Town. The Town of Mayodan, NC, or any official or agent thereof.
- ah) Unsafe. A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.
- ai) Vacant industrial warehouse. Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
- aj) Vacant manufacturing facility. Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

ak) Washroom. Enclosed spaces containing one or more bathtubs, showers, or both, and which also shall include toilets, lavatories, or fixtures serving similar purposes.

al) Water Closet Compartment: Enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals, and other, plumbing fixtures.

am) Weatherproofed. To prevent precipitation or draft (outside air movement) from entering a structure.

Sec. 6-188 Minimum Standards

The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such nonresidential buildings or structures. The following are the minimum standards of maintenance, sanitation, and safety established by the Town Council:

- a) The premises are free of all nuisances and any hazards to the safety of the occupants, customers or other persons utilizing the premises or to pedestrians and/or vehicles passing thereby, specifically including, but not limited to, the following conditions in such building:
 - 1) Interior walls or vertical studs which list, lean or buckle to such an extent as to render the building unsafe.
 - 2) Supporting member or members which show thirty-three (33) per cent or more damage or deterioration, or non-supporting, enclosing or outside walls or coverings which show twenty-five (25) percent or more of damage or deterioration.
 - 3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
 - 4) Such damage by fire, wind, or other causes renders the building unsafe.
 - 5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or general welfare of the occupants or other people in the Town.
 - 6) Inadequate or obstructed facilities for egress in case of fire or panic.
 - 7) Defects significantly increasing the hazards of fire, accident, or other calamities.
 - 8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
 - 9) Lack of proper electrical, heating, or plumbing facilities required by this Code which constitutes a health or a definite safety hazard.

- 10) Violation of the State, County or Town Fire Code or other conditions constituting a fire hazard in such building or on the premises such as, by way of example and not limitation, the accumulation of garbage, rubbish, or other combustible material.
- 11) Garbage, trash, or rubbish in or near the structure or on the premises which is likely to attract vermin, rodents or insects or become a breeding place for vermin, rodents, or insects.
- b) The premises are free of loose and overhanging objects, which, by reason of location above ground level, constitute a danger of falling on persons on the premises or in the vicinity thereof. (N.C. State Building Code - Unsafe Buildings.)
- c) The premises are free of holes, excavations, breaks, projections, or obstructions on walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate hazards or unsafe conditions with reasonable dispatch by the owner upon their discovery.
- d) The exterior of the premises and structure is in good repair and free from deterioration so as not to constitute a nuisance.
- e) All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other dangerous objects or similar hazardous conditions. (N.C. State Building Code – Unsafe Buildings.)
- f) All floors, interior walls and ceilings of every structure shall be structurally sound and shall be maintained in a good condition compatible with its business use, and where open to the public shall be maintained in a condition so as not to constitute a hazard to the public.
- g) Structures attached or unattached to the principal commercial structure, which are found by the Code Enforcement Officer to be structurally deficient, shall be properly repaired or demolished.
- h) All existing objects and elements on and protruding from building walls and roofs and surrounding premises, such as empty electrical or other conduits, unused sign brackets or other protrusions shall be removed, or otherwise made safe.
- i) Walls.
- 1) All foundation walls shall be kept structurally sound, and capable of bearing imposed loads safely. (N.C. State Building Code - Concrete Footings and Foundation Walls.)
 - 2) Where a wall of a building has become exposed as a result of demolition of adjacent buildings, said wall must have all doors, windows, vents or other similar

openings secured with material of the type comprising the wall. No protrusions or loose material constituting a hazard to persons upon the premises shall be in the wall. The exposed wall shall be painted, stucco, or brick so as not to detract from the aesthetics and value of adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

j) Windows.

- 1) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or plexiglass. All exposed wood shall be repaired.
- 2) All windows shall be maintained free of broken glass. Where a window glass larger than four (4) square feet becomes cracked to an extent that the largest single portion of the window free of a crack is less than 80% of the total surface area of the window glass, the window glass shall be repaired or replaced by a pane free of cracks.
- 3) All openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame, and glass, unless specifically approved by the Fire Marshall for enclosure. Where the Fire Marshall approves the enclosure of a window, it must be so enclosed by either bricking the opening, blocking the opening with concrete blocks, and stuccoing the exterior to prevent water intrusion and painted or stained to properly conform with the other exterior portions of the building.

k) Painting.

- 1) All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed.
 - 2) All exterior surfaces, which have been painted, shall be maintained free of peeling, and flaking paint or stucco. Where 33% or more of the aggregate of any painted or stucco wall shall have peeling or flaking paint or stucco worn away, the entire wall shall be scraped and repainted or recovered with stucco.
- l) Signs. All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. All non-operative/obsolete signs shall be repaired or shall, with their supporting members, be removed forthwith. In the event such signs, billboards, marquees, or awnings are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or of a similar material, such awnings or marquees shall be maintained so as not to show evidence of tearing, ripping, or other

holes which diminish their function and cause unsightly conditions. Whenever an advertising structure or awning is removed, all supporting members shall be removed within two (2) years of adoption of this Code and thereafter, immediately upon removal of any such advertising structure or awning. Nothing herein shall be construed to authorize any encroachments on streets, sidewalks, or other parts of the public domain by signs.

m) Washrooms.

- 1) All washrooms and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry and sanitary condition at all times.
- 2) All washrooms shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short circuiting from water, from other bathroom facilities or from splashing water. (National Electric Code - Protection Against Corrosion and Switches.)

n) Garbage and Materials.

- 1) There shall not be stored or allowed to accumulate flammable or combustible liquids or other materials on the premises unless they are of a type approved for storage by the regulations of the National Fire Protection Association, and then only in such quantities as may be prescribed by the regulations. (NC State Building Code and Fire Protection Code - Order to Eliminate Injurious or Hazardous Conditions)
- 2) No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles which are in accordance with the Municipal Code of the Town of Mayodan.

o) Appurtenances.

- 1) All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke -tight and capable of withstanding the action of flue gases. (N.C. State Building Code - Chimneys, Fireplace Stoves, Fireplaces and Venting Systems)
- 2) All exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects. (N.C. State Building Code - Outside Stairs, Exterior Balconies, and Fire Escapes.)

- 3) All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted. (N.C. State Building Code)
- 4) Gutters and downspouts shall be replaced or repaired as necessary, securely installed, and appropriately located so as not to cause a hazard to pedestrian or vehicular traffic. Where a parking lot is constructed as part of a commercial business or as a business itself and covered by an impenetrable surface, the parking lot and all curbing, surfacing, sidewalks, and other parts thereof shall be maintained free of broken/cracked surfaces, holes, or other similar conditions. All commercial parking lots so described herein, shall be repaired, or replaced with like material.
- 5) Where landscaping has been incorporated in the development plan of a downtown commercial business (or where landscaping has been required by the Town as part of a development plan including parking plan) the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.
- 6) Where curb cuts are abandoned due to new construction, change of access or general discontinuation of use, said curb cut shall be closed and replaced with a standard sidewalk and curb and gutter arrangement in accordance with Town's regulations and policies.

Sec. 6-189 Demolition Of Nonresidential Buildings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- a) Obtain a Demolition Permit from the Rockingham County Building Inspection Department.
- b) Remove and properly dispose of all asbestos containing materials (ACM's).
- c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to

detract from the aesthetics and value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

Sec. 6-190 Conflict With Other Provisions

In the event any provision, standard or requirement of this article is found to be in conflict with any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the Town shall prevail.

Chapter 7 RESERVED

Chapter 8 BUSINESSES AND BUSINESS REGULATIONS⁷

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

ARTICLE II. PEDDLING AND SOLICITING⁸

Sec. 8-19. Permit required.

It shall be unlawful for any person, firm or corporation, without first obtaining a permit as hereinafter provided, to go in or upon or permit its representatives to in or upon any private residence or premises in the town as a solicitor, peddler, hawker, itinerant merchant or transit vendor of merchandise, not having been requested or invited so to do by the occupants of said private residence or having secured their permission so to do for the purpose of soliciting orders for the sale of goods, wares, periodicals or merchandise, or for the purpose of distributing, disposing of, peddling or hawking the same.

(Code 1975, § 10.61)

Sec. 8-20. Application for permit.

Any person, firm, or corporation desiring to engage in the business or practices referred to in section 8-19 shall file with the chief of police an application for a permit to do so. The

⁷State law reference(s)—Authority to regulate and license businesses, trades and professions, G.S. 160A-194.

⁸State law reference(s)—Authority to regulate solicitation campaigns, flea markets and itinerant merchants, G.S. 160A-178.

application shall be in writing, under oath, and shall show the applicant's name, age, fingerprints, current address and his/her place of residence and nature of employment during the preceding year, the address and nature of business of his/her employer or principal, if any, and shall specify in detail the goods, wares, periodicals or other merchandise to be offered for sale and shall state whether or not the applicant has been convicted of any crime involving moral turpitude, and if so, the nature of the crime and the place and time of conviction. The applicant shall also furnish, at the time of filing his/her application, a photograph made within one year of the date of the application. The applicant shall also give to the chief of police at the time of the filing of the application such other information requested as may be of assistance in passing upon the qualifications of the applicant. If the application is filed by an employer there shall also be filed a separate application for each solicitor giving the information set forth above as to the qualifications of the solicitor and the same shall be signed and sworn to by each solicitor and a separate permit shall be issued for each applicant.

(Code 1975, § 10.62)

Sec. 8-21. Issuance of permit; possession and exhibition.

If, upon investigation reasonably made, the chief of police ascertains and determines that the applicant for a permit is a person of good moral character and proposes to engage in a lawful commercial or professional enterprise during hours that will not unduly disturb the occupants of residences, the chief of police shall issue to him a permit to engage in such business which permit shall contain substantially the information set forth, in his/her application and to which shall be attached the applicant's photograph and fingerprints. Such permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the town and shall be exhibited by such applicant whenever requested to do so by any police officer or any person solicited. If the chief of police shall, upon investigation, determine that the applicant is not a person of good moral character and that he does not propose to engage in a lawful commercial or professional enterprise during hours reasonably convenient for the occupants of residences, he shall refuse to issue the said permit.

(Code 1975, § 10.63)

Sec. 8-22. Appeal from the refusal to issue permit.

Upon the refusal of the chief of police to grant a permit as required, the applicant may appeal to the council, and if the council shall be satisfied that the applicant and his/her proposed business and hours of week meet the requirements herein set forth, it shall direct the chief of police to issue the said permit; otherwise, the same shall be refused.

(Code 1975, § 10.64)

Sec. 8-23. Duration and renewal.

The chief of police shall determine from the application and from such facts as may be developed in connection with such application the period for which such permit shall be approved and granted; provided, however, that such period shall in no case exceed 12 calendar months. Upon the expiration of the permit the chief of police may, upon application filed in the form and giving the information required in the original application, renew and extend such permit for additional periods not to exceed 12 calendar months for any period.

(Code 1975, § 10.65)

Sec. 8-24. Transferability.

No permit approved and issued as herein provided shall be transferable.

(Code 1975, § 10.66)

Sec. 8-25. Revocation of permit.

If it should thereafter appear that the facts set forth in the applicant's application are untrue or if the applicant is thereafter convicted of a crime involving moral turpitude, or if he engages in business other than as set forth in his/her permit or fails to utilize the same in good faith and for the purpose issued, the permit shall be revoked by the chief of police. The applicant may, if he desires, appeal the revocation to the council.

(Code 1975, § 10.67)

Sec. 8-26. Exceptions.

The provisions of this article shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit and where such solicitation or sales are made without remuneration to the solicitor.

(Code 1975, § 10.68)

Secs. 8-27—8-55. Reserved.

ARTICLE III. BEER AND WINE SALES

Sec. 8-56. Hours regulated.

- (a) In accordance with G.S. 160A-205.3 and 18B-100418-107(3), no malt beverages (beer) or wine shall be sold between the hours of 2:00 a.m. Sunday and ~~12:00 p.m. (noon)~~ 10:00 a.m. Sunday.
- (b) Any person or firm found in violation of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$50.00 and/or imprisoned for not more than 30 days.

(Code 1975, § 10.71; Ord. of 10-1-1971; Ord. No. 2022-01, 4-11-2022)

Secs. 8-57—8-85. Reserved.

ARTICLE IV. GAME ROOMS

Sec. 8-86. Defined.

For the purposes of this article, the term "game room" means any place of business which operates more than two coin-operated game machines, or more than two electronic games, video games, mechanical games, gaming boards, or tables or similar devices, or one or more billiard tables, pool tables, foosball tables, snooker tables, or computer terminals for which a charge is made either directly or indirectly for minutes of use or games of use.

(Code 1975, § 10.76)

~~Sec. 8-87. License required.~~

- ~~(a) Every operator of a game room shall pay the privilege license tax to the town clerk.~~
- ~~(b) In addition, every operator shall apply for and obtain an operator's license from the town council.~~
- ~~(c) It shall be unlawful to operate a game room within the town without a license as required by subsection (b) of this section.~~
- ~~(d) No game room license shall be required if the business meets the following criteria:
 - ~~(1) There are no more than a total of six game machines, regardless of whether coin-operated or not, and regardless of whether they are considered electronic games, video games, mechanical games, gaming boards or tables or similar devices, including billiard tables, pool tables, foosball tables, and snooker tables. In no event shall there~~~~

~~be more than one billiard table, pool table, foosball table or snooker table total unless businesses qualifying under subsection (d)(2) of this section obtain approval from the town council to have no more than two billiard or pool tables, at which time the approval is for a period of no more than 12 months from date of approval. The approval to be contingent upon compliance with provisions set by the town council for operation with such provisions to be similar to those found in section 8-93. The approval may be revoked for violation of the approval conditions and provisions at any time by the town council at the recommendation of the town manager and chief of police. Approval of no more than two billiard or pool tables shall be brought before the town council annual upon the anniversary date of approval. In no event shall any of the game machines to which this exception applies be a sweepstakes computer terminal; and~~

~~(2) Either total annual retail sales are in excess of \$1,000,000.00 of non-petroleum products as verified by a notarized statement of the on-site manager or owner; or the business includes on-site sales of food and beverage with seating for food and beverage customers of at least 40 seats and annual on-site sales of food and beverage, as certified by the on-site manager or owner, of more than \$20,000.00. In the first year of operation, the on-site sales of food and beverage can be based on an estimate provided to the town by the business.~~

~~(Code 1975, § 10.77)~~

Sec. 8-88. Restrictions on issuing licenses.

The town council shall withhold an operator's license from any applicant who:

- ~~(1) Has been convicted of unlawfully selling intoxicating liquors, alcoholic beverages, narcotic drugs or any control substance;~~
- ~~(2) Is not a resident of the state;~~
- ~~(3) Has been convicted of a felony or a crime of moral turpitude; or~~
- ~~(4) Cannot comply with the requirements of this article.~~

~~(Code 1975, § 10.78)~~

Sec. 8-89. Form and content.

~~Each operator's license shall be issued for a period of 12 months from the date of issuance and shall not be transferable from the person or firm of issuance. Every operator's license shall~~

~~specify the premises for which it is issued, the name of the owner or operator and the date on which the license begins. Such license shall be posted in a prominent place on the premises at all times and shall be renewed annually upon payment of the annual fee set by the town, provided all relevant factors and circumstances existing at the time the license was issued remain. For the purposes of this section, the term "relevant factors and circumstances" includes the name of operator, location of premises, and number of games and tables.~~

~~(Code 1975, § 10.79)~~

~~Sec. 8-90. Revocation.~~

~~After giving the operator of a game room adequate notice and an opportunity to be heard, the town council may revoke the operator's license of any game room operator whom the town council finds has violated the provisions of section 8-92 or 8-93 or does not remain in compliance with section 8-88.~~

~~(Code 1975, § 10.80)~~

~~Sec. 8-91. Licensee responsible for acts of employees.~~

~~The acts and conduct of the agents and employees of the licensee in the conduct of the business shall be deemed to be the acts and conduct of the licensee.~~

~~(Code 1975, § 10.81)~~

Sec. 8-8792. Rules for the operation of game rooms.

The following rules shall be observed by all operators of game rooms within the town:

- (1) Game rooms may operate at the following hours of each week: Sunday from 1:00 p.m. to 8:00 p.m.; Monday, Tuesday, Wednesday, and Thursday from 9:00 a.m. to 10:00 p.m.; Friday and Saturday from 9:00 a.m. to 11:00 p.m.
- (2) No play or any game shall be allowed during the time when game rooms are required by this article to remain closed.
- (3) All game rooms shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.

-
- (4) No screens, curtains, blinds, partitions or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of such room. There must be clear view of the interior from the street.
 - (5) Each game room operator must maintain orderly automobile parking in designated spaces.
 - (6) No loud noises shall be allowed to emanate beyond the licensed premises.
 - (7) There must be an adult, 18 years of age or older, managing the business on the premises during hours of operation at all times.
 - (8) Each game room operator must provide adequate outside of buildings lighting, and must operate these lights after sundown of each day of operation so that visibility is provided to all patrons in traveled areas.
 - (9) The maximum number of games, tables, devices or terminals allowed are as follows:
 - a. No more than 12 electronic games.
 - b. No more than 12 video games.
 - c. No more than 12 mechanical games.
 - d. No more than 12 gaming boards or tables or similar devices.
 - e. No more than six billiard tables.
 - f. No more than six foosball tables.
 - g. No more than six snooker tables.
 - h. No more than 12 computer terminals.
 - (10) No game room operator shall permit any intoxicated and disruptive person to remain on the premises of that game room.

(Code 1975, § 10.82)

Sec. 8-~~8893~~. Prohibited conduct.

Licenseses or their employees shall not:

-
- (1) Suffer or permit any gambling on the licensed premises at any time or the sale or use of any racing, football or other parlay cards or gambling boards or devices;
 - (2) Suffer or permit the licensee's premises to become disorderly or permit any profane, obscene or indecent language thereon;
 - (3) Suffer or permit any intoxicating liquors or narcotic drugs to be sold, kept or consumed on the licensed premises without proper authorization as provided by the state or the federal government;
 - (4) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(Code 1975, § 10.83)

Sec. 8-~~8994~~. Penalty.

(a) Any violation of any provision or section of this article shall subject the violator to the provisions of Chapter 1 of this Part General Provisions. ~~a civil penalty in the sum of \$50.00 per day.~~

~~(1) A citation for said penalty shall be issued by the town manager or his designee.~~

~~(2) Each citation for a civil penalty must be paid within 72 hours of issuance.~~

~~(b) Each and every day that the violator continues in violation shall be a separate and distinct offense.~~

~~(c) The town may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction for violation of any provision or section of this article.~~

(Code 1975, § 10.84)

Sec. 8-~~9095~~. Injunction.

The regulations contained in this article may be enforced by injunction or by an order of abatement.

(Code 1975, § 10.85)

Chapter 9 SOCIAL DISTRICTS

Sec. 9-1. Purpose and intent.

- (a) Pursuant to the provisions of North Carolina General Statute 160A-205.4 et seq. and 18B-300.1, one or more social districts may be created within the town. This chapter is hereby adopted in written form but shall have no force or effect until such time as the Town Council, by formal action, declares it to be in effect.
- (b) It shall be lawful, without an ABC permit, for a person to possess an open container of fortified wine or spirituous liquor in the social district in compliance with the provisions of G.S. 18B-300.1 or G.S. 18B-1001.5, respectively.
- (c) The Town of Mayodan hereby creates and designates the Mayodan Downtown Social District (hereafter "social district") located within Downtown Mayodan, as shown in 9-3(c) on exhibit A.
- (d) The social district shall be applicable within the boundary of the map as shown in 9-3(c) and only during the annual "What the Hay Festival" from 12:00 p.m. to 10:00 p.m.

(1) The Mayodan Downtown Social District ~~was~~ designated as a test run during What the Hay Festival on Saturday, October 11, 2025, from 12:00 p.m. to 10:00 p.m. Future operation of the social district beyond this event will require further council approval.

(Ord. No. 2025-01(2), 4-14-2025)

~~Editor's note(s) — Exhibit A is not codified herein, but is available at the town clerk's office.~~

Sec. 9-2. Definitions.

- (a) *Social district* means and refers to a defined area in which a person 21 years or older may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.
- (b) *Permittee* means and refers to a person holding any of the following permits issued by the North Carolina Alcoholic Beverage Control Commission established under North Carolina General Statute 18B-200:
 - (1) An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).

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- (2) An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
 - (3) An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
 - (4) A mixed beverages permit issued pursuant to G.S. 18B-1001(1).
 - (5) A distillery permit issued pursuant to G.S. 18B-1100(5).
 - (6) A wine shop permit issued pursuant to G.S. 18B-1001(16).
- (c) *Non-permittee* means and refers to a business that is located in a social district and does not hold an ABC permit.
 - (d) *Person* means and refers to an individual, firm, partnership, association, corporation limited liability company, other organization or group, or other combination of individuals acting as a unit.
 - (e) *Customer* means and refers to a person who purchases an alcoholic beverage from an ABC permittee that is in a social district.
 - (f) *Premises* means and refers to a fixed permanent establishment, including all areas inside or outside the establishment, where the business has control through a lease, deed, or other legal process.
 - (g) *Waiver* means and refers to businesses in the social district both permittee and non-permittee who do not want to participate in the social district.

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-3. Application.

- (a) The provisions and terms contained in this chapter shall be applicable to the social district ~~illustrated in exhibit A during a single event on Saturday, October 11, 2025, from 12:00 p.m. to 10:00 p.m. within the following boundary and,~~ in conjunction with the What the Hay Festival.

(1) The social district is within the approximate boundary of the intersection of W Adams St and S 2nd Ave, approximately 183 feet westward from W Main St and 3rd Ave, the intersection of N 2nd Ave and W Jefferson St, and approximately 163 feet eastward from E Main St and 2nd Ave. The boundary map is included in 9-3(c).

Sec. 9-4. Requirements for sale of alcoholic beverages.

Any permittee in a social district desiring to engage as a social district participant, must apply for and obtain a social district permit from the town. The permittee shall be responsible to operate its business in accordance with all town and state ordinances, laws, rules, regulations and operations plan that governs social district activities.

A permittee located in the social district may sell open containers of alcoholic beverages for consumption within the social district and allow customers to exit its premises to the social district in accordance with the following requirements:

- (a) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (b) The permittee shall only sell open containers of alcoholic beverages for consumption in the social district and off the permittee's premises in a container that meets all the following requirements:
 - (1) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - (2) The container clearly displays the town-approved social district logo that is unique to the Mayodan Social District.
 - (3) The container is comprised of a recyclable and/or reusable material other than glass.
 - (4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Must be 21."
 - (5) The container shall not hold more than 16 fluid ounces.
 - (6) The container will be provided by the permittee.
- (c) Upon leaving an establishment where an alcohol beverage is purchased, the beverage must be consumed or discarded before entering a different business that serves alcohol.
- (d) ~~For the test run event, the~~ The Mayodan Merchants Association ~~individual permittees~~ will be responsible for purchasing the approved beverage containers and window decals.

(e) The Town will be responsible for posting boundary signage and providing “No alcohol beyond this point” signage for the first occurrence a permittee needs a sign.

(1) If a “No alcohol beyond this point” sign originally issued by the Town requires a replacement, the Town shall provide such signage and the permittee shall be required to pay for signage. The Town will provide a copy of the invoice from the sign company to the permittee.

(2) Failure by a permittee to pay the required replacement signage fee shall constitute grounds for revocation of the permittee’s authorization to participate in the social district. Upon revocation, the permittee shall not be permitted to sell or allow the removal of alcoholic beverages within the Social District.

(i) Revocation of a permittee’s authorization to participate in the social district shall not affect the permittee’s underlying ABC permit. A permittee whose social district authorization has been revoked may continue to sell alcoholic beverages pursuant to its ABC permit; however, no alcoholic beverages may be removed from or have individuals participating in the social district bring alcoholic beverages to the premises, and all sales shall be limited to on-premise consumption only.

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-5. Non-permittee business located within the social district.

(a) The town shall create and provide to participating non-permittee businesses a uniform sign that indicates the non-permittee business is participating in the social district. Any replacement of initially issued signage by the Town shall be replaced in accordance with 9-4(e)(1) and (2) and (2)(i).

(1) The participating non-permittee business shall display the uniform sign in the front window at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign.

(2) No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.

(b) All non-permittee businesses that are part of the social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post town-approved signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point.

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- (c) During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-6. Waiver of participation.

Businesses in the social district, both permittees and non-permittees, who do not want to participate (allow customers to bring alcohol on its premises or will not serve alcohol for social district purposes) shall sign a waiver and file it with the town. The "Not Permitted Here" sign will be provided by the town to be displayed by the business. Any replacement of initially issued signage by the Town shall be replaced in accordance with 9-4(e)(1) and (2) and (2)(i).

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-7. Requirements for possession and consumption of alcoholic beverages.

The possession and consumption of an alcoholic beverage in the social district is subject to all of the following requirements:

- (a) Only alcoholic beverages purchased from a permittee located in the social district may be possessed and consumed.
- (b) Alcoholic beverages shall only be in containers meeting the requirements set forth in section 9-4(b) of this chapter, except for alcoholic beverages sold by a permittee for consumption on the permittee's premises.
- (c) Nothing in this chapter shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in North Carolina General Statute 18B-1010 or permitting consumption in a motor vehicle or other type of transportation per North Carolina state law.
- (d) A Person shall dispose of any open container of an alcoholic beverage in the person's possession prior to exiting the social district unless the person is reentering the licensed premises where the alcoholic beverage was purchased.

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-8. Penalty.

The town may enforce the provisions of this chapter by one or a combination of the following methods:

- (a) *Permit revocation, suspension, or permanent ban.* Any permittee, non-permittee or person who violates any provision of this article may be subject to its social district permit being revoked, suspended, or permanently banned from participating in the social district.
- (b) *Civil penalty.* Any permittee, non-permittee or person who violates any provision of this article may be fined by a civil penalty of \$100.00 per occurrence which may be recovered by the town in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the town as a civil penalty in a civil action.
- (c) *Equitable remedy.* The town may apply to a court of competent jurisdiction for an injunction abatement order or any other appropriate equitable remedy.

(Ord. No. 2025-01(2), 4-14-2025)

Sec. 9-9. Severability.

If any section, phrase, sentence, or portion of this chapter is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 2025-01(2), 4-14-2025)

Chapter 10 CEMETERIES⁹

Sec. 10-A. Definitions

Cemetery means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- a. A burial park, for earth interment.

⁹State law reference(s)—Cemeteries, generally, G.S. ch. 65; municipal cemeteries, G.S. 65-37—65-40; authority of city as to cemeteries, G.S. 160A-341—160A-348; regulation of city cemeteries, G.S. 160A-348.

b. A mausoleum.

c. A columbarium.

Columbarium means a structure or building substantially exposed aboveground intended to be used for the interment of the cremated remains of a deceased person.

Human remains or remains means the bodies of deceased persons, and includes the bodies in any stage of decomposition, and cremated remains.

Lot means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

Mausoleum means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.

Mausoleum section means any construction unit of a mausoleum acceptable to the Commission which a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures. (14) "Person" means an individual, corporation, partnership, joint venture, or association

Sec. 10-1. Deed for lot.

All persons desiring to purchase a lot in the town cemetery shall apply to the town clerk, who, upon payment of the fixed price for each lot, shall cause a deed or other instrument of receipt therefore to be given to the purchaser.

(Code 1975, § 9.41)

Sec. 10-2. ~~Superintendent~~ Maintenance of the cemetery.

It shall be the duty of the ~~town manager to appoint some suitable person~~ public works department to maintain ~~as superintendent~~ of the cemetery. The ~~superintendent~~ streets public works department shall have charge of the upkeep, protection and preservation of the cemetery. ~~He~~ The streets public works director ("director") or his/her designee shall ~~also~~ supervise the digging of all graves, the interment and disinterment of all bodies; supervise the erection of monuments and markers; supervise the planting of any and all shrubbery, trees and flowers, and make provisions for the entrance and exit of persons and vehicles to and from said cemetery; provided, however, the ~~superintendent~~ director shall not contract any debt or expend any money without first having obtained the consent and approval of the town manager.

(Code 1975, § 9.42)

Sec. 10-3. Cemetery use.

No person shall be interred or disinterred therein without lawful authority and permission first had and obtained. All graves shall be at least four feet in depth, and all graves shall be dug under the supervision of the ~~superintendent~~director.

(Code 1975, § 9.43)

Sec. 10-4. Plantings.

No person shall plant or set any tree, shrub, flower, grass or other plant of any kind in said cemetery except with the approval of and under the supervision of the ~~superintendent~~director.

(Code 1975, § 9.44)

Sec. 10-5. Family monuments.

Only one central or family monument shall be allowed on a family lot. Foot markers shall be laid flush with the ground and shall not exceed two feet in length and one foot in width and shall be placed at the end of the grave farthest from the monument. No coping, fencing, hedging, grave mounds, borders, or curb of any kind shall be allowed on any burial lot.

(Code 1975, § 9.45)

Sec. 10-6. New sections of municipal cemetery.

- (a) No grave plot markers shall be allowed within the municipal cemetery for a single grave plot that are of a size larger than 30 inches across the top and 24 inches down the side, or for a double grave plot that are of a size larger than 72 inches across the top of the marker and 24 inches down the side; markers are to be installed so that they are flat and level with the ground and in no event shall they extend more than one inch above ground level; only one marker shall be allowed per grave plot, or if applicable, per double grave plot; any grave plot markers within the municipal cemetery as of April 8, 1996, are exempted from the provisions of this section.
- (b) The cost for all cemetery plots sold by the town shall be as established from time to time by the town council.
- (c) The town manager is directed to prepare such signs as are appropriate to place at the entrances of the municipal cemetery notifying any persons placing grave plot markers within the cemetery to contact the town clerk for approval of markers.

(d) A copy of this section shall be provided to future purchasers of cemetery plots.

(Code 1975, § 9.45a)

Sec. 10-7. Trees, shrubbery.

The pruning or cutting of all trees and shrubbery is hereby prohibited unless done under the immediate supervision of the ~~superintendent~~director.

(Code 1975, § 9.46)

Sec. 10-8. Landscaping.

All grading, landscaping and improvements of every kind shall be made or done by the town or designee only. If the proposed work cannot be completed by the town, the process for contracting outlined in NCGS 143 Article 8, 160A-16, and 89D shall be reviewed to determine if a contract can be entered into by the town manager or if council needs to review.

(Code 1975, § 9.47)

Sec. 10-9. Structures.

(a) No mausoleum, tomb, building or other structure of any kind shall be erected on any lot within the cemetery; provided, however, mausoleums and tombs may be constructed on lots which may be designated on the plat and plan of the cemetery from time to time by the council as lots to be used exclusively for mausoleums and tombs. Should any mausoleum, monument or tomb at any time become unsafe, unsightly or in need of repair or re-setting, the ~~superintendent~~director shall so notify the owner of said lot, or any person having an interest in said lot, and shall request such person to make the needed repairs under his/her supervision, and if such person shall fail to make such repairs within ~~30~~90 days thereafter, the council may order such repairs to be made or remove the same from said lot as said council may elect.

(b) Pursuant to the regulations in this section, the town council designates sections 47 and 54 of the new municipal cemetery as being appropriate for the exclusive use and construction of mausoleums, columbariums, or tombs, provided they follow the standards outlined below:

(1) No mausoleum, columbarium, or tomb may be taller than five feet in height, with the exception of a cross or other incidental ornament.

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- (2) No mausoleum, columbarium, or tomb footing may be closer than five feet to the grave plot that has been, or may be, sold for below-ground burial. There shall be a minimum of two feet between the edge of the footing and the plot property line when adjacent to another mausoleum, columbarium, or tomb grave plot.
- (3) Mausoleums or tombs shall be no larger than five feet wide and eight feet long for a single interment, or ten feet wide and eight feet long for double interments. Columbariums shall be no larger than five feet wide and eight feet long. Niches may be single or double companion.
- (c) The ~~cemetery superintendent~~ director will review and approve the mausoleum or tomb plans. As a part of the review, the ~~superintendent~~ director will determine how many grave plots must be purchased to provide the required separation between mausoleums, tombs, or below-ground burials. Plots will not be subdivided.

(Code 1975, § 9.48)

Sec. 10-10. Transfer of lots.

No person who purchases from the town any lot in the cemetery shall thereafter convey or alien the same to any other person except upon the written permission of the ~~council~~ Town Manager, nor in any event for a greater consideration than that paid for the same lot by the grantor.

(Code 1975, § 9.49)

Sec. 10-11. Conduct.

No person shall disturb the quiet, repose and good order of the cemetery, nor shall any person deface, remove, disturb, injure or destroy any tree, plant, or shrub therein except in the manner herein provided. Trespassing within the cemetery is hereby prohibited, and no person shall commit any immoral act therein under penalty of the law herein prescribed.

(Code 1975, § 9.50)

Sec. 10-12. Vehicles.

Vehicles shall be driven only upon the roadways within said cemetery and at a rate of speed not in excess of 15 miles per hour. No vehicles shall enter said cemetery except for the purpose of attending funerals, visiting graves or other lawful mission.

(Code 1975, § 9.51)

Sec. 10-13. General regulations—Maintenance.

- (a) No person shall deposit any rubbish, filth, waste or other unclean or unsightly substance in the cemetery, and all materials carried within the cemetery and not used in the erection of monuments, markers, or other lawful structures authorized herein, shall be promptly removed therefrom by the owner of the lot upon which such monument, marker or structure shall be located.
- (b) Additional regulations are as follows:
- (1) No more than one flowerpot or vase per grave;
 - (2) No more than two memento items per grave are allowed;
 - (3) The flower vase or pot and two memento items must be affixed to, or immediately adjacent to, the temporary or permanent grave marker on each grave;
 - (4) No fencing, hedging, grave mounds, borders, or curbs of any kind shall be allowed on any grave;
 - (5) No decoration, flags or mementos shall be allowed to be used as a cover on any grave; ~~and~~
 - (6) No food of any stage (raw, cooked, contained, etc) shall be permitted to be left at any grave site.
 - ~~(7) The town staff, groundskeepers or employees will not be held responsible for damage to any flowers, pots, vases, decorations, flags, lights, or other items used to memorialize a grave while in the performance of their duties of maintaining such graves.~~
- (c) A fenced storage area will be maintained by the ~~superintendent~~ director and/or his/her designee to house any flowers or other items that have been displaced from graves for retrieval by the owner of the material.
- (d) The ~~superintendent~~ director will have the authority to place a notice upon a grave when items left at the grave are not in keeping with the regulations, and, if not corrected within 14 days, items will be moved to the fenced storage area on site.
- ~~(e) The town will conduct semi-annual maintenance periods to allow for faded, tattered, unkempt, broken, and nonseasonal items to be cleared from graves. Owners of graves, family members and others should take the maintenance period as an opportunity to~~

~~remove any items they wish to keep possession of or if no longer desired, deposit in provided trash receptacles. At the end of self-monitoring maintenance periods the cemetery superintendent~~director~~ and groundskeepers will use discretion in removing items from graves that can be considered nonseasonal, broken and/or tattered or items placed not in compliance with rules and regulations.~~

- (f) The ~~superintendent~~director will make notice of upcoming maintenance schedules by providing the date on signage within the cemetery and other advertisements as applicable.

(Code 1975, § 9.52)

Sec. 10-14. General regulations—Control and conveyance.

- (a) All lots within the cemetery, and within any extension of the cemetery at any time hereafter made, whether owned by the town or by any other person, shall be subject to and regulated and controlled by the provisions of this chapter; and in all deeds of conveyance by the town to any person for any lot, the following provisions shall be included therein as a covenant running with the land:

"This conveyance is made subject to an ordinance adopting rules and regulations for the control of the town cemetery and providing penalties in relation thereto duly of record upon the minute of the proceedings of the council of the town, and the grantee herein, his/her heirs and assigns, agree that upon the breach of any of its provisions, the title to said property shall revert to the town."

- (b) Cremated remains. Cremated remains are considered to be a separate interment requiring the purchase of a cemetery plot, with the following exceptions:
- (1) Cremated remains placed within a coffin at the time of interment of the coffin shall be allowed; however, the town shall be notified of the interment of the cremated remains for the purposes of recordkeeping;
 - (2) Cremated remains placed within a mausoleum or columbarium when said mausoleum or columbarium covers more than one cemetery plot; however, the town shall be notified of the interment of the cremated remains for the purposes of recordkeeping.

(Code 1975, § 9.53; Ord. No. 2013-09, 8-12-2013)

Sec. 10-15. Lot charges.

The town council shall set the rate for lots in the municipal cemetery through a separately approved fee schedule. The council reserves the right to have separate rates for residents and

nonresidents, and for different methods of interment including below-ground, mausoleum, columbarium and cremated remains.

(Code 1975, § 9.54)

Sec. 10-16. Burial regulated.

It shall be unlawful for any person to bury any human being or animal on any lot or premises within the corporate limits of the town except within an approved cemetery and in accordance with all applicable laws and regulations.

(Code 1975, § 9.55)

Chapter 11 RESERVED

Chapter 12 FIRE PREVENTION AND PROTECTION¹⁰

ARTICLE I. IN GENERAL

Secs. 12-1—12-18. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 12-19. Organization.

The fire department shall consist of the chief, one assistant chief, two captains, two lieutenants, a secretary, a safety officer and such other positions, to include a sufficient number of firefighters (voluntary, part-time, or full-time) as the chief may deem necessary for the effective operation of the department and in accordance with the provisions of section 12-24.

(Code 1975, § 4.1)

Sec. 12-20. Selection of chief.

The chief of the fire department shall be appointed by the ~~town council~~ Town Manager and shall be a ~~resident of the town or the fire district covered by the fire department.~~ The chief shall be qualified by training and

¹⁰State law reference(s)—Fire protection in municipalities, G.S. 160A-291 et seq.; Firemen's Relief Fund, G.S. ch. 118 and G.S. 160A-163; setting fires unlawfully, G.S. 14-136 et seq.; municipalities authorized to install and maintain water mains and hydrants, G.S. 160A-293; municipal authority to regulate or prohibit explosive and corrosive substances, G.S. 160A-183.

experience and shall have the ability to lead members of the fire department and hold their respect and confidence. The chief shall report to the town manager and shall be held accountable to him or her.

(Code 1975, § 4.2)

Sec. 12-21. Fire department officers.

- (a) Officers of the department shall be one assistant chief, two captains, two lieutenants, one secretary and one safety officer appointed by the chief in accordance with this section.
- (b) The chief shall approve minimum qualifications to be met by all candidates for the positions of assistant chief, captain, lieutenant, secretary and safety officer.
- (c) The assistant chief, captains, lieutenant, secretary and safety officer positions shall be filled by appointment of the chief. The chief shall notify the members of the fire department during a meeting that a position is vacant and accept applications for appointment to the vacant positions. The decision of the chief as to appointment shall be final; officers so appointed shall serve at the pleasure of the chief.

(Code 1975, § 4.3)

Sec. 12-22. Meetings/training sessions.

- (a) The department shall hold at least 24 meetings/training sessions each year. Department members who miss two consecutive meetings/training sessions without excuse approved by the chief shall be subject to dismissal from the department.
- (b) A quorum for voting purposes shall be a majority of the active roster of the fire department, including firefighters on leaves of absence.
- (c) The chief shall cause an agenda to be posted of actions to be taken or considered during a business meeting at least 48 hours prior to each meeting. Items for consideration not appearing on the agenda will be considered for action at the same meeting only if two-thirds of the active roster is present.
- (d) The chief, or the assistant chief in his/her absence, shall preside at all business meetings. If the chief and assistant chief are absent, no business meeting shall be conducted.

(Code 1975, § 4.4)

Sec. 12-23. Duties of chief.

The chief of the fire department shall perform the following duties:

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- (1) Formulate, with the cooperation of the active fire department membership, a set of rules and regulations to govern the department which shall be effective upon approval by the town manager. He shall be responsible to the town manager for the enforcement of the rules and regulations and shall be responsible to the town manager for the personnel, morale and general efficiency of the department.
 - (2) The chief shall determine the manner in which the fire department shall respond to alarms.
 - (3) At least once a month, conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the town, fire prevention, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.
 - (4) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires, and to assume the following functions of fire inspector:
 - a. Authority to enter any and all premises, at reasonable times, for purposes of inspection.
 - b. Required inspections of all structures located within the fire district.
 - c. Upon receipt of complaint of violation of the fire code, he shall, forthwith, investigate said complaint.
 - d. Investigate the causes of fires and keep records of his/her findings as to origin, location, owner, extent of damage and injury, as well as information concerning the amount of insurance carried. The findings must be reported to the state insurance commissioner as required.
 - e. He shall cause the removal of the fire hazards by serving proper orders to the owner or agent of the premises in question, such orders to state a reasonable time limit. Failure to comply with such order of the chief shall be considered a general misdemeanor.
 - (5) The chief shall see that complete records are kept of all fires, drills, inspections, apparatus and fire equipment, personnel and other information about the work of the department. He shall also post a copy of each fire call and drill in his/her office or department meeting room for one week for the information of any interested member of the fire department.

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- (6) The chief shall report monthly to the town council the condition of the apparatus and equipment; the number of fires during the month, their location and cause, the date of same and the loss occasioned thereby, the number and purpose of all other runs made, the members responding to each fire and other runs and other changes in membership.
 - (7) The chief shall make a complete annual report to the town council within one month after the close of the fiscal year. Such report shall include the information specified in subsection (6) of this section, together with comparative data for previous years and recommendations for improving the effectiveness of the department.
 - (8) The chief shall be in full charge at every alarm and all members shall obey his/her orders and directions.
 - (9) Perform such other duties as are incumbent to the office of chief.

(Code 1975, § 4.5)

Sec. 12-24. Maximum number of active members.

There shall be a maximum of 30 active members of the fire department, including the chief and other officers.

(Code 1975, § 4.6)

Sec. 12-25. Qualification for membership.

- (a) The members of the fire department shall reside within ~~the boundaries of the town or within the fire district covered by the fire department; alternatively, a member may reside outside of the town and the fire district so long as the member is employed within the town limits~~ a reasonable distance of the Fire District to be determined by chief at time of application. The active membership of the fire department shall consist of such persons as may apply by application, the form of which shall be approved by the chief, to the department. Applicants must be screened and approved by the chief and recommended to the general membership.
- (b) The general membership shall have the authority to elect new members by a two-thirds majority of the members present at a regular meeting of the fire department. The chief and the general membership shall consider the following in voting on an application for membership:
 - (1) The residency requirements as stated herein;

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- (2) Applicant must be at least 18 years of age;
 - (3) Applicant must be a high school graduate or have a GED and must be able to read and write. The high school graduation requirement is deferred for members of the junior firefighters program so long as the member has been a junior firefighter for 12 months, is 18 years of age, enrolled in school and maintaining a "C" grade average. Nothing herein is to be construed as granting permission for firefighters being absent from school. No firefighter enrolled through the junior firefighter program is allowed to drive fire apparatus prior to graduating from high school or receipt of GED;
 - (4) Applicant must have and maintain an active telephone in his/her home or residence, be able to proficiently climb ladders, ground and aerial type, and be able to pass a physical agility test set forth by the chief, and be physically capable of serving in a capacity in the fire department to which he is assigned;
 - (5) Applicant must agree to adhere to the training and educational requirements set by the fire department for all members which shall be at least as stringent as those requirements set by applicable state statute or regulation;
 - (6) Any other criteria touching on the applicant's qualifications and abilities to perform the duties of firefighter.
- (c) Upon approval of membership as stated, all new members shall serve a 12-month probationary period during which time the member may voluntarily quit or be subject to dismissal. At the conclusion of the probationary period, the membership must vote a second time for full membership of a probationary member in the same manner as the original vote.
 - (d) Any applicant for membership in the fire department who is denied membership shall have the right to appeal such denial to an appeals board comprised of the fire chief, a member of the town council appointed annually by the town council, and a citizen of the town appointed annually by the mayor. The appeal shall be considered by the appeals board and the board shall hold a hearing on the appeal within ten working days after the appeal is filed. The appeal must be made by serving notice in writing to the fire chief within ten days of an unfavorable vote on the issue of membership. The appeals board shall make its decision based upon the criteria set out in subsection (b) of this section and, if applicable, the provisions of section 12-28. The decision of the appeals board is final.

(Code 1975, § 4.7)

Sec. 12-26. Compensation.

- (a) The town will determine rates of compensation for firefighters from time to time.
- (b) The town will pay the amount necessary to enroll all firefighters in the state firefighters and rescue workers pension fund. Contributions to the state firefighters and rescue workers pension fund will be made in the name of each individual firefighter and will be considered the property of the firefighter after the contribution is made.

(Code 1975, § 4.8)

Sec. 12-27. Gear, monitor, vehicle insignia.

- (a) Each active member of the volunteer fire department shall be issued turnout gear, a monitor, a badge designating his/her rank and a suitable insignia to be attached to his/her car (firefighter's tag). Upon termination from the department, a member shall be required to return to the department his/her turnout gear, monitor, badge, insignia and dash light.
- (b) All equipment purchased by the fire department shall be the property of the fire department. This includes, but is not limited to, clothing, badges, monitors, radios, helmets, boots, firefighter's tags, training manuals, and other items. When a firefighter leaves the department for any reason, all equipment must be turned in immediately to the chief or assistant chief.

(Code 1975, § 4.9)

Sec. 12-28. Disciplinary action.

- (a) An active member of the fire department may be suspended, demoted or dismissed because of failure in performance of duties, failure in personal conduct, or failure to continue to meet the qualifications of membership. The chief shall provide the disciplined member with a written notice of discipline, including the recommended effective date, reasons for the action and appeal rights available to the member.
- (b) The following causes relating to failure in the performance of duties are representative of those considered to be adequate grounds for suspension, demotion or dismissal:
 - (1) 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;

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- (4) Discourteous treatment of the public or other employees;
 - (5) Absence without approval;
 - (6) Other actions determined by the chief to be sufficient reason for discipline.
- (c) The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion or dismissal:
- (1) Fraud in securing membership;
 - (2) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties or the entry of a plea of no contest to either;
 - (3) Misappropriation of town funds or property;
 - (4) Falsification of fire department records for personal profit or to grant special privileges;
 - (5) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician as long as medically necessary;
 - (6) Other actions determined by the chief to be sufficient reason for discipline.

(Code 1975, § 4.10)

Sec. 12-29. Appeal of disciplinary action.

- (a) When an active member of the fire department is demoted, suspended, dismissed or alleges discrimination, he may appeal to the grievance committee of the fire department. The request to appeal to the grievance committee must be in writing and made within ten days of the receipt by the member of the notice of discipline. The grievance committee shall hold a hearing on the grievance and, within ten working days, render a written advisory opinion to the member and the town manager. In a hearing before the grievance committee, the fire department must produce evidence to justify the charges against the member. The member must be given the right at the hearing to examine all of the evidence and to cross-examine adverse witnesses. The member has the right to be represented by a person of his/her choice. The grievance committee may hold an executive session for the purpose of making its decision. The advisory opinion of the grievance committee shall be forwarded to the member and to the town manager. The

town manager shall make a final determination within ten days based solely on the record of the hearing before the grievance committee. The town manager's determination must be written and must provide the reasons for his/her decision and the evidence upon which he relied. There will be no appeal from this determination.

- (b) The grievance committee shall consist of three members elected by the fire department membership.
- (c) At the first meeting in May of each year, an election shall be held for the three grievance committee seats with each grievance committee member being elected by vote of the fire department membership present at the first May meeting. Each grievance committee member shall be elected in separate elections at the same meeting with election being secured by a plurality of votes cast in each election.
- (d) Grievance committee members shall serve a one-year term or until their successors are selected at the first meeting in May in the succeeding year.
- (e) A vacancy on the grievance committee caused by resignation, death or termination shall be filled by vote of the membership at the next regular meeting held at least ten days after the vacancy occurs. Vacancy elections shall be as stated in subsection (c) of this section and the new grievance committee member shall serve for the unexpired term.
- (f) The grievance committee shall handle all complaints relating to members of the town fire department in addition to those matters previously set out. Appeal from the decision of the grievance committee shall be as set out in subsection (a) of this section.

(Code 1975, § 4.11)

Sec. 12-30. Social officers.

The fire department may elect a president, vice-president, secretary and treasurer to be known as social officers. Such officers may be elected in any manner and for any term the membership may decide on by bylaws duly adopted by the membership. The social officers' duties shall be to arrange for and manage any and all social functions and fundraising events sponsored by the fire department. The function and duties of the social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

(Code 1975, § 4.12)

Sec. 12-31. Interfering with firefighters or fire apparatus.

No person shall interfere with a firefighter in the discharge of his/her duty, or hinder him/her in the performance of said duty; nor shall any person other than members of the fire department loiter about any fire station, or change, handle, or meddle in any manner with any fire engine or any other fire apparatus.

(Code 1975, § 4.13)

Sec. 12-32. Boarding fire apparatus.

No person other than a bona fide member of the fire department shall mount any fire engine, wagon or apparatus before it leaves the station or while on its way to or from a fire or at any other time, unless by permission of the driver or officer in command of such engine, wagon or apparatus.

(Code 1975, § 4.14)

Sec. 12-33. Interfering with fire alarm apparatus.

No person shall interfere carelessly or willfully with the fire alarm system or injure the poles, wires, boxes, or other apparatus connected therewith.

(Code 1975, § 4.15)

Sec. 12-34. Giving false alarm of fire forbidden.

No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

(Code 1975, § 4.16)

Sec. 12-35. Protection of fire hose.

It shall be unlawful for any person, firm or corporation to drive over, or in any way damage or mutilate any fire hose while in use at a fire or otherwise.

(Code 1975, § 4.17)

Sec. 12-36. Leave of absence; inactive firefighter.

- (a) A leave of absence may be granted to a non-probationary firefighter for a period of up to six months by the chief. One extension of up to six months may also be granted. Any request for leave of absence denied by the chief may be appealed to the grievance committee under the procedure set forth in section 12-29.
- (b) A firefighter may become inactive, provided he meets the following requirements:
 - (1) Twenty or more years' service in the town fire department, payment in full of membership in the state firefighter's and rescue squad worker's pension fund, and his/her approval by majority vote of the membership; or
 - (2) The firefighter is totally disabled and meets the requirements for Social Security Disability.

(Code 1975, § 4.18)

Secs. 12-37—12-60. Reserved.

ARTICLE III. FIRE HAZARDS

Sec. 12-61. Encumbrances before or on fire exit.

No person shall, at any time, place any encumbrances of any kind whatsoever before or upon any fire escape, balcony or ladder intended as a means of escape from fire. It shall be the duty of every member of the police and fire departments who shall discover any fire escape encumbered in any manner to forthwith report the same through his/her department channels to the chief of the fire department who shall immediately notify the owner, their agent or tenant to remove such encumbrance and the encumbrance shall thereupon be immediately removed.

(Code 1975, § 4.21)

Sec. 12-62. Exit signs in theatres and motion picture houses.

Every exit in any theatre or motion picture house shall be plainly indicated by a sign bearing the word "Exit," which sign shall be kept lighted throughout each performance.

(Code 1975, § 4.22)

Sec. 12-63. Passageways in places of public assemblage to be kept open; exit doors not to be fastened.

All doors, aisles and passageways within and leading into or out of the theatres, churches and all other places of public assemblage, shall, during the entire time which any show, performance, service, exhibition, lecture, concert, ball or other assemblage may be held therein, be kept adequately lighted and free from easels, signs, standards, campstools, chairs, sofas, benches and any other articles that might obstruct or delay the exit of the audience, congregation or assemblage. Doors of such buildings while occupied shall not be fastened so that they cannot easily be opened by anyone from within. No person shall sit or stand or remain seated or standing, nor shall the owner or operator of such place allow any person to remain, in any such place of public assemblage in any aisle under any circumstances, or in any exit, or passage required for the safe exit of the assemblage. Clear passage from all exits and on outside sidewalks of all theatres and other places of public assemblage shall be maintained at all times. No aisle, passageway or stairway in any store shall be obstructed with tables, show cases or other obstructions during the hours such store is open to the public.

(Code 1975, § 4.23)

Sec. 12-64. Lots kept free from fire hazards.

It shall be unlawful for any person to permit or suffer rubbish, refuse or articles of combustible or inflammable nature to accumulate or remain on any lot or premises.

(Code 1975, § 4.24)

Sec. 12-65. Buildings constituting fire hazards.

It is hereby declared unlawful for any person owning a building in the town to allow such building to become in such bad repair or condition as to endanger from fire a neighboring building. If any person owning any such building in bad repair shall fail to repair the same within 30 days after notice to repair from the council, the council shall condemn such building and cause the same to be torn down and removed.

(Code 1975, § 4.25)

Sec. 12-66. Fuel oil tanks, etc.

- (a) ~~No fuel oil tanks, gasoline tanks or kerosene tanks shall be located, within the designated fire zones of the town, as to create a fire hazard or as to endanger the lives and property of its citizens.~~ The installation, placement, and use of fuel oil tanks, gasoline tanks, and

kerosene tanks shall comply with the North Carolina Fire Code and all applicable state and federal regulations.

- (b) No fuel oil tanks, gasoline tanks and kerosene tanks of a capacity of 560 gallons or more shall be placed or located or used above ground, within the designated fire zones of the town. Above-ground storage tanks with an individual capacity of 560 gallons or more are prohibited, except as permitted by the Fire Code and approved by the Fire Chief.
- (c) All fuel oil tanks, gasoline tanks and kerosene tanks of a capacity of 560 gallons or more shall be buried beneath the surface of the ground within the designated fire zones of the town. Storage tanks with an individual capacity of 560 gallons or more shall be installed underground unless otherwise authorized by the Fire Chief in accordance with the North Carolina Fire Code.
- (d) It shall be the duty of the owners of the property or managers thereof, within the designated fire zones of the town, not to violate this section. Property owners and operators are responsible for ensuring compliance with this section and all applicable state and federal tank regulations.
- (e) The chief of the fire department shall be charged with the responsibility of making periodic investigations within the designated fire zones of the town, to determine whether or not this section has been violated and to make a report of violations thereof to the council. The Fire Chief, or their designee, is authorized to conduct inspections to determine compliance with this section and shall report violations to the Town Manager and Town Council as appropriate.

(Code 1975, § 4.26)

Secs. 12-67—12-90. Reserved.

ARTICLE IV. FIRE LIMITS

Sec. 12-91. Description.

The fire limits of the town are the town limits and the contracted fire district.

(Code 1975, § 4.31)

Sec. 12-92. Burning.

No burning shall be authorized inside the town limits without first obtaining a burning permit from the chief of the fire department.

(Code 1975, § 4.32; Ord. of 4-3-1978)

Chapter 13 RESERVED

Chapter 14 HEALTH AND PUBLIC NUISANCES

ARTICLE I. IN GENERAL

Secs. 14-1—14-18. Reserved.

ARTICLE II. GENERAL HEALTH REGULATIONS

Sec. 14-19. Unlawful to violate county health regulations.

It shall be unlawful for any person, firm or corporation to violate any lawfully adopted rule or regulation of the ~~Rockingham county County board~~ Board of Health and Human Services. The enforcement of this section shall be under the supervision of the ~~county health officer~~ local health director.

(Code 1975, § 9.1)

Sec. 14-20. Unlawful to interfere with health officer.

It shall be unlawful for any person to hinder, obstruct or delay the health officer or any of his/her assistants in the lawful discharge of their duties.

(Code 1975, § 9.2)

Sec. 14-21. Right of entry.

The county health officer or any of his/her assistants shall have the right to enter any premises at any reasonable hour for the purpose of making the inspections or investigations.

(Code 1975, § 9.3)

Sec. 14-22. Human waste.

No person shall deposit or leave human excrement on a street, sidewalk, alley or on any lot or premises except in an approved sanitary facility.

(Code 1975, § 9.4)

Sec. 14-23. Septic tanks regulated.

Septic tanks may be installed where the sanitary sewer is not reasonably accessible, provided such tank is constructed in accordance with the specifications of the state board of health and human services, and a permit therefor is issued by the town clerk or other designated official.

(Code 1975, § 9.5)

Secs. 14-24—14-49. Reserved.

ARTICLE III. GRASS, NOXIOUS WEEDS AND SIMILAR NUISANCES¹¹

DIVISION 1. IN GENERAL

Sec. 14-50. Joint liability for violations.

The owner, lessee, tenant or occupant or person managing any building or premises where there is any nuisance or any violation of any provision of this Code shall be jointly and severally liable; therefore, each of them may be required to abate same or comply with the order of the town council within the time prescribed in such order.

(Ord. of 01-20-2025(1))

Sec. 14-51. General ordinance making power.

The town by ordinance defines, prohibits, regulates, or abates acts, omissions, or conditions, that are detrimental to the health, safety, or welfare of town citizens and the peace and dignity of the town, and may define and abate nuisances.

(Ord. of 01-20-2025(1))

DIVISION 2. NOXIOUS WEEDS AND SIMILAR NUISANCES

¹¹Editor's note(s)—An ordinance adopted Jan. 20, 2025, amended Art. III in its entirety to read as set out herein. Former Art. III pertained to similar subject matter and derived from the Code 1975, §§ 9.11—9.17.

Sec. 14-52. Deemed unlawful.

It shall be unlawful for the owner or occupant of any lot or parcel of land in the town to permit to exist on any such lot or parcel of land any condition which may be declared to be noxious, detrimental to health or to constitute a nuisance.

(Ord. of 01-20-2025(1))

Sec. 14-53. Enumeration.

The following enumerated and described conditions are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the town and are found, deemed, and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate such nuisances is hereby declared unlawful:

- (a) Any condition which is a breeding ground or harbor for mosquitoes, harmful insects, rats, or other pests.
- (b) Any place of dense/heavy growth of weeds, grass, vines, or other noxious vegetation over 12 inches in height.
 - (1) Required:
 - a. That is within 200 feet of the property line of an inhabited residence or business firm.
 - b. A parcel consisting of adjacent vacant lots, under the same ownership, will be considered as one lot.
 - c. Any person owning real property within the town is hereby required to cut and remove the following from both the property and adjoining rights-of-way at all times:
 - 1. All weeds, grass, vines, and other noxious vegetation over 12 inches in height;
 - 2. A place of growth of vines, shrubs, or other vegetation of any height when such condition is causing a breeding ground for rodents or is a focal point for any other nuisance enumerated in this section; and

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3. A place of growth of poison sumac, poison ivy, and poison oak of any height.

(2) Exceptions:

- a. Active farming or agricultural uses.
- b. Trees and ornamental shrubs, cultured plants, flowers.
- c. Growing and producing vegetable plants.
- d. Ornamental grasses chosen for features like color and form, such as switch grass, pampas grass, fountain grass, and bamboo.
- e. Lots exceeding one acre in size, or a parcel with combined adjacent vacant lots exceeding one acre in total size, or lots covered with trees:
 1. These lots shall be maintained to a depth of 20 feet from the improved road surface for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft is less than one inch in thickness.
 2. If and only if the adjacent property is occupied by a dwelling or other structure, lots exceeding one acre, vacant undeveloped lots, or lots covered with trees shall be maintained to a depth of 20 feet from the side and rear property lines for all dense growth and noxious vegetation where the main trunk, main stem, or main shaft of vegetation is less than one inch in thickness.
- f. Natural landscape areas and wooded lots shall be allowed under the following conditions:
 1. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create nor allow to exist any condition defined as a nuisance or determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public.
 2. Natural landscape vegetation shall not overhang into the public right-of-way nor into adjoining properties; and

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3. Natural landscape areas shall utilize borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood, timber, or stone or woodchips.
- g. Those lands dedicated and accepted by the town as floodplain and open space, which are established in order to preserve natural greenways and/or natural connecting networks along floodways, streams, and creeks.
- (c)___ A man-made open place of collection of stagnant water where insects tend to breed.
- (d) Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature.
- (e) An open place of collection of trash, refuse, discarded bottles, cans, medical supplies, garbage, food waste, animal waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes.
- (f)___ Privies.
- (g) Any products of any kind or nature openly kept which have rough or jagged edges of metal or glass.
- (h) Any accumulation of rubbish, trash, old building materials or junk causing or threatening to cause a fire hazard or causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation of mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.
- (i) _____Any condition detrimental to public health violates the rules and regulations of the county health department including the discharging of wastewater not directly into an approved wastewater system [15A NCAC 18A.1937(a)].
- (j)___ Any concentration of building materials including concrete, steel or masonry which are not suitable for building construction, alterations, or repairs, and which are in open places.

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- (k) Any household or office furniture, appliances or other metal products of any kind kept in open places, or any indoor upholstered furniture kept outside in a location exposed to the weather.
- (1) Appliances, which are designed for indoor use, stored outside; however, these appliances may be kept inside the primary structure or in accessory structures, designed to withstand the elements and have a roof, wall, and door(s).
 - (2) Household furniture, which is not designed to withstand the elements, stored outside, or placed on porches, decks, or landings, or in accessory structures, or in yards or any other area which provides a location where insects, rodents, or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the use of household furniture on a totally enclosed porch, designed to withstand the elements and have a roof, walls, screens, or glass windows.
- (l) _____ Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object or combination of objects which obstructs the view of motorists using any street, private driveway, or approach to any street intersection adjacent to and abutting such and so as to constitute a traffic hazard as a condition dangerous to public safety upon any such street, private driveway or at any such street intersection.
- (m) Obstructions or vegetation in the public right-of-way which pose a danger to the general public.
- (n) Any building, structure, fence or retaining wall declared to be unsafe by the code enforcement officer and which is in danger of collapse, may fall and injure members of the public, or damage public or private property.
- (o) Structures, remains of structures or lots with a condition that is detrimental, dangerous, or hazardous to the public safety, health, and welfare. For purposes of the enforcement of this subsection, this shall be a condition, which consists of one, or more, of the following:
- (1) Glass, metal, or other sharp objects in accessible areas.
 - (2) Unstable structures or trees which may fall or collapse.
 - (3) Holes, excavations, surviving foundations or walls that may collapse or create heights in excess of three feet in areas where they may be scaled.

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- (4) Any substance which is hazardous or harmful to humans or pets.
 - (5) Any open or accessible utility lines such as natural gas, water, sewer, or electrical.
 - (6) Structures and remains of structures open to the elements, which are a danger to children, or tend to attract vagrants, or persons intent on criminal activities or other activities that would constitute a public nuisance; and
 - (7) Structures ordered closed by Rockingham County Inspections Department or quasi-judicial authority which are reopened without cause or justification. Any owner of property, which is in non-compliance with this subsection, may enclose the portions of their property in violation with a secure fence of five feet in height, which prevents the entry of humans until such time as the property is repaired to Code standards or demolished and is no longer in a detrimental, dangerous or hazardous state. Such enclosure shall be deemed in compliance with this subsection provided the enclosed nuisance condition does not and will not reach beyond the perimeter of the property.

 - (p) Any improper or inadequate manmade drainage, as determined by the code enforcement officer, on private property which causes flooding interferes with the use of or endangers in any way the streets, sidewalks, parks, or other town-owned property of any kind.
 - (q) Any condition, as determined by the code enforcement officer, which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, swales, or drains, to the extent that standing water is created on the premises.
 - (r) ____Any stormwater retention or impoundment device (including backyard rain gardens) which is operating improperly, as determined by the code enforcement officer.
 - (s) ____Any cistern or rain barrel collection system that is installed or maintained improperly and does not protect the public health and safety by becoming a public nuisance in accordance with G.S. 160A-202.
 - (t) ____Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater, unless associated with permitted activity, into a stormwater conveyance, the waters of the state or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state or any

unlawful connection that allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state.

- (u) A condition which occurs when a tenant leaves a leased property either voluntarily or involuntarily (including but not limited to ejectment or other landlord removal action) and leaves or abandons trash, debris and property and the owner or property manager fails to remove the trash, debris or property from the leased property within 24 hours after the voluntary or involuntary removal of the tenant.
- (v) ____Any place of growth of shrubs, trees or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive aisles, fire hydrant easements, designated fire lanes or other public vehicular areas.
- (w) A condition which exists as the result of garbage, debris, refuse matter and recyclables located upon property which pose a public health nuisance or safety hazard.
- (x) ____Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
- (y) ____Any other condition declared to be dangerous or prejudicial to public health or public safety and a public nuisance by the town council.

For the purpose of enforcement of this article, an open place is defined as an area of property or portion thereof that is open, including building openings of residential dwelling units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.

For the purposes of this article, a lawn is defined as a plot of grass within the curtilage of a home, business, or other commercial building that is regularly tended and kept closely mowed. Curtilage is the area encompassing the grounds and buildings immediately surrounding a home, business, or other commercial building.

The natural conditions on lands dedicated to and/or accepted by the Town as natural stream corridors, wetlands, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams and creeks are deemed and declared as exceptions for the purpose of enforcement of this Chapter.

(Ord. of 01-20-2025(1))

Sec. 14-54. Notice to abate.

- (a) Whenever it shall come to the attention of the code enforcement officer that there exists on any lot or parcel of land in the town any of the conditions enumerated in section 14-53, the code enforcement officer shall forthwith give the owner a notice to promptly abate such conditions within ten calendar days from the date of such written notice (see section 14-54(b) below).
- (b) The notice of violation letter:
 - (1) Shall be delivered to the property owner indicating that the violation exists, and that the violation must be remedied within ten days of the date of the letter.
 - (2) May be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity.
 - (3) Shall be delivered by personal delivery, electronic delivery, or first-class mail.
 - (4) Shall be posted in a conspicuous place on the property.
 - (5) Shall state that upon expiration of the ten-day warning period, the offender shall be subject to a civil penalty.

(Ord. of 01-20-2025(1))

Sec. 14-55. Penalty.

- (a) Any violation of this chapter or failure to abide by any lawful order issued pursuant to this chapter shall subject the offender to a civil penalty 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 prescribed period of time after the offender has been cited for violation of the ordinance.
- (b) Civil penalties. At any time beyond the expiration of the ten-day warning period, a civil penalty letter:
 - (1) May be delivered to the property owner.
 - (2) May be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity.
 - (3) Shall be delivered by personal delivery, electronic delivery, or certified and first-class mail.

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- (4) Shall be posted in a conspicuous place on the property.
 - (5) Shall notify the offender that a daily civil penalty as stated in 14-55(b)(5) is in effect beginning on the date of the notice and running up to and including the date the violation has been remedied.
 - a. \$100.00 for the first offence,
 - b. \$250.00 for the second offence,
 - c. \$500.00 for the third offence and thereafter (during the same calendar year). Each day that the violation remains on the property is a separate violation.
 - (c) Civil Action. Should a violation continue to exist by the 30th day after the original notification, the town may seek to recover the penalty together with all costs (including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt and seeking appropriate injunctive relief to remedy the violation.
 - (d) Each day a violation continues shall be a separate and distinct offense.
 - (e) In addition to the penalties imposed under subsections (a) and (b) above, the provisions of this chapter may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement or any other remedy permitted under this Code or at law or equity.
 - (f) This chapter may be enforced by any one, all or a combination of the remedies authorized herein.

(Ord. of 01-20-2025(1))

Sec. 14-56. Appeal.

Within ten days from receipt of the written notice of the determination, the period mentioned in section 14-51.3(a) and (b), the owner of the property where the nuisance exists may appeal the findings of the designated town official by giving written notice of appeal with the reason for the appeal to the official who served the notice or the town clerk. An appeal stays the abatement of the nuisances or penalty until a final determination by the Governing Board.

(Ord. of 01-20-2025(1))

Sec. 14-57. Abatement by town; performance.

- (a) As an alternative to the enforcement procedures set forth in sections 14-54 and 14-55 above, the town may choose to abate conditions constituting a nuisance. If any person, having been ordered by the code enforcement officer to abate any nuisance or condition set forth in this chapter fails, neglects or refuses to abate or remove the nuisance or condition within specified days from the date of the notice to abate, and if an appeal has not been filed with the clerk within the ten days as stated in 14-56 the town manager or his/her designee may cause the nuisance or condition to be removed or otherwise remedied by contractors or employees of the town to go upon the premises and remove or otherwise abate such nuisance or condition.
- (b) In addition to the actual costs incurred by the town to abate any nuisance under this article, the property owner shall also be assessed an administrative fee of \$150.00. The property owner will be charged the cost of the abatement fee, plus the administrative fee. If these costs are not paid within 14 days after delivery of a statement of charges to the owner, lessee, or occupant of the land where the violations occurred, they shall constitute a lien upon the property and be collected as unpaid taxes pursuant to G.S. 160A-193. The statement shall be delivered by personal delivery, electronic delivery, or first-class mail; and shall be posted in a conspicuous place on the property.

(Ord. of 01-20-2025(1); Ord. No. 2025-01(1), 4-14-2025)

Sec. 14-58. Repeat offenders; chronic violators.

- (a) Repeat offense.
 - (1) Any violation reoccurring on the same property by the same offender more than once within a 12-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same section(s) of this article has previous offense(s).
 - (2) A notice of violation letter:
 - a. Shall be delivered to the property owner indicating that the violation exists, that it is a repeat violation, and that the violation must be remedied within five days of the date of the letter.
 - b. May be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity.
 - c. Shall be delivered by personal delivery, electronic delivery, or first-class mail.

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- d. Shall be posted in a conspicuous place on the property.
 - e. Shall state that upon expiration of the five-day warning period, the offender shall be subject to a civil penalty of:
 - \$100.00 for the first offence,
 - \$250.00 for the second offence,
 - \$500.00 for the third offence and thereafter (during the same calendar year). Each day that the violation remains on the property is a separate violation.
- (b) Annual notice to chronic violators of public nuisance or overgrown vegetation ordinance.
- (1) If the town chooses to abate conditions constituting a nuisance itself, the town may notify a chronic violator of this chapter that, if the violator's property is found to be in violation of this chapter, the town may, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.
 - (2) The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
 - (3) A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of this chapter.

(Ord. of 01-20-2025(1))

Chapter 15 RESERVED

Chapter 16 LAW ENFORCEMENT¹²

¹²State law reference(s)—Municipal law enforcement, G.S. 160A-281 et seq.

Sec. 16-1. Organization.

The police department of the town shall consist of a chief and as many police officers as the council shall from time to time determine and appoint and as many special police officers as the mayor and council may deem necessary to appoint for special purposes.

(Code 1975, § 3.1)

Sec. 16-2. Town manager to have general supervision.

- (a) The town manager shall have general supervision over the police department.
- (b) It is hereby declared the duty of each and every council member ~~man~~ to assist the police officer in the discharge of his/her duty by taking cognizance of and reporting all violations of the town ordinances that may come under his/her observation to the police with the names of the witnesses thereto, to the end that the person so violating the ordinances, or any of them, may be brought to justice.

(Code 1975, § 3.2)

Sec. 16-3. Chief of police to have control.

The chief shall have control over the police department under the supervision of the town manager and the council. The chief shall report to the Town Manager and keep the council informed of the department's activities, make such reports that the council may from time to time require, and he shall perform such other duties as may be required of him by the council.

(Code 1975, § 3.3)

Sec. 16-4. Resisting police prohibited.

No person shall resist the police while in the discharge of their duty, by force or threats, or any attempt to excite others to resistance, or in any other manner obstruct them in the performance of their duty.

(Code 1975, § 3.5)

Chapter 17 RESERVED

Chapter 18 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. DISORDERLY CONDUCT ON PUBLIC PROPERTIES

Sec. 18-19. Consumption or possession of malt beverages and unfortified wine on public property.

- (a) *Consumption on public streets and on municipal property prohibited.* It shall be unlawful for any person, business, and/or restaurant to consume, or allow to be consumed, malt beverages and/or unfortified wine on the public streets and any property owned, occupied, or controlled by the town, whether located inside or outside the corporate limits of the town, including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, cemeteries, tennis courts and other athletic fields (G.S. 18B-300).
- (b) *Possession of open containers on public streets and on municipal property prohibited.* It shall be unlawful for any person, business, and/or restaurant to possess, or allow to be possessed, any open container of malt beverage and/or unfortified wine on the public streets and any property owned, occupied, or controlled by the town, whether located inside or outside the corporate limits of the town, including, but not limited to, public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, cemeteries, tennis courts and other athletic fields (G.S. 18B-300).
- (c) *Possession and consumption during special events prohibited.* It shall be unlawful for any person, business, and/or restaurant to possess or consume, or allow to be possessed or consumed, malt beverages or unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, unless the Mayodan Town Council adopts a resolution making other provisions for the possession or consumption of malt beverages and/or unfortified wine at the special event. Before the town council can adopt a resolution making other provisions for the possession or consumption of malt beverages and/or unfortified wine at special events. Any resolution adopted by the town council authorizing possession or consumption of malt beverages and/or unfortified wine at a special event, shall require the applicant to be in possession of a permit issued by the town manager and the applicant and all participants to adhere to the following requirements for the duration of the permitted activity.
 - (1) The applicant shall be part of a standard restaurant or holder of a limited special occasion permit, and authorized, permitted or licensed under the state ABC laws and this Code to serve and sell alcoholic beverages.

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- (2) An applicant shall specifically indicate in its application to the town council what portion of the public streets, alleys, or parking lots where the malt beverages and/or unfortified wine will be possessed or consumed.
 - (3) The portion of the public streets, alleys, or parking lots where malt beverages and/or unfortified wine are or may be possessed and consumed shall be enclosed by clearly visible barricades and shall not have more than two points of ingress and egress.
 - (4) The resolution adopted by the town council may permit malt beverages and/or unfortified wine to be possessed and consumed without a limitation as to points of ingress or egress in the geographic areas:
 - i. Along Main Street between the eastern boundary of Third Avenue on the West and a line 125 feet East from and parallel to the eastern boundary of Second Avenue on the East and along Second Avenue from the northern boundary of Main Street to a line 265 feet from and parallel to the northern boundary of Main Street; and,
 - ii. Within the confines of Elliott Duncan Memorial Park owned by the Town of Mayodan and bounded on the south by Main Street, on the east by 5th Avenue, on the west by 6th Avenue, and on the north by a line 300 feet south of and parallel with the southern line of Madison Street. (June 30, 2023)
 - (5) Signs shall be posted, visible at all points of ingress and egress, that it is unlawful to remove malt beverages and/or unfortified wine in an open container from the aforementioned enclosed or geographic areas.
 - (6) All malt beverages and/or unfortified wine shall be dispensed, possessed and consumed only in a cup or container approved by the town.
 - (7) All other state and local licenses must be obtained prior to issuance of a permit by the town manager; and
 - (8) The applicant shall show proof of and maintain insurance that will cover any and all incidents involving the consumption and/or possession of alcohol and their establishment (G.S. 18B-300).
- (d) *Possession and consumption of fortified wine and spirituous liquor prohibited.* It shall be unlawful for any person, business, and/or restaurant to possess or consume, or allowed to be possessed or consumed, fortified wine and/or spirituous liquor on public streets, alleys or parking lots and any property owned, occupied, or controlled by the town, whether located inside or outside the corporate limits of the town, including, but not limited to,

public buildings and the grounds appurtenant thereto, municipal parking lots, public parks, playgrounds, recreational areas, cemeteries, tennis courts and other athletic fields (G.S. 18B-102 and 18B-301(4)).

- (e) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing at least one-half of one percent alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages (G.S. 18B-101(4)).

Fortified wine means any wine, of more than 16 percent and no more than 24 percent alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States (G.S. 18B-101(7)).

Malt beverage means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage except unfortified or fortified wine as defined by this section, containing at least one-half of one percent, and not more than 15 percent, alcohol by volume. Any malt beverage containing more than six percent alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage (G.S. 18B-101(9)).

Open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container (G.S. 18B-300(C)).

Person means an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit (G.S. 18B-101(12)).

Restaurant means an establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than 30 percent of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people. The term "restaurant" also includes an establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises. The term "eating establishments" includes businesses that are referred to as restaurants, cafeterias, or cafes, but that do not qualify under this definition. The term "eating establishments" also includes lunchstands, grills, snack bars, fast-food businesses, and other establishments, such as drugstores, which have a lunch counter or other section where food is sold to be eaten on the premises (G.S. 18B-1000(6) and (2)).

Special event means a pre-planned event, whether publicly and/or privately sponsored, which is proposed to be held on public streets, alleys, or public parking lots, on a specified date at a specific time, and confined to a designated area that may or may not require an admission fee to enter and participate. All special events shall require a special event resolution approved by the town council.

Spirituous liquor or liquor means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution (G.S. 18B-101(14)).

Unfortified wine means any wine of 16 percent or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States (G.S. 18B-101(15)).

(f) *Penalty.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. 14-4.

(Code 1975, § 11.1; Ord. No. 2019-03, 6-10-2019; Ord. No. 2021-05, 9-13-2021)

Sec. 18-20. No Alcoholic beverages at Farris Memorial Park.

- (a) No person shall consume, serve, possess or drink wine, beer, whiskey or any other alcoholic beverages within the confines of Farris Memorial Park.
- (b) Any person found in violation of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than \$200.00 and imprisoned for not more than 30 days.

(Code 1975, § 11.2)

Sec. 18-21. Weapons prohibited on town property.

- (a) Except as provided in subsection (b) of this section, all persons are prohibited from possessing weapons as defined in G.S. 14-289 in town-owned buildings, their appurtenant premises and at town parks.
- (b) This prohibition shall not apply to the following persons:

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- (1) Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;
 - (2) Civil officers of the United States while in the discharge of their official duties;
 - (3) Officers and soldiers of the militia and the National Guard when called into actual service;
 - (4) Sworn law enforcement officers;
 - (5) Town animal control officers.
- (c) A conspicuous notice shall be posted at each entrance to any property set forth in subsection (a) of this section stating:
- "Possession of weapons or carrying a concealed handgun is prohibited."
- (d) Any person in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined \$500.00 or imprisoned for six months or both.
- (e) Weapons possessed in violation of this section are hereby declared to be contraband. The chief of police, or his/her designee, shall hold such weapons for disposal pursuant to court order; in the absence of any court order, the weapons shall be destroyed.

(Code 1975, § 11.3)

Sec. 18-22. Sex offenders; public facilities.

It shall be unlawful for any person registered as a sex offender with the state and/or any other state or federal agency to knowingly enter into or on any town parks and recreation facilities, public parks or greenway trails that are owned, operated or maintained by the town. Anyone found in violation of this section shall be subject to a fine of not less than \$500.00 per offense and/or 30 days in jail. Each and every entry into any town parks and recreation facilities, public parks or greenway trails, regardless of the time period involved, shall constitute a separate offense under this section. The town shall post a notice of this section at the main entrance of each town parks and recreation facility, public park and at reasonable intervals along the length of any greenway trails within 30 days of the adoption of the ordinance from which this section is derived. For the purpose of this section, the term "registered sex offender" means an individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registry listing sex offenders, including, but not limited to, the sex offender registry established in G.S. ch. 14, art. 27A.

(Code 1975, § 11.4)

Sec. 18-23. Loitering.

It shall be unlawful for any person to loiter in the police office, mayor's office, town manager's office, or clerk's office. Persons having business with the town officials and transacting said business, or persons expressly given permission to be in the offices by town officials, are expressly excluded from the effect of this section.

(Code 1975, § 11.19; Ord. of 3-4-1969)

Secs. 18-~~2423~~—18-47. Reserved.

ARTICLE III. GENERAL NUISANCES

Sec. 18-48. ~~Unnecessary noises prohibited~~—Generally Annoying and Disturbing Noises

- (a) Subject to the provisions of this Section, it shall be unlawful for any ~~person, firm or corporation~~ person, persons, or business entity to create or assist in creating, permit, continue, or permit the continuance of make, permit, continue, or cause to be made, any unreasonably loud, disturbing, annoying or unnecessary and noise in the Town of Mayodan. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited., with the exception of construction work done pursuant to a federal, state, county or city contract which requires work to be performed during certain hours.
- (b) For purposes of this section, the following definitions shall apply:

Unreasonably loud or annoying. Noise which is incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

Disturbing. Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

Unnecessary. Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

Standards. The standards which shall be considered in determining whether a violation of this article exists shall include, but shall not be limited to, the following:

- ~~(1) The volume of the noise.~~
- ~~(2) The intensity of the noise.~~
- ~~(3) Whether the nature of the noise is usual or unusual.~~
- ~~(4) Whether the origin of the noise is natural or unnatural.~~
- ~~(5) The volume and intensity of the background noise, if any.~~
- ~~(6) The proximity of the noise to residential sleeping facilities.~~
- ~~(7) The nature and zoning of the area from which the noise emanates.~~
- ~~(8) The density of inhabitation of the area from which the noise emanates.~~
- ~~(9) The time of the day or night the noise occurs.~~
- ~~(10) The duration of the noise.~~
- ~~(11) Whether the noise is recurrent, intermittent, or constant.~~
- ~~(12) Whether the noise is produced by a commercial or noncommercial activity.~~
- ~~(13) Whether the noise is of impulsive character (hammering, etc.).~~
- ~~(14) Whether the noise is of periodic character (hum, screech, etc.).~~

~~(Code 1975, § 11.11)~~

The following acts, among others, are declared to be loud, disturbing noises in violation of this section, but said enumeration shall not be deemed to be exclusive, namely:

- ~~(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or, if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonably long period of time.~~

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- ~~(2) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle.~~
 - ~~(3) The use or operation of any piano, manual or automatic, phonograph, radio, loudspeaker, or any other instrument, or sound amplifying devices so loudly as to disturb persons in the vicinity thereof, or in such a manner as renders the same a public nuisance; provided, however, that upon application to the mayor, permits may be granted to responsible organizations to produce programs in music, speeches or general entertainment.~~
 - ~~(4) The keeping of any animal or bird which by causing frequent or long continued noises (more than 30 minutes) between the hours of 9:00 p.m. and 7:00 a.m. that shall disturb the comfort and repose of any person in the vicinity.~~
 - ~~(5) The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud or grating, grinding, rattling, or other noise.~~
 - ~~(6) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.~~
 - ~~(7) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.~~
 - ~~(8) The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.~~
 - ~~(9) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in the case of urgent necessity in the interest of public safety and then only with a permit from the town clerk, which permit may be renewed for a period of three days or less while the emergency continues.~~
 - ~~(10) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same is in session, or within 150 feet of any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, court or hospital street.~~
 - ~~(11) The creation of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in such streets adjacent to churches indicating that the same is a church street.~~

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- ~~(12) The creation of loud and excessive noise in connection with loading or unloading any vehicle, of the opening and destruction of bales, boxes, crates and containers.~~
- ~~(13) The sounding of any bell or gong, attached to any building or premises which disturbs the quiet or repose of persons in the vicinity thereof.~~
- ~~(14) The shouting and crying of peddlers, barkers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.~~
- ~~(15) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.~~
- ~~(16) The use of any mechanical loudspeakers or amplifiers on trucks or other moving vehicles for advertising purposes except where specific license is received from the council.~~
- ~~(17) The conducting, operating or maintaining of any garage or filling station in any residential district so as to cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.~~
- ~~(18) — The firing or discharging of squibs, crackers, gunpowder or other any combustible substance in the streets or elsewhere for the purpose of making noise or disturbance except by permit from the council.~~
- ~~(19) The operation on any tax parcel of any recreational vehicles, including, but not limited to, dirt bikes, motocross bikes, motorcycles, all terrain vehicles, and modified lawnmowers, shall be limited to no more than one hour per day between the hours of 9:00 a.m. and 7:00 p.m. The operation of such vehicles shall be prohibited at other times of day except for the loading or unloading of the vehicles. Any operator of such vehicle outside of the scope allowed by this subsection shall be subject to punishment under section 1-6.~~

(Code 1975, § 11.12)

- (c) In determining whether a noise is unreasonably loud, annoying, disturbing, or unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character, nature and zoning of the area; whether the noise is related to the normal operation of a business or other activity or is the result of some use for individual purposes and whether the noise is subject to being controlled

without unreasonable effort or expense to the creator thereof. The following acts are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- a. *Blowing horns.* The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonably loud, disturbing or annoying sound as defined above, or the sounding of such device for an unnecessary and/or unreasonable period of time.
- b. *Radios, stereos, etc.* The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m. as to be an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the noise is unreasonably loud, annoying, disturbing and unnecessary if the sound generated is audible at a distance of thirty (30) feet or more from the dwelling's property line, or from the unit's most outer boundary wall in the case of a hotel or motel room.
- c. *Sound-producing equipment in vehicles.* The playing of any radio, cassette player, compact disc, videotape or disc or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, within the motor vehicular area of any public or private parking lot or park or on the premises of a private residence in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the sound thus created is unreasonably loud, annoying, disturbing and unnecessary if the sound generated or noise vibration therefrom is audible or can be felt at a distance of thirty (30) feet or more from the radio, cassette player, compact disc, video tape or disc or other similar device that is producing the sound.
- d. *Animals.* The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- e. *Operation of vehicles.* The operation of any automobile, motorcycle, or vehicles in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.
- f. *Blowing whistles.* The blowing of any steam whistle attached to any steam boiler in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above, except as a warning of danger.
- g. *Exhaust discharge.* The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through

a muffler or other device which will effectively prevent unnecessarily loud, annoying, disturbing or unnecessary noises therefrom.

- h. *Compressed air devices.* The use of any mechanical device operated by compressed air unless unreasonably loud, annoying disturbing or unnecessary noise created thereby is effectively muffled and reduced.
- i. *Noises to attract attention.* The use of any drum, bell, loudspeaker, or other instrumentality for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise. The use of explosives such as fireworks may also be a violation where conducted at hours which interfere with the normal peace, calm and good order of the neighborhood or when conducted without obtaining the proper permissions, permits, etc.
- j. *Hawking, peddling or soliciting.* The shouting and crying of peddlers, hawkers, vendors, which disturb the quiet and peace of the neighborhood.
- k. *Loudspeakers or amplifiers.* The use of any mechanical loudspeakers or other mechanically amplified device within or from any commercial establishment or private entertainment or recreational venue is presumed to be unreasonably loud, annoying, disturbing and unnecessary if the sound played or emitted may be heard at a distance from thirty (30) feet or more of the facility's property line, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m.

(d) Enforcement. The town in its discretion may through the sheriff or the Town's Ordinance Enforcement Officer (OEO) designated to exercise the powers prescribed by the regulation in accordance with the procedures specified in this Section, take one (1) or more of the following enforcement actions for violations of this section against any responsible person, persons or business entity as stated in subsection (a):

- a. Issue a written warning.
- b. Issue a citation subjecting a violator to a civil penalty of one hundred dollars (\$100.00) for the first violation, (\$250.00) for the second violation, and (\$500) for the third violation and every violation thereafter until the violation is remedied. This Ordinance may be enforced by injunction and order abatement, and all other appropriate equitable remedies to ensure compliance with this article as provided in G.S. 153A-123.
- c. Failure to pay a civil penalty imposed under this section within ten (10) days shall subject the offender to an additional \$50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the town in a civil action in the nature of a debt.

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- d. Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct offense as provided in G.S. 153A-123(g).
- e. This Ordinance may be enforced by injunction and order abatement, and all other appropriate equitable remedies to ensure compliance with this article as provided in G.S. 153A-123.
- (e) Exceptions. In the interest of public safety and convenience the following activities are exempted from the application of this article:
- (1) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility services.
- (2) Any street construction activity performed by, or on behalf of, a government agency on streets designated on the then current thoroughfare plan as adopted county or state; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are covered under this exemption only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.
- (3) Noise arising from the premises of a bona fide farm or a farming operation as defined in G.S. 153A-340(b)(2) as a result of routine farming activities necessary for the operation of the farm.
- (f) An owner of any premises subject to this section who is not a current occupant of the premises shall be responsible and subject to civil penalties, but not criminal liability, for actions by tenants, guests, or other licensees which constitute violations of this section. Absentee owners must be notified by personal service or certified mail of the first or previous violations that have occurred within the previous twelve (12) month period before a subsequent increased civil penalty may be imposed.

State law reference— Authority for above section, G.S. 153A-133.

Sec. 18-50. Firearms discharge regulated.

It shall be unlawful for any person to discharge any gun, pistol, or other firearm within the corporate limits of the town except a ~~peace~~law enforcement officer in the performance of his/her duty.

(Code 1975, § 11.13)

Sec. 18-51. Exceptions for discharge of firearms.

- (a) *Commercial facilities.* No provision in this article shall interfere with the operation of recognized or approved rifle or pistol ranges, or skeet or trapshooting facilities when operated, authorized and conducted in compliance with the zoning laws of the town.
- (b) *Miscellaneous exceptions.* None of the provisions of this article shall apply to law enforcement officers or members of the armed forces acting in the line of duty; to the shooting or killing of any dangerous or destructive animal or reptile when necessary to protect life or property; to the otherwise lawful use of firearms for defense of person or property; or to the use of firearms pursuant to lawful directions of law enforcement officers.
- (c) *Industrial facilities.* No provision in this article shall interfere with the manufacture and testing of firearms within an enclosed facility controlled by the manufacturer and not open to the general public as a shooting range.

(Code 1975, § 11.13.1; Ord. of 7-8-2013)

Sec. 18-52. Posting bills; other advertising.

No person shall stick, paint, brand, stamp, write or put upon any house, fence, wall, pavement, post or upon any property, owned by any person, firm, or corporation, or owned by the town, any printed, written, painted or other advertisement, bill, notice, sign or poster, without first having obtained the written permission of the owner of such property and having received a permit from the town clerk.

(Code 1975, § 11.14)

Sec. 18-53. ~~Explosives~~Firebombs—Prohibited.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~*Firebomb* means any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.~~ *Explosive* means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, black powder, pellet powder, initiating explosives, ammonium nitrate fuel oil (ANFO) mixtures, safety fuses, squibs, mixed binary explosives, and igniters.

~~*Molotov cocktail* means any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.~~ filled with a flammable liquid and fitted with a fuse or wick, which is designed to ignite its contents when broken upon impact.

- (b) It shall be unlawful for any person to manufacture, possess, transport or use any Molotov cocktail or other ~~explosive~~firebomb.
- (c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other firebombs, other than on his/her premises.
- (d) The provisions of this section shall be cumulative and in addition to any other ordinance or state statute on this subject.

(Code 1975, § 11.15)

Sec. 18-54. ~~Firebombs~~Explosives—Enforcement.

The ~~mayor, and in his absence, the mayor pro tempore, and in the absence of both officials,~~ the chief of police shall be and are hereby authorized to enforce section 18-53 for such periods of time as they shall deem necessary.

(Code 1975, § 11.16)

Sec. 18-55. Abandoned refrigerators.

- (a) It shall be unlawful for any person, firm, or corporation to leave outside of any building or dwelling or any place accessible to children any unattended, abandoned or discarded icebox, refrigerator or any other container of any kind which has an air-tight door, which, when closed, may not be released for opening from the inside of the said icebox, refrigerator, or other container.
- (b) It shall be unlawful for any person, firm or corporation to leave outside any building or dwelling or any place accessible to children any unattended, abandoned or discarded

icebox, refrigerator, or any other container of any kind which has a snap lock or other locking device thereon, which may not be released from the inside without first removing said snap lock or other locking device or the doors from said icebox, refrigerator or container.

(Code 1975, § 11.18; Ord. of 1-19-1954)

~~Sec. 18-56. Loitering.~~

~~It shall be unlawful for any person to loiter in the police office, mayor's office, or clerk's office. Persons having business with the town officials and transacting said business, or persons expressly given permission to be in the offices by town officials, are expressly excluded from the effect of this section.~~

~~(Code 1975, § 11.19; Ord. of 3-4-1969)~~

Secs. 18-57—18-85. Reserved.

ARTICLE IV. REMOVAL, DISPOSAL OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

Sec. 18-86. Administration.

The police department and town code enforcement officer (or another town employee designated by the town manager) shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the town, and on property owned by the town. The town code enforcement officer (or another town employee designated by the town manager) shall be responsible for administering and disposition of abandoned, nuisance or junked motor vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this article and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of officers of the town police department and fire department in enforcing other laws or in otherwise carrying out their duties.

(Code 1975, § 11.41; Ord. No. 2004-05, 9-13-2004)

Sec. 18-87. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicle, as authorized and defined in G.S. 160A-303, means a vehicle that is left:

- (1) ~~Upon a public street or highway in violation of a law or ordinance prohibiting parking~~
Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) ~~On a public street or highway for longer than seven days; Is left on property owned or operated by the city for longer than 24 hours; or~~
- (3) ~~On property owned or operated by the town for longer than 24 hours; Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or~~
- (4) ~~On private property without the consent of the owner, occupant or lessee thereof, for longer than two hours; or Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public~~
- (5) Upon a street or highway in violation of the following sections prohibiting parking:
 - a. Section 26-375(a)(3);
 - b. Section 26-375(a)(4);
 - c. Section 26-375(a)(10);
 - d. Section 26-375(a)(11);
 - e. Section 26-376.

Authorizing official means the supervisory employee of the police department or the town code enforcement officer (or another town employee designated by the town manager), respectively, designated to authorize the removal of vehicles under the provisions of this article.

Junked motor vehicle means ~~any vehicle or motor vehicle, whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, or waterborne craft, or any other contraption, which is deposited, stored, left, or located by its owner or any other person, or is permitted or condoned to be deposited, stored, left, or located by its owner or any person, on public or private premises or property in the town which:~~ a vehicle that does not display a current license plate and that:

-
- (1) ~~Is not registered by the state or any other state for operation on public highways or waterways, and has not been so registered during the preceding 12 months; Is partially dismantled or wrecked; or~~
 - (2) ~~Does not bear a state issued motor vehicle inspection sticker, or bears such sticker but which has been expired for more than 12 months; Cannot be self-propelled or moved in the manner in which it originally was intended to move; or~~
 - (3) ~~Is not in a condition for its original intended use in that it is partially dismantled or wrecked or cannot be self-propelled or moved in the manner in which it was intended to move; Is more than five years old and appears to be worth less than one hundred dollars (\$100.00) or is more than five years old and appears to be worth less than five hundred dollars (\$500.00) as provided by the municipality in an ordinance adopted under this section.~~
 - (4) Is no longer intended to be used for its original purpose in light of the condition of the vehicle and the circumstances surrounding its storage or abandonment;
 - (5) Is being held or used for the purpose of resale of parts or for the purpose of reclaiming for use some or all of the materials therein; or held for the purpose of disposing of said vehicle and it is more than five years old and appears to be worth less than \$100.00; or
 - (6) Is a derelict vehicle, as defined in G.S. 20-137.7.

Motor vehicle or vehicle means all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials, as evidenced by odor;

(5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;

(6) So situated or located that there is a danger of it falling or turning over;

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; ~~or~~

(9) One that contains areas where people and/or animals could become trapped; or

(10) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town council.

(Code 1975, § 11.42; Ord. No. 2004-05, 9-13-2004)

Sec. 18-88. Abandoned vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined in section 18-87.

(b) Upon investigation, authorized officials of the town may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(Code 1975, § 11.43)

Sec. 18-89. Nuisance vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the town code enforcement officer and/or police officer (or another town employee designated by the town manager) may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in section 18-87, and order the vehicle removed.

(Code 1975, § 11.44)

Sec. 18-90. Junked motor vehicle regulated; removal authorized.

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.
- (b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of public or private property. The one permitted junked motor vehicle must strictly comply with the location and concealment requirement of this section.
- (c) It shall be unlawful for any owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located, to fail to comply with the locational requirements or the concealment requirements of this section.
- (d) Subject to the provisions of subsection (e) of this section, upon investigation, the town code enforcement officer and/or police officer (or another town employee designated by the town manager) may order the removal of a junked motor vehicle, as defined in section 18-87, after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following, among other relevant factors, may be considered:
 - (1) Protection of property values;
 - (2) Promotion of tourism and other economic development opportunities;
 - (3) Indirect protection of public health and safety;
 - (4) Preservation of the character and integrity of the community; and
 - (5) Promotion of the comfort, happiness and emotional stability of area residents.
- (e) Permitted concealment or enclosure of junked motor vehicle.
 - (1) One junked motor vehicle, in its entirety, can be located in the rear yard, as defined in the town's zoning ordinance, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering. The town code enforcement officer (or another town employee designated by the town manager) has the authority to determine whether any junked motor

vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in section 18-86.

- (2) More than one junked motor vehicle. Any junked motor vehicle may be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicle cannot be seen from a public street or abutting property. A garage or building structure means either a lawful nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

(Code 1975, § 11.45; Ord. No. 2004-05, 9-13-2004)

Sec. 18-91. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.

- (a) Except as set forth in section 18-92, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time.
- (b) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle, or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the town council in writing, heard at the next regularly scheduled meeting of the town council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

(Code 1975, § 11.46)

Sec. 18-92. Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice includes:

- (1) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the town council hereby determines that immediate removal of such vehicles may be warranted when they are:
 - a. Obstructing traffic;
 - b. Parked in violation of an ordinance prohibiting or restricting parking;
 - c. Parked in a no-stopping or standing zone;
 - d. Parked in loading zones;
 - e. Parked in bus zones; or
 - f. Parked in violation of temporary parking restrictions imposed under sections of this Code.

- (2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on town-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the ~~authorizing official~~ law enforcement officer finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

(Code 1975, § 11.47)

Sec. 18-93. Removal of vehicles; post-towing notice requirements.

- (a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:
- (1) The description of the removed vehicle;
 - (2) The location where the vehicle is stored;
 - (3) The violation with which the owner is charged, if any;
 - (4) The procedure the owner must follow to redeem the vehicle; and
 - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (a)(1) through (5) of this section, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his/her agent.
- (c) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.
- (d) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (a)(1) through (5) of this section.

(Code 1975, § 11.48)

Sec. 18-94. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be

filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

(Code 1975, § 11.49)

Sec. 18-95. Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this article.

(Code 1975, § 11.50)

Sec. 18-96. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town and in accordance with G.S. ch. 44A, art. 1.

(Code 1975, § 11.51)

Sec. 18-97. Conditions on removal of vehicles from private property.

As a general policy, the town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the town from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the town code enforcement officer (or another town employee designated by the town manager). The town may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

(Code 1975, § 11.52)

Sec. 18-98. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this article.

(Code 1975, § 11.53)

Sec. 18-99. Exceptions.

Nothing in this article shall apply to any vehicle which is located in a bona fide automobile graveyard or junkyard, as defined in G.S. 136-143, in accordance with the Junkyard Control Act (G.S. 136-141 et seq.), which is in an enclosed building; which is on the premises of a business enterprise being operated in a lawful place and manner, if the vehicle is necessary to the operation of the enterprise; or which is in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Code 1975, § 11.54)

Sec. 18-100. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Code 1975, § 11.55)

Chapter 19 RESERVED

Chapter 20 PLANNING¹³

The Town of Mayodan Zoning and Subdivision Ordinances are incorporated herein by reference.

¹³State law reference(s)—G.S. 160D.

~~Sec. 20-1. Planning board created.~~

~~A town planning board is hereby created under the authority of G.S. 160D-301.~~

~~(Code 1975, § 12.1)~~

~~Sec. 20-2. Members of planning board.~~

- ~~(a) The town planning board shall consist of five members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals or housing authority board. The mayor may appoint two ex officio members to the board who shall have no vote but who shall act as advisors to the planning board.~~
- ~~(b) The citizen members shall be appointed by the town council upon creation of the planning board to hold office as follows: two members for one year, two members for two years and one member for three years; thereafter, members shall be appointed for a term of three years. All members of the planning board shall serve as such without compensation. Members may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The mayor shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the board.~~

~~(Code 1975, § 12.2)~~

~~Sec. 20-3. Organization and rules.~~

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

~~(Code 1975, § 12.3)~~

~~Sec. 20-4. Staff and finances.~~

~~The planning board may contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the planning board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council and no indebtedness for which the town shall be liable shall be contracted by the planning board~~

unless an appropriation is made by the board for such purposes, and then only to the extent of the appropriation. The planning board shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work and may expend the money received from such donations and gifts as in its judgment may appear best.

(Code 1975, § 12.4)

Sec. 20-5. General powers and duties.

~~(a) The duties of the planning board are as set forth in G.S. 160D-301(b).~~

~~(b) It shall be the function and duty of the planning board to make and adopt a suggested master plan for the physical development of the municipality or modified parts of such plan as the planning board and town council may deem best. Such plan, with the accompanying maps, plats, charts, and descriptive matter may show the planning board's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds open spaces, buildings, property, utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location and use of buildings and premises. The planning board may from time to time recommend amendments, extensions, or additions to the plan.~~

(Code 1975, § 12.5)

Sec. 20-6. Purposes in view.

~~In the preparation of such plan or modified plan or parts thereof, the planning board shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement,~~

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wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

(Code 1975, § 12.6)

Sec. 20-7. Miscellaneous powers and duties of planning board.

(a) ~~Before the adoption by the planning board of the plan or any such part, amendment, extension or addition, the planning board shall hold at least one public hearing thereon. The planning board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the planning board, when duly authorized by the planning board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the planning board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. All officers and employees of the town shall render such reasonable assistance and any such information to the planning board as may be requested by the planning board for its work.~~

(b) ~~The planning board shall from time to time, and at least annually, submit reports in writing to the council giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof, and these reports shall contain such other recommendations as the planning board feels should have immediate attention.~~

(Code 1975, § 12.7)

Chapter 21 RESERVED

Chapter 22 SOLID WASTE¹⁴

Sec. 22-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

¹⁴State law reference(s)—Solid waste management, G.S. 130A-290 et seq.; authority to regulate the illegal disposal of solid waste, G.S. 160A-185; authority to regulate the placing of trash and refuse with the city, G.S. 160A-303.1.

Banned materials means certain materials which have been banned from municipal solid waste landfills by state statute. The following items are banned:

- (1) Aluminum cans and recyclable rigid plastic containers (G.S. 130A-309.80).
- (2) Beverage containers on the premises of ABC-permitted establishments (G.S. 18B-1006.1).
- (3) Lead-acid batteries (G.S. 130A-309.10).
- (4) Electronic equipment (G.S. 130A-309.10).
- (5) Yard waste (G.S. 130A-309.10).
- (6) Wooden pallets (G.S. 130A-309.80).
- (7) White goods, as defined by state statute (G.S. 130A-309.10).

From time to time the state may add, delete, or otherwise amend the banned materials list. Any change to future state law is hereby included in this definition by reference.

Bulk items means large or odd-sized items that cannot fit into a roll-out container and are acceptable for recycling or disposal in a landfill, including furniture, appliances, white goods, and other refuse allowed by the town.

Bulk yard waste means tree limbs, shrubbery trimmings and other plant materials other than grass clippings and soft plant material (flowers, branches less than one-half inch diameter and less than two feet long, leaves or pine needles).

Construction waste means scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

Garbage means all putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

Garbage receptacles means the containers which are provided by the town to collect private household solid waste and non-hazardous private commercial solid waste.

Hazardous waste means that which may spontaneously, through handling or compaction, or because of exposure to temperature experienced in the climate of the area, or because of a change in composition, explode or reach the kindling point. The term "hazardous waste" also includes waste that emits or may emit dangerous quantities of gases or radiation or that is highly corrosive or otherwise dangerous.

Refuse means all nonputrescible wastes, which includes, but is not limited to, dirt, earth, plaster, concrete, rock, rubble, slag, ashes, waste timber, lumber, plexiglass, fiberglass, ceramic tiles, asphalt, sheetrock, tar paper, tree stumps, wood, window frames, metal, steel, glass, plastic pipes, plastic tubes, rubber hoses, rubber tubes, electric wires, electric cables, or paper.

Solid waste means garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from homes, businesses, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants.

Yard waste means grass clippings, leaves, and soft plant materials (flowers, flower stems, very small sticks, pine needles).

(Code 1975, § 9.21)

Sec. 22-2. Authorization.

The town is authorized to establish rules and procedures for the collection of municipal solid waste, yard debris, and other waste under G.S. 130A-290 et seq., and G.S. 130A-309 et seq.

(Code 1975, § 9.22)

Sec. 22-3. Refuse required to be deposited in approved containers.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

(Code 1975, § 9.23)

Sec. 22-4. Burning or burying garbage and refuse regulated.

It shall be unlawful to burn, set fire to or bury any garbage for the purpose of disposal.

(Code 1975, § 9.24)

Sec. 22-5. Accumulation of garbage and refuse prohibited.

All garbage and refuse shall be collected and placed in containers as required by this chapter and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

(Code 1975, § 9.25)

Sec. 22-6. Residential service.

- (a) Single-family dwellings and apartments up to six units in size shall have solid waste collection service on a weekly basis and shall be collected curbside or at the street edge.
- (b) No more than three garbage receptacles will be permitted per residence. The collection fee for additional receptacles shall be determined by the town council.

(Code 1975, § 9.26)

Sec. 22-7. Commercial service.

- (a) Commercial properties may choose to have municipal curbside pick-up or use a private commercial service via a dumpster. If the owner/lessees of the commercial property choose to have municipal curbside pick-up then it will be provided twice a week on a schedule established by the public works director. No more than three garbage receptacles will be permitted per business. The collection fee for additional receptacles shall be determined by the town council.
- (b) Apartment complexes constructed after September 1, 2014, with more than six units must have private commercial solid waste service.
- (c) Owners/lessees choosing to have private commercial solid waste service must provide proof to the town in order to be exempt from municipal solid waste services and charges.

(Code 1975, § 9.27)

Sec. 22-8. Containers required; location.

In order to provide for the orderly and proper collection of garbage within the corporate limits of the town, and to prevent the accumulation of unsightly and unsanitary garbage in the town, and to prevent the resulting creation of hazardous conditions of health and sanitation, the following provisions shall apply:

-
- (1) Any person, firm or corporation, whether at a house or business establishment, who uses the garbage collection facilities of the town shall use a town-provided garbage receptacle at his/her house or business establishment in which to deposit and keep the garbage generated in the house or business establishment.
 - (2) Said garbage receptacle shall be placed by the person, firm, or corporation at the curbside or at the edge of the pavement if no curb exists. The location shall be readily accessible to solid waste personnel and equipment. No solid waste shall be collected where receptacles cannot be reached by solid waste personnel or equipment without unlocking or opening a door, gate, or any similar obstacle, encountering a dog, or otherwise being denied reasonable access by parked vehicles, equipment, or other obstructions not limited to overhead trees or utility lines.
 - (3) Garbage receptacle lids should be able to close. Garbage bags and other garbage debris placed outside the can will not be picked up during regular collection. The town reserves the right to not empty receptacles that are overflowing or cannot be reasonably accessed by the solid waste vehicle.
 - (4) The public works director shall establish a collection schedule for all regular solid waste collection services. Garbage receptacles shall be placed at the street by 7:00 a.m. on the day of pick-up.
 - (5) Said garbage receptacle shall be removed and taken up from its collection place, as set out in this section, by the person, corporation or firm who placed it for collection after the garbage contained therein has been collected by the town for disposal by 7:00 p.m. of the day collected.

(Code 1975, § 9.28)

Sec. 22-9. Pre-collection practices.

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose until they are cold. Household trash which has a sharp or jagged edge to it, such as glass, metal, or brittle plastic, shall be wrapped, bundled, and put in plastic before it is put into the receptacle for collection. No rocks, cement, asphalt, dirt, earth, rubble, slag, tree stumps, or other like and similar materials shall be placed in any garbage receptacles.

(Code 1975, § 9.29)

Sec. 22-10. Interfering with collection practices.

No person shall interfere or otherwise deter the normal refuse collection process by tampering with receptacles or containers or their contents unless by permission of the public works director.

(Code 1975, § 9.30)

Sec. 22-11. Yard waste, bulk yard waste, leaves, and bulk item collections regulated.

- (a) State regulations prohibit household trash from being mixed with yard waste or grass clippings.
- (b) Collections under this section shall be performed on a schedule established by the public works director and made available to the general public.
- (c) No collection shall be made from vacant lots. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.
- (d) No rocks, cement, asphalt, dirt, earth, rubble, slag, tree stumps, or other like and similar materials will be collected by the town.
- (e) Bulk yard waste products will be collected by the town when the tree trimming and yard work has been performed by the property owner or occupant of the residence. When work that generates bulk yard waste is contracted to landscapers, tree service contractors, or other commercial workers, the contracting party is responsible for the removal and disposal of all waste except grass clippings generated on the property in question.
- (f) Yard waste, bulk yard waste, leaves, and bulk items, as defined in section 22-1, shall be picked up by the town under the following conditions:
 - (1) *Yard waste.* The town encourages residents to recycle grass clippings and soft plant materials (flower stems, very small branches, and leaves) by leaving clippings on the grass or by composting. Residential grass clippings and soft plant materials will be picked up if placed within clear plastic bags of no more than 50 pounds each and free of all other trash and debris. Bags shall be placed at the curb or street edge and will be picked up weekly.
 - (2) *Bulk yard waste.* Shall be placed at the curb or street edge either bundled, stacked neatly, or placed in clear plastic bags, ~~or in a roll-out container that is no larger than 32 gallons.~~ Generally, tree limbs shall not exceed ~~ten~~six inches in diameter and should

be cut in lengths no longer than five feet. Bags and containers should not weigh more than 50 pounds when full. Any single item weighing 200 pounds or more, or loads over three cubic feet up to ten cubic feet will not be collected without an additional charge for service. Residential properties will be allowed ~~seven~~ three cubic yards (~~eight feet by six feet by four feet high~~ a cubic yard is approximately 3ft x 3ft x 3ft) of bulk yard waste ~~per every other~~ week free of charge. The town reserves the right to reject collection or charge an additional fee for collection of bulk yard waste items or piles larger than that permitted by this subsection. The Town does not collect debris from contracted landscaping/tree services.

- (3) *Storm damage.* The town will pick up debris from storms when documented and reported to the town. Such debris should be placed at the curb and cut into pieces weighing less than 200 pounds. Fees will be waived for any storm-related debris picked up by the town.
- (4) *Leaf collection.* In order to prevent storm drains from clogging and street flooding, the town provides loose leaf collection from November 1 through January 31 of each year. The town will perform at least three full passes through the town to collect leaves placed at the curb or street edge. Leaves shall not be placed in streets or drainage ditches. The timing and specific routes shall be established by the ~~public works~~ Streets director. Between February 1 and October 31 the town will only collect clear plastic bagged leaves. Bags must be placed at the curb or street edge and weigh no more than 50 pounds.
- (5) *Bulk items.* Bulk items, as defined in section 22-1, will be collected by the town if placed at the curb or street edge. Residential properties will be allowed ~~two~~ one cubic yard (three feet by three feet by three feet) of bulk items ~~per every other~~ week free of charge. Any single item weighing 200 pounds or more, or loads over one cubic yard up to ten cubic yards, will not be collected without an additional charge for service. The town reserves the right to reject collection or charge an additional fee for collection of bulk waste items or piles larger than that permitted by this subsection. When work that generates bulk waste is contracted to construction contractors, builders, or other commercial workers, the contracting party is responsible for the removal and disposal of all waste generated on the property in question. Any property owner and/or resident who cannot place bulk items at the curb as provided herein shall either personally dispose of bulk items, or call the town to arrange for a truck to be delivered. This service is subject to availability and is not guaranteed. These collections are provided at a fee established by the town council.

(Code 1975, § 9.31)

Sec. 22-12. Removal of dead animals.

Dead animals will be removed from any public property by the town upon notice to the ~~town clerk~~ Animal Control Officer ~~Public Works Director~~ of the existence of such dead animal.

(Code 1975, § 9.32)

Sec. 22-13. Transportation of garbage and refuse by private citizen.

No person shall collect, handle, or transport over or along any of the streets, alleys or other public ways in the town any garbage or refuse without first having obtained a permit therefor from the town council.

(Code 1975, § 9.33)

Sec. 22-14. Use of landfill regulated.

No dumping of garbage, trash, yard waste, or bulk items is permitted by private hauler or individual at the old town landfill. The landfill is no longer in use.

(Code 1975, § 9.34)

Sec. 22-15. Certain uses prohibited.

- (a) The bringing into the town for disposal of any garbage, refuse, solid waste, building materials, scraps, tires, or yard waste is prohibited.
- (b) Each article or item brought into the town for disposal is individually chargeable for the purposes of this section.
- (c) A violation of this section shall be punishable by assessment of a civil penalty in the amount of \$10.00, which shall be payable at the town offices within 30 days of issuance of a citation under this section.
- (d) The town manager is authorized to prepare such forms as are necessary for administration of this section.

(Code 1975, § 9.35)

Sec. 22-16. ~~Removal of tires~~ Bulk Item Pickup.

- (a) The town ~~shall pick up~~ picks up certain items that do not fit in the rollout garbage container. ~~and dispose of passenger tires with the rims removed at no additional charge.~~ The items that are allowed and disallowed shall be posted on the Town's website.
- (b) A fee established by the town council shall be charged by the town for removal of tractor trailer and farm equipment/heavy equipment tires. Such fee will be based on the cost of disposal charged by the disposal facility.

(Code 1975, § 9.36)

Sec. 22-17. Unpaid solid waste fees a lien.

Any fee imposed from time to time by the town council for collecting or disposing of solid waste shall be collected in any manner by which delinquent personal or real property taxes can be collected, and such unpaid fees shall be a lien on the real property described on the bill that includes the fee.

(Code 1975, § 9.37)

Sec. 22-18. Recycling services.

The state has banned certain materials from municipal solid waste landfills to encourage recycling of these materials. Items banned from landfills are listed in the definition of the term "banned materials" in section 22-1. Residents are encouraged to use the drop-off recycling center provided by the town. A list of materials appropriate for recycling is available at the town hall and shall be made available to the public.

(Code 1975, § 9.38)

Chapter 23 RESERVED

Chapter 24 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES¹⁵

ARTICLE I. IN GENERAL

¹⁵State law reference(s)—Roads and highways, G.S. ch. 136; municipal authority as to roads, G.S. 136-66.4; municipal authority to make special assessments, G.S. 160A-216 et seq.; streets, traffic and parking, G.S. 160A-296 et seq.; municipality's general authority and control over streets, sidewalks, etc., G.S. 160A-296.

Secs. 24-1—24-18. Reserved.

ARTICLE II. DAMAGING STREETS AND SIDEWALKS

Sec. 24-19. Permit to dig in streets.

It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the town without first securing a permit therefore in writing from the ~~town clerk~~ Town Manager or appointed designee.

(Code 1975, § 5.1)

Sec. 24-20. Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation, of any brick, wood, or other material without a written permit from the town.

(Code 1975, § 5.2)

Sec. 24-21. Street repair.

It shall be the duty of every person, firm or corporation, who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the town, to put the said street, public alley or sidewalk in as good condition in all respects as it was before.

(Code 1975, § 5.3)

Sec. 24-22. Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with planks or place ropes around the same three feet from the ground or shall fail to place a sufficient number of red lights around such excavation before dark and to keep lights burning all night every night such excavation shall be open.

(Code 1975, § 5.4)

Sec. 24-23. Streets not to be damaged.

It shall be unlawful for any person, firm or corporation to drag, or run, or cause to be dragged or run any harrow or other implement, engine, machine, or tool upon any asphalt, bituminous, warrenite, or other type of permanently paved street of the town which shall be

liable in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(Code 1975, § 5.5)

Sec. 24-24. House moving.

~~No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the council and the deposit of a good and sufficient bond in the sum of \$500.00 to cover damage done to such street or sidewalk or to any property of any person.~~

(Code 1975, § 5.6)

Sec. 24-25. Damage to bridges and culverts.

~~No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the town, nor shall place any obstruction in any culvert, ditch or drain, to prevent the free flow of water on or over the streets of the town. No person shall damage, remove, alter, or obstruct any bridge, culvert, ditch, drain, stormwater structure, or other property belonging to or used by the Town. No person shall place, deposit, or cause to be placed any material, debris, fill, or other obstruction in any ditch, culvert, drain, or watercourse in a manner that restricts or prevents the free flow of water. Violations of this section may be enforced through civil penalties, restoration requirements, or other remedies authorized by law.~~

(Code 1975, § 5.7)

Sec. 24-26. Damage to lights and signs.

No person shall injure, tamper with, remove or paint upon or deface any sign, signpost, streetlight, traffic signal or bulletin board or other municipal property upon the streets and sidewalks except employees of the town in performance of their duties.

(Code 1975, § 5.8)

Sec. 24-27. Driveways—Permit required.

It shall be unlawful for any person, firm or corporation to construct a driveway across any public sidewalk, walkway or into any street or cut any curb for such purpose without first having obtained a permit therefore as required herein.

(Code 1975, § 5.9)

Sec. 24-28. Driveways—Application.

Application for such permit when connecting to a municipal roadway shall be made to the superintendent of streets and shall state, among other things, the location, grade and dimensions of the proposed driveway and the purpose for which it is desired. If the proposed driveway complies with provisions of this article, the superintendent of streets shall issue a permit therefore. If the driveway is connecting to a roadway maintained by NCDOT, the requestor shall provide the driveway permit to the superintendent of streets and/or the town manager for signature.

(Code 1975, § 5.10)

Sec. 24-29. Driveways—Standards.

(a) *Driveways for business or commercial installations.* The following provisions shall apply to driveways for business or commercial installations:

- (1) No driveway shall exceed 30 feet in width at the outer or street edge of the driveway.
- (2) All radii of curves of driveways at the point where driveways meet the curb shall be as specified for business and commercial buildings.
- (3) Not more than two driveways shall be permitted to service one business or commercial installation from one street and then only if the two driveways are at least 30 feet apart.
- (4) Any business or commercial establishment located at the intersection of two or more streets and which desires a driveway into two intersecting streets shall construct said driveways so as to comply with the minimum requirements.
- (5) No driveway apron shall extend out into the street further than the face of the curb and under no circumstances shall such driveway apron extend into the gutter area.
- (6) At all business or commercial driveway entrances a white line, not less than 2½ inches in width, shall be maintained along the entire width of the driveway or ramp to clearly define the sidewalk area on the property side of the sidewalk.

(b) *Driveways for residences.* The following provisions shall apply to driveways for residences:

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- (1) No driveway for a residence shall exceed 12 feet in width at the outer or street edge of the driveway.
 - (2) Residences shall not have more than two driveways.
 - (3) Driveways for residences shall also comply with subsection (a)(5) of this section.
 - (4) All radii of curves of driveways where the same meets the curb shall comply with the requirements.

(Code 1975, § 5.11)

Sec. 24-30. Driveways—Construction.

Every person, firm or corporation who intends or plans to use any portion of the sidewalk as a private driveway shall, if the public works director certifies that the sidewalk area is inadequate for vehicular traffic, reconstruct said sidewalk in such a manner that the sidewalk is capable of carrying vehicular traffic without creating pedestrian hazards and in accordance with the specifications of the public works director with respect to slope, drainage, reinforcement, finish and other construction features.

(Code 1975, § 5.12)

Secs. 24-31—24-57. Reserved.

ARTICLE III. OBSTRUCTING STREETS AND SIDEWALKS

Sec. 24-58. Assembly on sidewalk.

All crowds or assemblages of persons that shall congregate on the streets or sidewalks of the town, thereby obstructing the street to the inconvenience of pedestrians, shall be dispersed by the police, and any person who refuses to obey the warning of the officer shall be deemed to violate this section.

(Code 1975, § 5.21)

Sec. 24-59. Display of goods prohibited.

No merchant may display merchandise or otherwise obstruct the sidewalks in front of his/her place of business, except for a width of two feet on the sidewalk immediately adjoining the merchant's place of business.

(Code 1975, § 5.31)

Sec. 24-60. Construction near sidewalk.

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(Code 1975, § 5.32)

Sec. 24-61. Sheds and awnings.

No person shall erect or repair over any sidewalk or street any wooden shed or awning or any woodshed for the support of an awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this section, then each day that the forbidden structure remains after notice shall constitute a separate violation. This shall not be construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building, and at least seven feet above the level of the sidewalk.

(Code 1975, § 5.33)

Secs. 24-62—24-80. Reserved.

ARTICLE IV. USE AND CLEANLINESS OF STREETS AND SIDEWALKS

Sec. 24-81. Throwing or burning trash on street prohibited.

No paper, straw, lemon peel, banana peel, watermelon rind or any trash of any kind shall be thrown or swept upon any sidewalk or street of the town, nor shall any trash, refuse, or rubbish be burned thereon.

(Code 1975, § 5.41)

Sec. 24-82. Tree trimmings.

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

(Code 1975, § 5.42)

Sec. 24-83. Snow and ice removal.

Every occupant (or owner if not occupied) of a ~~store~~ building in front of which ~~the~~ a sidewalk is paved with stone, brick, asphalt or cement shall remove snow, ice or other obstruction from such sidewalk at the earliest possible time and as soon as the weather permits.

(Code 1975, § 5.43)

Sec. 24-84. ~~Bicycles~~ Transportation methods on sidewalks prohibited.

It shall be unlawful for any person to ~~ride~~ operate a bicycle, scooter, skateboard, rollerskates/blades, golf cart and the like, on any sidewalk in the business district of the town.

(Code 1975, § 5.44)

Sec. 24-85. ~~Playing ball~~ Sports on streets prohibited.

No person shall play ~~ball or bat or catch ball~~ any sport on any of the streets of the town.

(Code 1975, § 5.45)

Sec. 24-86. Moving structures upon streets.

It shall be unlawful for any person, firm or corporation to move, or have moved, any house, building or other structure upon the streets of the town without first obtaining from the town a permit to do so.

(Code 1975, § 5.46)

Sec. 24-87. Use of nails and tacks restricted.

It is hereby declared unlawful for any person to drive any nails or tacks in the telephone, telegraph or electric light poles, or in any house or store situated on any sidewalk or streets of the town except with the permission of the owner firsthand obtained.

(Code 1975, § 5.47)

Sec. 24-88. Signs on poles.

It shall be unlawful for any person or corporation to attach signs of any sort and by any means whatsoever to ~~telephone poles, electric utility poles, or other~~ any utility poles or posts

within the corporate limits of the town without the express authority of the person owning or controlling said pole or post. It shall also be unlawful for any person attaching signs to any poles or posts, even with the express authority of the person owning said pole or post, to leave said sign up after the date of the event for which the sign was erected.

(Code 1975, § 5.48)

Sec. 24-89. Notice to property owners.

At any time that a petition signed by property owners requesting street, sidewalk, or curb and gutter improvements to be paid by way of assessment of property owners is filed and accepted by the town council, the town council shall require that the town clerk send notice to all property owners affected by any assessment which might be imposed as a result of the filed petition. The notice called for herein shall state that a petition has been filed and accepted and that the property owner may obtain a copy of the petition upon request. Notice called for hereunder shall be sent by first class mail to the property owner at the address used by the county tax department.

(Code 1975, § 5.49; Ord. of 7-14-1997)

Secs. 24-90—24-106. Reserved.

ARTICLE V. SMOKING REGULATION

Sec. 24-107. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Smoking* means the inhaling, exhaling, burning or carrying of lighted pipe, cigar, cigarette, or other combustible tobacco products.~~

Grounds mean unenclosed area owned, leased, or occupied by State or local government.

Local government means a local political subdivision of this State, an airport authority, or an authority or body created by an ordinance, joint resolution, or rules of any such entity.

Local government building means a building owned, leased as lessor, or the area leased as lessee and occupied by a local government.

Local vehicle means a passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

Smoking means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(Code 1975, § 2.51)

Sec. 24-108. Smoking prohibited in/on local government ~~town~~ buildings and grounds.

It shall be unlawful for any person to smoke in any building ~~or facility, or on grounds~~ or portion of a building, ~~or facility or grounds~~ now or hereafter owned, leased, operated, occupied, managed, or controlled by the town except in areas marked as "smoking allowed" as identified by department directors.

(Code 1975, § 2.52)

Sec. 24-109. Smoking prohibited in ~~town~~ local vehicles.

It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by the town.

(Code 1975, § 2.53)

Sec. 24-110. Exemptions.

~~This article shall not apply to the following:~~

- ~~(1) Town fire department;~~
- ~~(2) Manager's house, Farris Park;~~
- ~~(3) Workshop areas, Public Works;~~
- ~~(4) Shop building, Farris Park.~~

(Code 1975, § 2.54; Ord. of 4-2013)

Sec. 24-111. Penalty.

- (a) Continuing to smoke in violation of Article constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this ordinance may not be assessed court costs.
- (b) The health director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place or place of employment and fails to comply with the provisions of Part 1C of Article 23 of NCGS Chapter 130A or with this Article:
- (1) First violation. – Provide the person in violation with written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
 - (2) Second violation. – Provide the person in violation with written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
 - (3) Subsequent violations. – Impose on the person in violation an administrative penalty of not more than two hundred dollars (\$200.00) for the third and subsequent violations. Each day on which a violation of this Article or rules adopted pursuant to this Article occurs may be considered a separate and distinct violation. ~~Violation of this article shall subject the offender to a civil penalty in the amount of \$5.00 to be recovered by the town. Violators shall be issued a written citation which must be paid to the town within 48 hours. Violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4.~~

~~(Code 1975, § 2.55)~~

Sec. 24-112. Conflict of laws.

If any portion of this article or the enforcement thereof is found to be preempted by state or federal law, such preemption shall not operate to invalidate the rest of the article and the same shall remain in full force and effect. All ordinances or parts of ordinances in conflict with this article are hereby repealed.

(Code 1975, § 2.56)

Chapter 25 RESERVED

Chapter 26 TRAFFIC AND VEHICLES¹⁶

ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a thoroughfare through the middle of a block.

Authorized emergency vehicle means vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

Bicycle means ~~every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter.~~ a human-powered vehicle with two wheels in tandem designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. This term also includes a human-powered vehicle, designed to transport by the action of pedaling which has more than two wheels where the vehicle is used on a public roadway, public bicycle path, or other public right-of-way, but does not include a tricycle.

Commercial vehicle means every vehicle designed, maintained, or used primarily for the transportation of property.

Controlled-access highway means every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway. The term "crosswalk"

¹⁶State law reference(s)—Motor vehicles, G.S. ch. 20; powers of local authorities, G.S. 20-169; traffic control by municipalities, G.S. 160A-300 et seq.; transportation impact mitigation ordinances prohibited, G.S. 160A-204.

also means any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver means every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone means a space adjacent to the curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Intersection means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

Motor vehicle means every vehicle which is self-propelled.

Official traffic-control device means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Park, when prohibited, means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Passenger curb loading zone means a place adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian means any person afoot.

Person means every natural person, firm, co-partnership, association, or corporation.

Police officer means every officer of the town police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad means a carrier of persons or property upon cars, operated upon stationary rails.

Railroad train means a steam engine, electric or other motor, with or without cars coupled thereto, operated on rails.

Right-of-way means the privilege of the immediate use of the roadway.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway," as used herein, refers to any such roadway separately but not all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop, when required, means complete cessation of movement.

Stop, stopping, or standing, when prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through highway means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

Traffic-control signal means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division means the traffic division of the town police department, or in the event a traffic division is not established, then the term "traffic division," whenever used herein, refers to the town police department.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1975, §§ 7.1—7.6, 7.8—7.14)

Sec. 26-2. Official time standard.

Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the town.

(Code 1975, § 7.7)

Secs. 26-3—26-22. Reserved.

~~ARTICLE II. TRAFFIC ADMINISTRATION~~

Sec. 26-23. Registrar of motor vehicles; authority to designate.

The town is hereby authorized to designate a registrar of motor vehicles to carry out the duties set forth herein.

(Code 1975, § 7.21)

Sec. 26-24. Registrar of motor vehicles to issue number plates; duplication of lost or destroyed plates.

For every registered motor vehicle, the registrar shall issue to the person registering the vehicle an appropriate number plate (or sticker). Upon satisfactory evidence that such registration number plate has been lost, or destroyed, the registrar shall issue a duplicate to the owner of such vehicle.

(Code 1975, § 7.22)

Sec. 26-25. Motor vehicles required to be registered; period of registration; fee.

Every resident owner or operator of a motor vehicle operated in the town, except motor vehicles temporarily operated for a period of time not exceeding a total of 30 days, and except motor vehicles operated for car display or car exhibition purposes by automobile dealers, displaying dealers license plates issued by the state, shall register such vehicles with the ~~town registrar~~ North Carolina Department of Motor Vehicles ~~of motor vehicles~~. ~~The period of registration shall include the 12 months between January 1 and December 31. The fee for registration shall be in an amount as established from time to time, not prorated.~~

(Code 1975, § 7.23)

Secs. 26-26—26-53. Reserved.

ARTICLE III. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 26-54. Authority of police and fire department officials.

- (a) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all street traffic laws and all of the state vehicle laws applicable to street traffic.
- (b) Officers of the police department, or such officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic ~~thereat~~ at the scene or in the immediate vicinity.

(Code 1975, § 7.31)

Sec. 26-55. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(Code 1975, § 7.32)

Sec. 26-56. Persons propelling push carts or riding animals to obey traffic regulations.

~~Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this article applicable to the driver of the vehicle, except those provisions of this chapter which by their very nature can have no application.~~ Persons riding animals, driving animal-drawn vehicles, or propelling pushcarts on a public roadway are subject to the traffic regulations applicable to vehicle operators, except where such regulations are not reasonably applicable.

(Code 1975, § 7.33)

~~**Sec. 26-57. Use of coasters, roller skates, and similar devices restricted.**~~ **Use of Skateboards, Scooters, Micromobility Devices, and Similar Conveyances.**

~~No person upon roller skates, a skateboard, scooter, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.~~ Persons using roller skates, skateboards, non-motorized scooters, motorized scooters, electric skateboards, Onewheel-type devices, hoverboards, or any similar micromobility device may operate on public streets with a posted speed limit of 25 miles per hour or less, and shall travel as near to the right-hand side of the roadway as practicable. Such devices may be used on sidewalks unless otherwise posted, and users shall yield the right-of-way to pedestrians.

Operation of these devices is prohibited on streets with a posted speed limit greater than 25 miles per hour, except when crossing at a crosswalk. Users crossing at a crosswalk have the rights and duties of pedestrians.

This section shall not apply upon any street while set aside as a play street as authorized by section 26-86.

(Code 1975, § 7.34)

Sec. 26-58. Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, the state, county, or town, and it shall be unlawful for any said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

(Code 1975, § 7.35)

Sec. 26-59. Authorized emergency vehicles.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this chapter;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the prima facie speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

(Code 1975, § 7.36)

Secs. 26-60—26-76. Reserved.

ARTICLE IV. TRAFFIC-CONTROL DEVICES

Sec. 26-77. Authority to install traffic-control devices.

The town ~~shall~~may place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances to make effective the provisions of said ordinances,

and may place and maintain such additional traffic-control devices to regulate traffic under the traffic ordinances of the town or under state law, or to guide or warn traffic.

(Code 1975, § 7.41)

Sec. 26-78. Specifications for traffic-control devices.

All traffic-control signs, signals, and devices shall conform to state regulations. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

(Code 1975, § 7.42)

Sec. 26-79. Obedience to official traffic-control devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized emergency vehicle in this chapter.

(Code 1975, § 7.43)

Sec. 26-80. When traffic devices required for enforcement purposes.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(Code 1975, § 7.44)

Sec. 26-81. Traffic-control signals.

(a) Whenever traffic is controlled by traffic-control signals exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) *Green alone or "go."*

-
- a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Yellow alone or "caution" when shown following the green or "go" signal.*

- a. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.
- b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal.

(3) *Red alone or "stop."*

- a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone; provided, however, that if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop.
- b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown alone unless authorized so to do by a pedestrian "walk" signal.

(4) *Red with green arrow.*

- a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
- b. No pedestrian facing such signal shall enter the roadway until the green or "go" is shown along unless authorized so to do by a pedestrian "walk" signal.

- (b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made

at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(Code 1975, § 7.45)

Sec. 26-82. Pedestrian-control signals.

Whenever special pedestrian-control signals exhibiting the words "walk" or "don't walk" are in place such signals shall indicate as follows:

- (1) *Walk*. Pedestrians facing such signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) *Don't walk*. No pedestrian shall start to cross the highway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

(Code 1975, § 7.46)

Sec. 26-83. Flashing signals.

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- (1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 26-195.

(Code 1975, § 7.47)

Sec. 26-84. Display of unauthorized signs, signals, or markings.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(Code 1975, § 7.48)

Sec. 26-85. Interference with official traffic-control devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(Code 1975, § 7.49)

Sec. 26-86. Authority to establish play streets.

- (a) The council shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.
- (b) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any street or portion thereof.

(Code 1975, § 7.50)

Sec. 26-87. Traffic lanes.

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code 1975, § 7.51)

Secs. 26-88—26-117. Reserved.

ARTICLE V. SPEED REGULATIONS

Sec. 26-118. General.

Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of 35 miles per hour inside the corporate limits of the town.

(Code 1975, § 7.61)

Sec. 26-119. Exceptions.

(a) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets of the state highway system listed in each designated appendix hereby made a part hereof:

- (1) Twenty miles per hour (appendix A, section 115).
- (2) Twenty-five miles per hour (appendix A, section 116).
- (3) Thirty miles per hour (appendix A, section 117).
- (4) Forty miles per hour (appendix A, section 118).
- (5) Forty-five miles per hour (appendix A, section 119).
- (6) Fifty miles per hour (appendix A, section 120).
- (7) Fifty-five miles per hour (appendix A, section 121).

(b) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of the streets not part of the state highway system, listed in each designated appendix, hereby made a part hereof:

-
- (1) Twenty miles per hour (appendix A, section 122).
 - (2) Twenty-five miles per hour (appendix A, section 123).
 - (3) Thirty miles per hour (appendix A, section 124).
 - (4) Forty miles per hour (appendix A, section 125).
 - (5) Forty-five miles per hour (appendix A, section 126).
 - (6) Fifty miles per hour (appendix A, section 127).
 - (7) Fifty-five miles per hour (appendix A, section 128).

(Code 1975, § 7.62)

Secs. 26-120—26-136. Reserved.

ARTICLE VI. TURNING MOVEMENTS

Sec. 26-137. Required position and method of turning at intersections.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to

leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(Code 1975, § 7.71)

Sec. 26-138. Turning markers.

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Code 1975, § 7.72)

Sec. 26-139. Authority to place restricted turn signs.

The council shall determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted. Restrictions on turning movements shall be as specified in appendix A, sections 111 through 114, hereby incorporated herein.

(Code 1975, § 7.73)

Sec. 26-140. Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1975, § 7.74)

Sec. 26-141. Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Code 1975, § 7.75)

Secs. 26-142—26-165. Reserved.

ARTICLE VII. ONE-WAY STREETS AND ALLEYS

Sec. 26-166. Authority to sign one-way streets and alleys.

Whenever any ordinance designates any one-way street or alley, there shall be signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Code 1975, § 7.81)

Sec. 26-167. Designation of one-way streets and alleys.

Upon those streets and parts of streets and in those alleys described in appendix A, section 110, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1975, § 7.82)

Secs. 26-168—26-187. Reserved.

ARTICLE VIII. SPECIAL STOPS REQUIRED

Sec. 26-188. Through streets designated.

Those streets and parts of streets described in appendix A, section 108, hereby made a part hereof, are declared to be through streets for the purpose of this article.

(Code 1975, § 7.91)

Sec. 26-189. Authority to erect stop signs.

Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersection such through street or intersecting that portion thereof described and designated as such by any ordinance unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets.

(Code 1975, § 7.92)

Sec. 26-190. Intersections where stop required.

The council may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required. Such places are specified in appendix A, section 109, hereby made a part hereof.

(Code 1975, § 7.93)

Sec. 26-191. Signs to bear the word "stop."

Every sign erected pursuant to this article shall bear the word "stop" in letters not less than eight inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.

(Code 1975, § 7.94)

Sec. 26-192. Vehicles to stop at stop signs.

When stop signs are erected as herein authorized at or near the entrance to any intersections, every driver of a vehicle shall stop before entering the crosswalk on the near side of the intersection or in the event there is no crosswalk shall stop at the clearly marked stop line, but if none, then at the point nearest the intersection roadway before entering the intersection except when directed to proceed by a police officer or traffic-control signal.

(Code 1975, § 7.95)

Sec. 26-193. Emerging from alley, driveway, or building.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

(Code 1975, § 7.96)

Sec. 26-194. Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1975, § 7.97)

Sec. 26-195. Obedience to signal indicating approach of railroad train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) A railroad train approaching within approximately 1,500 feet of a highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(Code 1975, § 7.98)

Secs. 26-196—26-213. Reserved.

ARTICLE IX. MISCELLANEOUS DRIVING RULES

Sec. 26-214. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously

designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1975, § 7.101)

Sec. 26-215. Drivers in a procession.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(Code 1975, § 7.102)

Sec. 26-216. Vehicles shall not be driven on a sidewalk.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(Code 1975, § 7.103)

Sec. 26-217. Limitations on backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(Code 1975, § 7.104)

Sec. 26-218. Riding on motorcycles.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(Code 1975, § 7.105)

Sec. 26-219. Clinging to vehicles.

No person, riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Code 1975, § 7.106)

Sec. 26-220. Controlled access.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(Code 1975, § 7.107)

Sec. 26-221. School bus safety zone.

No person shall drive a vehicle onto or from any school bus safety zone nor park a vehicle within any school bus safety zone as identified in appendix A, section 131, during the times specified in such section, which is hereby made a part hereof.

(Code 1975, § 7.108)

~~Secs. 26-222—26-250. Reserved.~~

ARTICLE X. PEDESTRIANS' RIGHTS AND DUTIES

Sec. 26-251. Pedestrians subject to traffic-control signals.

~~Pedestrians shall be subject to traffic control signals as heretofore declared in sections 26-81 and 26-82, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article. Pedestrians shall obey pedestrian-control signals and traffic-control devices in accordance with the North Carolina MUTCD and as declared in sections 26-81 and 26-82. At all other locations, pedestrians shall have the rights and be subject to the duties set forth in this article and in N.C.G.S. Chapter 20.~~

~~(Code 1975, § 7.111)~~

Sec. 26-252. Pedestrians' right-of-way in crosswalk.

- (a) ~~When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield. When traffic-control signals are not in place or not operating, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing within a marked crosswalk or within an unmarked crosswalk at an intersection. Drivers shall slow or stop as necessary to yield. A pedestrian shall not~~

suddenly leave a curb or place of safety and enter the path of a vehicle that is so close as to constitute an immediate hazard. A pedestrian's right-of-way in a crosswalk is modified under the condition and is stated in section 26-259.

- (b) ~~Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at any intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.~~ When a vehicle is stopped at a marked or unmarked crosswalk to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake or pass the stopped vehicle.

(Code 1975, § 7.112)

Sec. 26-253. Pedestrians to use right half of crosswalk.

~~Pedestrians shall move, whenever practicable, upon the right half of crosswalks.~~ Pedestrians should, when practicable, use the right half of crosswalks to facilitate orderly movement.

(Code 1975, § 7.113)

Sec. 26-254. Crossing at right angles.

~~No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.~~ Except in a marked crosswalk, pedestrians shall cross roadways by the most direct route and at approximately right angles to the curb or roadway edge.

(Code 1975, § 7.114)

Sec. 26-255. When pedestrians shall yield.

- (a) ~~Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.~~ A pedestrian crossing a roadway at any point other than within a marked crosswalk or an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles.
- (b) ~~Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.~~ A pedestrian using a location where a pedestrian tunnel or overhead crossing is provided shall yield the right-of-way to vehicles on the roadway.

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- (c) The rules provided in subsections (a) and (b) of this section have no application under the conditions stated in section 26-256 when pedestrians are prohibited from crossing at certain designated places.

(Code 1975, § 7.115)

Sec. 26-256. Prohibited crossing.

- (a) ~~Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.~~ Between adjacent signalized intersections, pedestrians shall not cross except within a crosswalk.
- (b) ~~No pedestrian shall cross a roadway other than in a crosswalk in any business district.~~ In a business district, pedestrians shall not cross a roadway except within a crosswalk.

(Code 1975, § 7.116)

Sec. 26-257. Pedestrians walking along roadways.

- (a) ~~Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.~~ Where sidewalks are provided and accessible, pedestrians shall use them and shall not walk along the adjacent roadway.
- (b) ~~Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.~~ Where sidewalks are not provided, pedestrians shall walk on the left side of the roadway or shoulder, facing oncoming traffic, when practicable.

(Code 1975, § 7.117)

Sec. 26-258. Pedestrians soliciting rides or business.

- (a) ~~No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.~~ No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.
- (b) ~~No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle parked or about to be parked on a street or highway.~~ No person shall stand on or near a street or highway for the purpose of soliciting the watching or guarding of any vehicle parked or to be parked on a street or highway.

(Code 1975, § 7.118)

Sec. 26-259. Drivers to exercise due care.

~~Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.~~ Notwithstanding any other provision of this article, every driver shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary. Drivers shall exercise proper precaution upon observing any child, or any confused, incapacitated, or otherwise vulnerable pedestrian.

(Code 1975, § 7.119)

Secs. 26-260—26-281. Reserved.

ARTICLE XI. REGULATIONS FOR BICYCLES

Sec. 26-282. Effect of regulations.

- (a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- (b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(Code 1975, § 7.121)

Sec. 26-283. Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

(Code 1975, § 7.122)

Sec. 26-284. Obedience to traffic-control devices.

- (a) Any person operating a bicycle shall obey the instruction of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Code 1975, § 7.123)

Sec. 26-285. Riding on bicycles.

- (a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1975, § 7.124)

Sec. 26-286. Riding on roadways and bicycle paths.

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code 1975, § 7.125)

Sec. 26-287. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1975, § 7.126)

Sec. 26-288. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code 1975, § 7.127)

Sec. 26-289. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code 1975, § 7.128)

Sec. 26-290. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code 1975, § 7.129)

Sec. 26-291. Riding on sidewalks.

- (a) ~~No person shall ride a bicycle upon a sidewalk within a business district.~~ Bicycles and micromobility devices shall not be operated on sidewalks within a designated business district. The boundaries of the business district shall be established by map or resolution of the Town Council.
- (b) ~~The chief of police is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.~~ The Town Manager or designee may prohibit bicycle or micromobility operation on specific roadways where engineering judgment determines that such operation presents a safety hazard. When such restrictions are established, they shall be posted using signs consistent with the North Carolina Manual on Uniform Traffic Control Devices (NC MUTCD). No person shall operate a bicycle or micromobility device in violation of posted restrictions.

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- (c) ~~No person 15 or more years of age shall ride a bicycle upon any sidewalk. Where sidewalk riding is permitted, operators of bicycles and micromobility devices shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing any pedestrian.~~
- (d) ~~Whenever any person is riding a bicycle upon a sidewalk, such persons shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Nothing in this section shall prohibit the use of mobility devices by persons with disabilities as defined by the Americans with Disabilities Act (ADA).~~

(Code 1975, § 7.130)

Sec. 26-292. Lamps and other equipment on bicycles.

- (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least ~~500~~ 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of at least 300 feet. ~~red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. If the operator does not have the aforementioned lamps, the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle.~~
- (b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any persons use upon a bicycle any siren or whistle.
- (c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code 1975, § 7.131)

Secs. 26-293—26-317. Reserved.

ARTICLE XII. PENALTIES

Sec. 26-318. Violation of articles XIII through XVI.

- (a) The police officers of the town shall have the authority to issue citations for the violations of the provisions of articles XIII through XVI of this chapter and each such violation shall carry with it a penalty of \$5.00.

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- (b) Payment for citations issued pursuant to this article shall be due by the end of the month in which the citation was issued.
 - (c) The police department shall issue a notice on the 15th of each month for all tickets issued during the prior month that have not been paid. This notice will carry with it a \$10.00 late payment penalty for each unpaid citation from the prior month. For any ticket, including late payment penalty, that is not paid by the end of the month in which the late payment notice was sent out, the chief of police shall cause the records of said violations to be forwarded to the town attorney for a civil action to collect all penalties and costs for said violation.
 - (d) Notwithstanding any other provision concerning the violation of any section contained in articles XIII through XVI of this chapter, any parking violation is, by virtue of the provision of G.S. 160A-175, not subject to the penalty provision of G.S. 14-4; and such violation shall give rise to a civil penalty only, as provided in G.S. 160A-175(c), and shall be enforced in the nature of a civil claim for relief against the offending party.

(Code 1975, ch. 7, art. 11A)

Secs. 26-319—26-339. Reserved.

ARTICLE XIII. METHOD OF PARKING

Sec. 26-340. Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as otherwise provided in this article.

(Code 1975, § 7.141)

Sec. 26-341. Signs or markings indicating angle parking.

- (a) The council shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, which are specified in appendix A, section 107, hereby made a part hereof.
- (b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(Code 1975, § 7.142)

Sec. 26-342. Obedience to angle parking signs or markings.

Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(Code 1975, § 7.143)

Sec. 26-343. Lights on parked vehicles.

- (a) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.
- (b) Whenever a vehicle is parked upon a street or highway outside of a business or residence district during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of the vehicle and a red light visible from a distance of 500 feet to the rear.
- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Code 1975, § 7.144)

Secs. 26-344—26-374. Reserved.

ARTICLE XIV. STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

Sec. 26-375. Stopping, standing, or parking prohibited; no signs required.

- (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
 - (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within 15 feet of a fire hydrant;
 - (5) On a crosswalk;

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- (6) Within 20 feet of a crosswalk at an intersection;
 - (7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
 - (9) Within 50 feet of the nearest rail of a railroad crossing;
 - (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
 - (11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (12) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (14) At any place where official signs prohibit stopping.
- (b) No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1975, § 7.151)

Sec. 26-376. Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1975, § 7.152)

Sec. 26-377. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of

vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway entrance to any abutting property.

(Code 1975, § 7.153)

Sec. 26-378. All-night parking prohibited.

No person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m. of any day, on the streets specified in appendix A, section 102, hereby made a part hereof.

(Code 1975, § 7.154)

Sec. 26-379. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale;
- (2) Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

(Code 1975, § 7.155)

Sec. 26-380. Parking adjacent to schools.

When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

(Code 1975, § 7.156)

Sec. 26-381. Standing or parking on one-way roadways.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

(Code 1975, § 7.157)

Sec. 26-382. No stopping, standing, or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1975, § 7.158)

Sec. 26-383. No parking on certain roadways.

On those streets within the town limits which streets do not have curbs and gutters installed and which streets do not have marked parking spaces for vehicular parking, no person shall park a vehicle, or any part thereof, on the paved roadway of such street.

(Code 1975, § 7.159)

Sec. 26-384. Parking of certain vehicles prohibited in residential areas.

- (a) It shall be unlawful for any person to park for more than one hour any trailer or vehicle, except passenger automobiles and one-half-, three-quarter-, and one-ton trucks as otherwise allowed, on any of the streets or street rights-of-way within the corporate limits of the town zoned R-6 or R-12. This section does not apply to public utility vehicles or when such trailer or vehicle is engaged in loading or unloading, emergency services, or for temporary use at construction sites during the period of active construction.
- (b) Notwithstanding any other provision concerning the violation of said section contained in this article, any parking violation is, by virtue of the provision of G.S. 160A-175, not subject to the penalty provision of G.S. 14-4; and the violation of this article shall give rise to a civil penalty only, as provided in G.S. 160A-175(c), and shall be enforced in the nature of a civil claim for relief against the offending party.
- (c) The first violation of this article shall result in a penalty in the amount of \$25.00. The second violation of this article shall result in a penalty of \$50.00. The third and any subsequent violation of this article shall result in a penalty of \$100.00.
- (d) Any penalty not paid within the time provided shall result in a late fee as provided in article XII of this chapter.

(Code 1975, § 7.160)

Secs. 26-385—26-411. Reserved.

ARTICLE XV. STOPPING FOR LOADING OR UNLOADING ONLY

Sec. 26-412. Loading or unloading zones.

Whenever vehicle loading and unloading zones are designated and described by this article and when signs are placed, erected or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle for any purpose or period of time except in accordance with the requirements of this article.

(Code 1975, § 7.161)

Sec. 26-413. Passenger loading zones.

The streets, or parts thereof, described in appendix A, section 129, hereby incorporated herein, are hereby designated as passenger loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious loading or unloading of passengers, and then only for a period not to exceed ten minutes.

(Code 1975, § 7.162)

Sec. 26-414. Commercial loading zones.

The streets, or parts thereof, described in appendix A, section 130, hereby incorporated herein, are hereby designated as commercial loading and unloading zones and no person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious unloading and delivery, or pickup and loading of materials and goods, and then only for a period not to exceed 30 minutes.

(Code 1975, § 7.163)

Sec. 26-415. Public carrier stops and stands.

Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be as specified in appendix A, section 106, hereby made a part hereof.

(Code 1975, § 7.164)

Sec. 26-416. Stopping, standing, and parking of buses and taxicabs regulated.

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than at a bus stand so designated as provided herein.

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- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
 - (c) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb, and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.
 - (d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping and parking regulations at any place for the purpose of and while actually engaged in the expeditious loading and unloading of passengers.

(Code 1975, § 7.165)

Sec. 26-417. Restricted use of bus and taxicab stands.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1975, § 7.166)

Secs. 26-418—26-447. Reserved.

ARTICLE XVI. STOPPING, STANDING, OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Sec. 26-448. Application of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(Code 1975, § 7.171)

Sec. 26-449. Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Code 1975, § 7.172)

Sec. 26-450. Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in appendix A, section 101, hereby made a part hereof.

(Code 1975, § 7.173)

Sec. 26-451. Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in appendix A, sections 103 through 105, hereby made a part hereof.

(Code 1975, § 7.174)

Sec. 26-452. Parking signs required.

Whenever by this chapter or any other ordinance any parking time limit is imposed or parking is prohibited on designated streets, there shall be appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

(Code 1975, § 7.175)

Secs. 26-453—26-472. Reserved.

ARTICLE XVII. PARADES

Sec. 26-473. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any parade, march, ceremony, or procession of any kind, in or upon any street, sidewalk, or other public place owned or under the control of the town.

Parade permit means a written authorization as required by this article.

(Code 1975, § 7.176)

Sec. 26-474. Permit required.

No person shall engage in, participate in, aid, form or start any parade unless a permit shall have been obtained from the town manager, provided that no person may conduct or otherwise participate in any parade except during daylight hours. This section shall not apply to:

- (1) Funeral processions supervised by a licensed mortuary.
- (2) Any governmental agency acting within the scope of its function.
- (3) Picketing on the sidewalks.

(Code 1975, § 7.177)

Sec. 26-475. Application.

A person seeking issuance of a parade permit shall file an application with the town manager on forms provided by the town.

- (1) *Filing period.* An application for a parade permit shall be filed with the town manager not less than ~~96 hours~~ 60 days, excluding weekends, before the time date when it is proposed to conduct the parade; ~~provided, however, that permit may be issued if filed less than 96 hours before the time for commencement of the parade when the town manager finds that there is no conflict in schedule with some other event and that the time for filing is sufficient to prepare for the parade pursuant to the standards set forth under section 24-476.~~
- (2) *Contents.* The application for a parade permit shall set forth the following information:
 - a. The name, address and telephone number of the person seeking to conduct such parade.

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- b. If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
 - c. The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
 - d. The date when the parade is to be conducted and the hours when such parade will start and terminate.
 - e. The proposed route to be traveled, the starting point, and the termination point.
 - f. The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of the vehicles.
 - g. The location by streets and designation by time of an assembly area of such parade.
 - h. If the parade is designed to be held by, and on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the town manager a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit in his/her behalf.
 - i. The person to be in charge of the activity and who will accompany it and carry the permit at all times.
 - j. Any additional information which the town manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(Code 1975, § 7.178)

Sec. 26-476. Requirements for issuance.

- (a) Persons who otherwise meet the requirements for a parade permit and who receive a parade permit are entitled to exercise within the limits of the permit their First Amendment rights within the town. After the applicant has made known the general area in which they wish to conduct the parade, the town manager shall establish, after consultation with the chief of police, fire chief, and public works director, the specific streets and thoroughfares that are to be used for the parade and the route of the parade.

(b) The town manager ~~shall~~ may issue a permit if the parade route will not be using any streets under the control of NCDOT. If the parade route is to be on any NCDOT road, the permit shall be reviewed by Council. Parade permits may be issued as provided hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, ~~he finds~~ it is found that:

- (1) Adequate provision can be made for the safe and orderly movement of the parade and of other traffic, pedestrian and vehicular, contiguous to its route.
- (2) Adequate provision can be made for police and fire protection which will not require diversion of so great a number of police officers or firefighters of the town to police properly the lines of movement and the areas contiguous thereto as to prevent normal police and fire protection to the town.
- (3) The applicant for the parade permit has agreed to abide by the standards hereinafter set forth below which are necessary measures to promote the safety and welfare of the community.

(Code 1975, § 7.179)

Sec. 26-477. Standards applicable to parades.

- (a) No firearms or dangerous weapons of any kind, as defined in subsection (b) of this section, may be possessed either exposed or concealed by any person affiliated with and present at the parade or any person upon any street, sidewalk, or other public place within 500 feet of the parade, except as set forth below.
- (b) For the purpose of this section, the term "dangerous weapon" means any device designed or capable of being used to inflict serious injury upon person or property, including, but not limited to, firearms, knives of any kind or any type having a blade in excess of three inches in length, razors and razor blades, metallic knuckles, clubs, blackjacks, and nightsticks, dynamite cartridges, bombs, grenades, mines, other powerful explosives, and any reptile or canine species.
- (c) Subsection (a) of this section shall not apply to the following persons while acting lawfully and within the scope of their duties and authority:
 - (1) Law enforcement officers.
 - (2) Officers and soldiers of the armed forces, militia, National Guard, and color guards of officially recognized veteran's organizations.

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- (3) Students of military science in an accredited high school or college program.
- (d) No hand-carried signs or posters transported in such parade shall be of greater density than eight-ply, 0.030-inch thickness cardboard. No support for such sign or poster shall be of a metallic substance nor thicker than one inch, unless approved in advance by the town manager or his/her designated representative.
- (e) The person designated by the applicant as the person responsible for the physical conduct of the parade shall be physically present and accept responsibility for compliance with any and all terms of the parade permit as set forth in section 26-479.
- (f) The applicant shall file with the town manager a waiver signed by said applicant releasing and saving the town and its employees harmless for any claims, actions, and lawsuits, arising out of the conduct of the parade, excepting injuries or damages proximately caused by the town.
- (g) Every parade shall follow the route designated and approved by the town.
- (h) No person shall unreasonably hamper, obstruct, impede or interfere with any parade assembly or with any person, vehicle, or animal participating or used in a parade.
- (i) Parade permit holders will reimburse the town ~~100 percent above normal~~ at cost to provide law enforcement coverage during the parade march. This invoice shall be provided by the chief of police and include the number of officers, what entity the officers assisted from (highway patrol, Mayodan Police Department, Rockingham County Sheriff, etc) and hours worked during the parade procession.
- (j) No person under four years of age will be permitted to march in a parade, unless authorized by the town manager or his/her designee.
- (k) Those high school and college marching bands and drill teams accredited by the state department of education are permitted to carry such flags, instruments, batons, etc., that are customary in carrying out their respective functions.

(Code 1975, § 7.180)

Sec. 26-478. Notice of rejection.

If the permit is to utilize NCDOT roads, the town manager shall act upon the application for a parade permit within 48 hours by adding the item to the next upcoming Council meeting, excluding weekends, after the filing thereof. If the permit is to only use Town maintained roads, the town manager shall act upon the application for a parade permit within

14 days and include this as an informational item on the next upcoming Council meeting. If the town manager disapproves the application is denied, he shall notify the applicant shall be notified within 5 business days, stating the reason for his/her denial of the permit.

(Code 1975, § 7.181)

Sec. 26-479. Responsibility of participants and person in charge.

- (a) Participants in a parade are required to abide by this article and the terms of the parade permit issued hereunder. Willful violation thereof will constitute a violation of this article and is punishable as provided by law.
- (b) The person designated in the application as responsible for the physical conduct of the parade shall be responsible for monitoring the conduct of the participants in the parade. Upon actual notice of any violation given to said responsible person by a law enforcement officer on the scene of said parade, such person shall make immediate bona fide attempts to correct the violation. It shall be unlawful for such responsible person to refuse to make such bona fide attempts to correct the violation.

(Code 1975, § 7.182)

Sec. 26-480. Violation.

It shall be unlawful for any person to violate any provision of this article or any of the conditions of the parade permit. Any person violating any provision thereof shall, upon conviction thereof, be punished as provided by law.

(Code 1975, § 7.183)

Secs. 26-481—26-498. Reserved.

ARTICLE XVIII. REGULATION FOR THE USE OF GOLF CARTS¹⁷

Sec. 26-499. Policy statement.

The ordinance from which this article is derived is adopted in the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads and the town in no way advocates or endorses their operation on streets. The town, by regulating such operation, is merely addressing safety issues. This article is not to be relied upon as a

¹⁷State law reference(s)—Municipal regulation of golf carts on streets, roads, and highways, G.S. 160A-300.6.

determination that operation on streets is safe or advisable even if done in accordance with this article. All persons operating golf carts must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride carts on streets inside the town do so at their own risk and peril. The town has no liability under any theory of liability for permitting carts to be operated on streets under legislation enacted by the state legislature but governed by this article.

(Code 1975, § 7.191; Ord. No. 2020-01, 8-10-2020)

Sec. 26-500. Definitions

GOLF CART. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 mph.

LOW SPEED VEHICLE. A type of passenger vehicle, a four-wheeled vehicle that is either electrically powered or propelled by a gasoline engine whose top speed is greater than 20 miles per hour but less than 25 miles per hour.

Sec. 26-501 Rules and regulations for operation on public streets.

It is unlawful to operate a golf cart or low speed vehicle (LSV) on a public street or road within the town unless a permit has been issued by the town police department as set forth below and the following rules and regulations are followed:

(a) Rules and Regulations Applicable to Golf Carts and Low Speed Vehicles

- (1) Carts and LSVs may be driven on all public streets within the corporate limits of the town where the speed limit is 35 miles per hour or less, ~~however, it is unlawful to operate a cart at a speed in excess of 15 miles per hour regardless of the posted street speed limit.~~
- (2) Carts and LSVs shall not be operated on public streets in satellite annexed areas of the town.
- (3) The operator and owner of a cart or LSV operated on the public streets in the town take full responsibility for all liabilities associated with operating the cart.
- (4) All golf cart and LSV operators must possess a valid driver license.
- (5) Carts and LSVs may be operated on the public streets in the town at any time 24 hours per day.

i. Rules and Regulations Applicable to Golf Carts

- a. Golf carts operated on the public streets in the town shall be only electric powered carts;
- b. it is unlawful to operate a golf cart at a speed in excess of 20 miles per hour regardless of the posted street speed limit. Low speed vehicles shall not be operated on public streets in satellite annexed areas of the town.

ii. Rules and Regulations Applicable to Low Speed Vehicles

- ~~e.a.~~ it is unlawful to operate a ~~cart~~ LSV at a speed in excess of 25 miles per hour regardless of the posted street speed limit.

(~~56~~) Required equipment. All carts operated on the public streets in the town must have the following functioning equipment or accessories:

- a. Properly functioning headlights, consisting of a clear or white bulb/cover. Headlights must remain on during all times of cart operation.
- b. Properly functioning brake lights (rear, each side) consisting of a red covered bulb.
- c. Rearview mirrors.

(~~67~~) Any person who operates a cart on the streets in the town must adhere to all applicable state laws that apply to normal vehicle operation, including stop signs, stop lights, one-way streets, etc. Golf carts will adhere to all traffic flow patterns and will operate on the right side of the roadway. Cart drivers must yield the right-of-way to overtaking vehicles at all times. Golf carts shall not be operated on private property without the permission and consent of the property owner. All alcohol laws will apply.

(~~78~~) Occupancy/occupants.

- a. The maximum occupancy of a cart traveling on streets will be one person per seat or two people per bench seat.
- b. Children must be properly seated while the cart is in motion and may not be transported in a negligent manner.
- c. No passenger is permitted to stand while the golf cart is in operation.

d. No individuals or objects may be pulled by golf carts.

(89) Carts are not allowed to be driven on any sidewalks.

(910) Carts are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking sticker.

(11) All carts operated on the streets must have a valid permit sticker issued by the town police department. A registration fee in an amount as established from time to time per cart per year will be charged by the town police department for the permit sticker. The town police department may refuse to issue and/or revoke any permit sticker from any cart at any time for any reason that the department determines appropriate to ensure the safety and well-being of the citizens of the town. Permits will be issued annually and are valid for a period of 12 months beginning July 1 of the year of issuance and ending June 30 of the following year.

(12) Golf cart owners must complete a registration form approved by the town and receive a permit to operate a golf cart in the town. The completed forms will be maintained by the town police department. The police department will issue a permit sticker that must be attached to the driver's side of the cart. The police department shall conduct an inspection of all carts when application for permit and renewal of permit is requested.

(Code 1975, § 7.192; Ord. No. 2020-01, 8-10-2020; Ord. No. 2022-02, 8-8-2022; Ord. No. 2024-01, 7-8-2024)

Sec. 26-501. Mandatory liability insurance coverage.

Any person who operates a golf cart is responsible for procuring liability insurance with a ~~minimum coverage of \$50,000.00~~ the following minimum coverages and must provide proof of such insurance to the town police department annually:-

- \$30,000 for bodily injury per person;
- \$60,000 for bodily injury per accident; and
- \$25,000 for property damage

(Code 1975, § 7.193)

Sec. 26-502. Penalties and enforcement.

Any act constituting a violation of this article or failure to comply with any of its requirements shall constitute an infraction in accordance with G.S. ch. 20, the maximum penalty for which shall be \$50.00 plus the court costs and attorney fees incurred by the town. Repeat offenders may have the privileges granted by this article revoked by the police department.

(Code 1975, § 7.194; Ord. No. 2020-01, 8-10-2020)

Sec. 26-503. Decisions of police department final.

The town police department's interpretation of the rules and regulations in this article are conclusive.

(Code 1975, § 7.195)

Chapter 27 RESERVED

Chapter 28 UTILITIES

ARTICLE I. IN GENERAL

Secs. 28-1—28-9. Reserved.

ARTICLE II. UTILITY RATES, BILLING, AND COLLECTION

DIVISION 1. GENERALLY

Sec. 28-10. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Major repairs are specifically including:

- Extensive excavation: large trench dug to access pipes;
- Full or partial replacement of pipes;

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- Trenchless repairs: pipe bursting, pipe lining, cured in-place pipe (CIPP), slip lining, horizontal directional drilling (HDD);
 - Repairs required due to a collapse or break, structural issues, extensive root intrusion, and/or widespread damage.

Utility means the town's water supply service, sewage disposal service and sanitation (solid waste collection and disposal) service, or any combination of such services.

(Ord. No. 2012-05, art. I, § 1.1, 11-13-2012)

Secs. 28-11—28-20. Reserved.

DIVISION 2. UTILITY RATES

Sec. 28-21. Water rates, deposits, charges.

Water rates, deposits, connection and reconnection charges shall be determined from time to time by the town council and shall be kept on file in the office of the clerk.

(Ord. No. 2012-05, art. I, § 2.1, 11-13-2012)

Sec. 28-22. Sewer rates.

- (a) A sewer charge of a percentage of the monthly water consumption, fixed by the town council, shall be made to cover the cost of maintaining the POTW.
- (b) Any person who can show proof that the monthly water meter reading is not indicative of the quantity of waste being discharged to the town sewer system may present this proof to the ~~town council at a regularly scheduled meeting~~ public works director. If, after examination of the evidence, the ~~town council~~ public works director is satisfied as to ~~its~~ its validity, suitable adjustment may be made in computing the sewer charge and/or surcharge. The burden of proof shall rest on the person receiving the bill. Disputes shall be submitted to Town Hall. Evidence regarding the dispute must be submitted to Town Hall within 60 days of submitting the dispute.

(Ord. No. 2012-05, art. I, § 2.2, 11-13-2012)

Secs. 28-23—28-47. Reserved.

DIVISION 3. BILLING

Sec. 28-48. Person responsible for payment.

- (a) Utility charges, rents, fees, rates and penalties connected therewith shall be the legal obligation of the property owner only when:
 - (1) The owner is also the tenant;
 - (2) The property or premises is leased or rented to more than one tenant and services rendered to more than one tenant are measured by the same meter.
- (b) Except as provided in subsection (a) of this section, water, sewer, and/or sanitation charges, rents, fees, rates and penalties shall be the legal obligation of the person contracting for such services.

(Ord. No. 2012-05, art. I, § 3.1, 11-13-2012)

Sec. 28-49. Multiple meter users.

- (a) *Multiple minimums.* Two or more commercial or industrial units or residential dwelling units, including, but not limited to, multifamily houses, apartments, duplexes, and mobile homes, receiving water through the same water meter shall pay, if separate meters are not installed, the minimum utility bill for water, sewer, and sanitation service, as applicable, for each unit being served through the meter. Any water usage exceeding the total minimum usage for the number of units served by one meter shall be charged in accordance with approved water and sewer rate schedules.
- (b) *Reduction of minimum number.* Once established, the number of utility minimums to be paid for any water meter shall not be reduced until the property owner notifies the director of finance in writing for the reduction.
- (c) *Increase of minimum number.* The property owner is hereby responsible for immediately notifying the director of finance of any increase in the number of units being served by any water meter.
- (d) *Mobile home minimum number.* The town water meter reader shall report each month the number of mobile homes connected to or in position to be connected to the town water system or to a private system which obtains its water from the town. The number reported by the meter reader, if greater than the number established in this section, shall be the number of minimums charged to the applicable meter.
- (e) *Determination of unit vacancy.* The town cannot determine whether or not a dwelling, commercial or industrial unit has been vacant for some or all of any utility billing period.

Therefore, the number of minimum charged for each billing period will be equal to the number of active or potential commercial, industrial, or dwelling units served by the water meter in accordance with this section.

(Ord. No. 2012-05, art. I, § 3.2, 11-13-2012)

Sec. 28-50. Penalties for late payment and nonpayment.

- (a) *Due date.* Utility bills mailed on or about the first workday of any month shall be past due and delinquent if not paid by or on the tenth day of the month. All customers or user accounts past due and delinquent shall be placed on a list which shall be continually modified to reflect last payments. Any utility account paid after the tenth day of the month shall have added to the month's total due a late payment fee, in the amount established from time to time by the town council, to cover the administrative costs of processing the late payment.
- (b) *Cut-off for nonpayment.* A cut-off list indicating the unpaid utility accounts shall be delivered to the appropriate public works personnel approximately 30 days after bills are mailed. Upon receipt, authorized public works personnel shall immediately begin cutting of all water meters serving the users listed on the cut-off list.
- (c) *Administrative fee.* Users paying utility bills on or after the cut-off day of the month shall also pay, in addition to the monthly total due and the late payment fee, an administrative fee in the amount established from time to time by the town council before the water will be reinstated.
- (d) *Extensions of due date.* The town council may establish policies and procedures for granting short-term, temporary extensions of the utility bill due date for users to pay the current month's utility bill because of temporary unexpected circumstances.
- (e) *Removal and reinstallation of meters.* If any utility user or customer, after having his/her water meter cut off by the town, cuts on, has his/her meter cut on or allows his/her meter to be cut on, the water meter shall be immediately removed. A removed meter shall not be reinstalled at the location or address at which the meter was removed until all due utility bills, late payment fees, administrative fees, and meter reinstallation fees are paid in full by the customer or property owner. The meter installation fee shall be an amount established from time to time by the town council.
- (f) *Severing sewer connections.* Failure to pay utility bills in accordance with this article may result in the disconnection of the individual sewer collection line or building sewer. If disconnected or severed, the line or sewer will not be reconnected until the total bill due, fees, and penalties are paid in full. In addition, the user will pay the cost of reconnection

including material and labor in full. Disconnection or severance of lines shall automatically make the user in violation of section 28-231.

(Ord. No. 2012-05, art. I, § 3.3, 11-13-2012)

Sec. 28-51. Protesting unusually high bills.

A ~~citizen~~ customer protesting an unusually high water and sewer bill may claim a hardship if the charges are significantly higher than his/her normal average bill for that season, upon providing evidence that major repairs have been made and the system is up to standard. The sewer bill may be adjusted to the property's ~~citizen's~~ seasonal average charge for that season. Seasonal average is to be computed on ~~at least~~ at least three (3) months' charges for and at the property in question, for the same time period of the previous three (3) years. A ~~citizen~~ customer protesting an unusually high water and sewer bill may claim a hardship when that charge is significantly higher than his/her seasonal average and, if the meter is inoperative or defective, the bill shall be adjusted to the normal average for that season. This shall be assessed if two consecutive bills are unusually high and both shall be adjusted accordingly if a hardship is approved.

(Ord. No. 2012-05, art. I, § 3.4, 11-13-2012)

Secs. 28-52—28-67. Reserved.

DIVISION 4. COLLECTION

Sec. 28-68. Submission of fees.

~~No employee of the town except those employees assigned to the finance department shall accept any money, check, or other negotiable instrument as payment of any utility bill or utility fee. All fees shall be submitted as directed on the utility bill.~~

(Ord. No. 2012-05, art. I, § 4, 11-13-2012)

Secs. 28-69—28-84. Reserved.

DIVISION 5. METER ACCURACY AND TEST RATES

Sec. 28-85. Testing of meters.

The town shall test or cause to be tested and make a thorough examination of water meters and all fixtures where so desired by the customer under the following conditions:

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- (1) Should the test of meter and inspection prove an excessive bill to be caused by negligence of the town or inaccuracy of the meter, then the expense of the investigation shall be borne by the town.
 - (2) Should the test and inspection prove to be the fault of the consumer or any person not connected with or in the employ of the town, then the actual cost of the investigation is to be borne by the customer making the protest and asking for the inspection. The town council shall fix the actual cost.

(Ord. No. 2012-05, art. I, § 5, 11-13-2012)

Secs. 28-86—28-101. Reserved.

ARTICLE III. MUNICIPAL WATER SYSTEM

DIVISION 1. GENERALLY

Sec. 28-102. Control authority.

The water system of the town shall be under the control of the town council and the duty of prescribing and enforcing full compliance with all rules and regulations governing all connections with the water system shall be vested in the town council or its authorized agent. The water system of the town shall be under the supervision of the department of public works.

(Ord. No. 2012-05, art. II, § 1.1, 11-13-2012)

Secs. 28-103—28-118. Reserved.

DIVISION 2. GENERAL WATER SYSTEM USE REQUIREMENTS

Sec. 28-119. Use of town water.

- (a) No person shall take or carry away water from any fire hydrant, public fountain, plug, street washer, or other public place, except for firefighting purposes, without prior approval of the town manager or his/her designee.
- (b) Any person receiving water in any manner as described in subsection (a) of this section shall receive the water through a water meter provided by the town and shall pay for the water received in accordance with the water rates in effect at the time.

(Ord. No. 2012-05, art. II, § 2.1, 11-13-2012)

Sec. 28-120. Private water supplies.

- (a) *Prohibited use.* It shall be unlawful for any person to furnish, supply, or provide any water from a private well or pump in or to any dwelling house, boardinghouse, inn, hotel, café or other commercial establishment, or any room of the same when the dwelling house or any room therein is rented or offered for rent to the public, or when the boardinghouse, inn, hotel, café, or other commercial establishment is open to, or used by, the public, if the property has not received an exemption as outlined in NCGS 160A-317(a)(2).
- (b) *Permitted use.* Private wells, ponds or other water sources shall be allowed for irrigation of lawns, yards, gardens, etc. However, no such private water system shall be in any way connected to any water or sewer system constituting a part of the town water or sewer system, nor to any private systems connected in any way to the town systems.
- (c) *Providing water to others.* No owner, occupant, or agent having access to or control of a private water system shall sell, give, lease, rent or in any other manner furnish, supply or provide any water from a private source to any other person for the purpose of or when used for human consumption, unless authorized by the local county health director.

(Ord. No. 2012-05, art. II, § 2.2, 11-13-2012)

Sec. 28-121. Access to property.

The director of public works or his/her assistant shall at all reasonable hours have free access to all premises, public or private, for the purpose of examining hydrants, fixtures or connections or for reading or repairing water meters on which town water pressure is maintained.

(Ord. No. 2012-05, art. II, § 2.3, 11-13-2012)

Sec. 28-122. Performance of work.

All work on the water system and all connections or disconnections thereto shall be performed by the authorized employees of the town or its authorized contractors. All work shall be performed in accordance with the plumbing code of the state and the town and such amendments thereto that the town council may from time to time adopt.

(Ord. No. 2012-05, art. II, § 2.4, 11-13-2012)

Sec. 28-123. Unauthorized tampering prohibited.

- (a) No person shall touch, tamper with or in any manner manipulate or turn the cut-offs on the water lines, mains, or appurtenances forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water line, main or any appurtenance thereto. No person other than authorized town employees shall throw or deposit any material or substance into any water line, main or appurtenance thereto.
- (b) It shall be unlawful for any person other than a person authorized by town officials to cut off or cut on the town supply of water.
- (c) Wilfull injury to property of a public utility shall be a felony in accordance with NCGS 62-323.

(Ord. No. 2012-05, art. II, § 2.5, 11-13-2012)

Secs. 28-124—28-139. Reserved.

DIVISION 3. WATER CONNECTION

Sec. 28-140. Connection requirement.

- (a) Pursuant to the authorization of G.S. 160A-317, any owner of developed property located within the Town limit on which there are situated one or more residential dwelling units or commercial establishments is required to connect the premises directly to public water in accordance with the provisions of this chapter provided that the public water is within 150 feet of the property line.
- (b) Any owner of a property who is in violation of (a) above will be assessed a monthly access fee equal to the minimum monthly water charge, as established by the Town Council, if the owner fails to connect with the available public sewer line within 90 days from the date of the mailing or posting of the notice from the Town Manager.
- (c) A property owner shall be exempt from mandatory connection to a water line if adequate water pressure cannot be achieved using the same piping size as the meter provides to the owner's premises. For purposes of this subsection, the term "adequate water pressure" shall mean the average water pressure delivered to all connected customers within a one-quarter mile radius in either direction of the owner's point of connection. In order to establish the adequacy or inadequacy of water pressure for purposes of this subsection, a property owner shall submit to the Town a determination of [the] same prepared by a professional engineer, licensed in accordance with the provisions of

Chapter 89C of the General Statutes. In the event water pressure is determined to be inadequate, a property owner may elect, in lieu of connection to the Town's water supply, to install a private drinking water well, as that term is defined under G.S. 87-85, which well shall be approved by the Town if the well meets the requirements of Chapter 87 of the General Statutes and rules adopted thereunder. The Town, however, shall have no liability for the quality or quantity of water, or water pressure, from a private drinking water well installed pursuant to this subsection.

~~All owners of improved property located within the corporate limits of the town and upon or within a reasonable distance of any water line owned and operated by the town shall connect their premises with the town water system.~~

~~(Ord. No. 2012-05, art. II, § 3.1, 11-13-2012)~~

Sec. 28-141. Water permit.

No person shall be connected with the water system of the town until they shall have made application for permission to be so connected in writing to the clerk. This application shall not be approved until the plans and specifications for the construction, reconstruction, alteration, repair, maintenance, or modification of the house, building, or structure have been approved by the building inspector and a building permit has been issued. When a building permit is not required, the application shall not be issued until approved by the director of public works or ~~the town plumbing~~ building inspector.

(Ord. No. 2012-05, art. II, § 3.2, 11-13-2012)

Sec. 28-142. Separate connection and meter required for each unit.

Each residential dwelling unit, whether of single or multiple occupancy, commercial establishment or unit and industrial activity or unit that receives water from the town system shall have installed a separate water connection and water meter.

(Ord. No. 2012-05, art. II, § 3.3, 11-13-2012)

Sec. 28-143. Inspection.

- (a) The director of public works or plumbing inspector shall not approve the application as specified in section 28-141 until he/she has entered upon the property to be served by the requested connection and has made sure by physical inspection that the connection will not contaminate the town's water system or any part thereof, that the property has an adequate sewerage disposal system which will not create a nuisance or health hazard to any person, and that the property owner of occupant is aware of any improvements in the

water or sewer system of the house, building or structure that should be made before connecting the town water system.

- (b) Upon the exercise of reasonable effort and diligence by the director of public works or plumbing inspector in performing those duties required of him/her under this section, neither the director of public works, the plumbing inspector, nor the town shall have or assume any liability for any inconvenience, damage or other occurrence after connection is made to the town's water system.

(Ord. No. 2012-05, art. II, § 3.4, 11-13-2012)

Sec. 28-144. Specifications.

The town shall extend any individual water service connection pipe from the applicable water main or line to a water meter enclosed in an acceptable meter box or container located within the public right-of-way but near the boundary of the right-of-way. The property owner or his/her authorized and licensed plumber shall construct, extend, maintain, repair, or modify the water service connection pipe from the outflow end of the meter across private property and into the dwelling unit, building or structure in accordance with town specifications, requirements, codes and designs therefor. Existing water meters located on private property shall be removed from the private property and reinstalled on the public right-of-way as opportunity permits.

(Ord. No. 2012-05, art. II, § 3.5, 11-13-2012)

Secs. 28-145—28-167. Reserved.

DIVISION 4. PROTECTION OF POTABLE WATER SUPPLY

Sec. 28-168. Purpose; policy, etc.

- (a) *Policy.* The policy of the town and the intention of this division is to eliminate potential hazards to the public potable water supply system.
- (b) *Purpose.* The purposes of this division are:
- (1) To protect the public water supply of the town against potential or actual cross connections, backflow and back_siphonage conditions by isolating within the consumers' water system pollutants or contaminants which could, under uncontrolled cross connections, backflow into the public water system.

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- (2) To eliminate or control cross connections, actual or potential, between the public potable water supply and nonpotable or industrial piping systems.
 - (3) To establish a cross connection, backflow and back_siphonage control program which will effectively control all actual or potential cross connections and those which may be installed in the future.
 - (4) To require that all water flowing from the public water system for nonresidential and high risk uses, must flow through an approved backflow prevention assembly and that each backflow prevention assembly be properly located, installed, maintained and tested so that the backflow prevention assembly is effective in protecting the public water system from any possible contamination or pollution.
- (c) *Cooperation.* Cross connections, backflow and back_siphonage control require cooperation between the town and the consumer as shall be set forth in this division and other applicable regulations.
- (d) *Reference to acts and codes.* This division is intended to comply with the Federal Safe Drinking Water Act (P.L. 93-523), the state building code (volume II), and all other state and federal regulations as they pertain to cross connections within a public water supply.

(Ord. of 7-13-2015, § 1)

Sec. 28-169. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air-gap separation means a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An approved air-gap separation shall be at least twice the inside diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel, in no case less than one inch.

Approved means, in reference to backflow prevention assemblies or methods, those assemblies or methods which have been accepted by the town as an effective device or method to prevent backflow.

Assembly means a backflow prevention assembly.

Atmospheric vacuum breaker. A device used to prevent back-siphonage which is designed so as not to be subject to static line pressure.

Backflow means any flow into the public water supply from any other source due to a cross connection, auxiliary intake, interconnection, backpressure, back_siphonage, any combination thereof, or other cause.

Backflow prevention administrator. The Public Works Director, or the director's designee, is the Town employee designated to administer and enforce the provisions of this article.

Backflow prevention assembly- approved means an approved effective device or method used to prevent backflow from occurring in the potable water supply. The type of assembly required shall be based on degree of hazard, existing or potential.

Back-pressure backflow means any pressure on water, other liquid, gas, other substances or any combination thereof in a private water system that is connected in any manner to the public water system under circumstances in which such pressure is greater than the pressure on the water in the public system so that backflow could occur.

Back_siphonage backflow means a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the source subjected to atmospheric pressure.

Certified tester means a person who has proven their competence to test, repair, overhaul and make reports on backflow prevention assemblies as evidenced by certification of successful completion of a training program approved by the director.

Consumer means any person, firm or corporation using or receiving water from the town water system.

Consumer's water system means the private water system through which a consumer is capable of receiving water from the town system.

Consumer's potable water system means the private water system through which a consumer receives water from the public water system for the purpose of human consumption.

Containment means preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination means the impairment of the quality of water to a degree that human consumption could result in poisoning, contagion, or the spread of disease.

Cross connection means any unprotected actual or potential connection or structural arrangement between a public or a consumer's water system through which it is possible to

introduce any contamination or pollution, other than the intended potable water with which the system is supplied.

Director means the official custodian of the public water system; in the case of the town, the public works director or his/her designee.

Double check valve assembly means an assembly composed of two independently acting approved check valves including tightly closing shut-off valves attached at each end of the assembly and fitted with properly located test cocks. This assembly shall only be used to protect against a non-health hazard.

Double check detector assembly means a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. This assembly shall only be used to protect against a non-health hazard.

~~*Degree of hazard*~~ *Hazard, degree* means the evaluation of a hazard within a private water system as moderate or severe.

~~potential hazard.~~

Hazard, health, means actual or potential threat of contamination of a physical, chemical, biological, pathogenic~~hazardous~~ or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.- Examples of waterborne health hazards include but are not limited to:

Physical. Radio isotopes/radio nuclides;

Chemical. Lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;

Biological. Microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. coli.

~~*Hazard, non-health,* means an actual or potential threat to the quality of the public or the consumer's potable water system. A non-health hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers but would not necessarily adversely affect human health.~~

~~*Imminent hazard*~~ *Hazard, Imminent* means an actual threat of contamination to the public water system that could cause serious illness or death.

Hazard-Moderate. One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the drinking water supply.

Hazard-Severe. An actual or potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.

Isolation means the act of confining a localized hazard within a plumbing or distribution system by installing approved backflow prevention devices.

Point of delivery means the point on the consumer's property where the meter is located.

Pollution means an impairment of the quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Potable water means water that does not contain objectionable pollution, contamination, minerals or infective agents and is considered satisfactory for human consumption.

Pressure vacuum breaker. An assembly suitable for continuous pressure, to be used to provide protection against back siphonage.

Private water system. Any water system located on the customer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Public potable water system means any publicly or privately owned water system operated as a public utility under a current North Carolina Department of ~~Environment, Health, and Natural Resources (NCDEHNR)~~ Environmental Quality (DEQ) permit to supply water for public consumption or use. The term "public potable water system" includes all sources, facilities and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, treat or store a potable water for public consumption or use. The town water system is a public potable water system.

Reduced pressure principle backflow prevention assembly means an assembly containing within its structure a minimum of two independently acting approved check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by

discharge to the atmosphere, shall operate to maintain the pressure between the check less than the supply pressure. This unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with the properly located test cocks. This assembly is designed to protect against a health hazard.

Reduced pressure principle detector assembly means a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. This assembly shall be used to protect against health hazards.

Residential dual check (RDC). A "residential dual check valve" is an assembly, without test cocks or ports, containing two independently operating spring loaded, poppet type check valves, in series, which can be easily removed and replaced. This assembly is suitable for installation in a water meter vault or pit, below ground.

Service connections means the terminal end of a service connection from the public potable water system (i.e., where the town loses jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system).

Used water. Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

Vacuum breaker:

Atmospheric type vacuum breaker means a device containing a float-check, a check seat, and an air inlet port. An atmospheric vacuum breaker is designed to protect against a non-health hazard (isolation protection only) under a back_siphonage condition only.

Pressure type vacuum breaker means an assembly containing an independently operating internally loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves at each end of the assembly. This assembly is designed to protect against a health hazard under a back_siphonage condition only.

Water purveyor means the owner or operator of a public potable water system, providing an approved water supply to the public.

Water supply.

Auxiliary water supply. Any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may

include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

Approved water supply means any public potable water supply which has been investigated and approved by the North Carolina Department of ~~Environment, Health and Natural Resources (NCDEHNR)~~ Environmental Quality (NCDEQ). The system must be operating under a valid health permit. ~~NCDEHNR~~ NCDEQ has final judgment as to its safety and potability.

Unapproved water supply means a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality (NCDEQ). ~~Environment, Health and Natural Resources (NCDEHNR)~~.

(Ord. of 7-13-2015, § 2)

Sec. 28-170. Regulation of connection to public potable water system.

- (a) *Responsibility for regulation.* The town water department has responsibility for regulation of the town's water system to protect against contamination or pollution of the public water system. Such responsibility begins at the point of origin of the public water supply and includes all of the water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system.
- (b) *Determination.* When it is determined that a backflow device/assembly is required, the town water department is required to determine the degree of hazard or potential hazard to the public potable water system, determine the degree of protection required, and to ensure proper containment protection through an ongoing inspection program. The Backflow Administrator or administrator's designee shall notify the owner, in writing, of any such building or premises, to correct within a time set by this article, any plumbing installed or existing that is in violation of this article. After surveying the private water system the Backflow Administrator will select an approved backflow prevention assembly required for containment control to be installed at service entrance.

Before the installation of any backflow prevention assembly, the owner of the private water system must be notified that the installation of a backflow prevention assembly may create a closed system, and as a result thermal expansion may occur. Under such circumstance, the customer must understand and assume all liability and responsibilities for that phenomenon.

- (c) *Consumer responsibility.* The consumer has the prime responsibility of preventing pollutants and contaminants from entering his/her potable water system or the public potable water system. The consumer's responsibility starts at the point of delivery from

the public potable water system and includes all of his/her water system. The consumer at his/her own expense shall install, operate, and maintain an approved backflow prevention device/assembly at the service connection as directed by the water purveyor or its designated agent. If a tenant customer does not maintain the private water system and has no authority to bring the system into compliance with the provisions of this article the Town of Mayodan may assert any available action against the tenant to assure the private water system is brought into compliance with this article.

(Ord. of 7-13-2015, § 3)

Sec. 28-171. Right of entry.

- (a) *Authorization and duties.* Upon presentation of proper credentials and identification, aAuthorized personnel from the town shall have the right to enter any building, structure or premises during normal business hours or at any time during an emergency to perform any duty established by this division. Those duties may include sampling, testing of water or inspections of any piping system connected to the public potable water supply. Refusal to allow entry for these purposes may result in the discontinuance of water service.
- (b) *Information requested.* On request, the customer shall furnish the ~~director~~town with any pertinent information regarding the piping system on such property where cross connections and backflow are deemed possible.

(Ord. of 7-13-2015, § 4)

Sec. 28-172. Unprotected cross-connection prohibited.

- (a) No water service connection to any private water system shall be installed or maintained by the Town of Mayodan unless the water supply is protected as required by this article and other applicable laws. Service of water to any premises shall be discontinued by the Town if a backflow assembly, required by this article, is not installed, tested, and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will be restored after all such conditions or defects are corrected.
- (b) No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.
- (c) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.

(d) No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this article.

(e) No customer shall fail to submit to the Town any record, which is required by this article.

Sec. 28-172. Elimination of cross connections; degree of hazard.

(a) *Notice to disconnect.* When cross connections are found to exist, the owner, his/her agent, occupant or tenant will be notified in writing to disconnect the same within the time limit established by this division. Degree of protection required and maximum time allowed for compliance will be based on degree of hazard to the public potable water supply system.

(b) *Time of elimination.* The time allowed for elimination shall be as follows:

(1) Cross connections with private wells or other auxiliary water supplies: immediate disconnection.

(2) All facilities which pose a health hazard to the public potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.

(3) All industrial and commercial facilities not identified as a health hazard will be considered non-health facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double-check valve assembly within 90 days.

(4) If, as determined by an authorized representative of the town, an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air-gap separation is immediately provided, or the cross connection is immediately eliminated.

(c) *Residential check valves.* It is recommended that a dual check valve be installed at the service connections to single-family residential units.

(d) *Filling of tanks or tankers.* No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from a public water system except at a location equipped with an air-gap separation or an approved reduced pressure principle backflow prevention assembly properly installed on the potable water system.

(e) *New construction plans.* New construction plans and specifications will be made available to the appropriate town representative for approval, and to determine the degree of hazard.

(Ord. of 7-13-2015, § 5)

Sec. 28-173. Installation of devices.

(a) *Specifications.*

- (1) All backflow prevention assemblies shall be installed in accordance with specifications furnished by a town representative and or the manufacturer's installation instructions and or the latest edition of the state building code, whichever is most restrictive. The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies shall be tested by a certified Backflow Technician authorized by the Town of Mayodan. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.
- (2) All new construction plans and specifications which will directly affect the Town of Mayodan Water System, and/or required by the North Carolina Building Code, the North Carolina Department of Environmental Quality and Town or County Planning and Zoning Offices, shall be made available to the Town of Mayodan Backflow Administrator for review, approval and to determine the degree of hazard.
- (3) All existing facilities zoned commercial or industrial and have existing water services with the Town of Mayodan Water System and requesting certificate of occupancy from the Town or County Planning and Zoning offices, shall be inspected for compliance of backflow and cross-connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release certificate of occupancy.
- (4) All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.
- (5) If it has been determined that a backflow prevention assembly cannot be installed at the meter service or other outside location, the Backflow Administrator may allow the assembly to be installed just inside the building.

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- (6) Any branch of plumbing installed on a private water system that may be of a greater hazard than the supply line, (example: Chemical induced irrigation or fire systems, pump systems, etc.) shall be protected with a reduced pressure zone assembly.
 - (7) All backflow prevention assemblies shall be installed in accordance with the backflow and cross-connection specifications furnished by the Town of Mayodan and/or the manufacturer's instructions, whichever is most restrictive.
 - (8) Any customer installing a reduced pressure zone (RPZ), pressure vacuum breaker (PVB), double check-detector assembly (DCDA) or double check valve assembly (DCVA) shall provide the following information on forms provided by the town to the Backflow Administrator within ten days of installation: service address, owner, date of installation, type of assembly, manufacturer, model, and serial number.

(b) *Responsibility, maintenance.* Ownership, testing and maintenance of the assembly shall be the responsibility of the customer.

(c) *Location.*

(1) All double check valve assemblies must be installed in watertight drainable pits wherever below-ground installation is necessary as per specifications supplied by a representative of the town. If a drain cannot be provided, the assembly must be installed above ground. Double check valve assemblies may be installed in a vertical position with prior approval from the Backflow Administrator provided the flow of water is in an upward direction.

(2) Reduced pressure principle assemblies must be installed in a horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below installations are prohibited).

(d) *Replacement of non-approved devices.* The installation of a backflow prevention assembly which is not approved must be replaced with an approved backflow prevention assembly. A list of approved backflow prevention assemblies must be maintained by the town.

(e) *Parallel installation.* When it is not possible to interrupt water service, provisions shall be made for a parallel installation of backflow prevention assemblies. It is unacceptable to use an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair or replacement.

(f) *Time for installation.* The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

(1) Health hazard: 60 days.

(2) Non-health hazard: 90 days.

Note: If an imminent hazard or unreasonable threat of contamination or pollution to the public water system is detected, the Backflow Administrator may require the installation of the required backflow assembly immediately or within a shorter time period than specified in subsection (f) above.

(g) No service shall be completed until the Backflow Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.

(h) The Backflow Administrator must approve each backflow assembly required by this article. Specifications for backflow assemblies are furnished by the Town of Mayodan. Any unapproved backflow assemblies must be replaced within a time set by the administrator, with an approved backflow assembly.

(Ord. of 7-13-2015, § 6)

Sec. 28-174. Testing and repair.

(a) *Personnel.* Testing and repair of the backflow prevention assemblies shall be made by a certified backflow prevention assembly tester as approved by a town representative.

(b) *Service connections.* The customer is required to test the backflow prevention assembly upon installation. The customer is required to submit satisfactory test results to the town within 30 days upon notification from the town. The customer is required to test the backflow prevention assembly and submit to the town satisfactory test results annually thereafter. The test results shall be submitted on approved test forms.

(c) *Repairs.* In the event an assembly requires repairs before an annual test period, the customer is required to have repairs made immediately. As soon as repairs have been completed, the customer must have a town-approved certified tester conduct a test showing the assembly is in good working order. Any repairs made shall be with

manufacturer-approved parts. All work shall be documented with a copy of the satisfactory test and repair records submitted to the town.

- (d) *Fire protection systems.* For testing on fire protection systems, the customer is responsible for notifying any affected parties that the fire system will be shut down (i.e., alarm company, insurance carrier, fire official). No customer shall allow any testing until such procedures are in place and effective.

(Ord. of 7-13-2015, § 7)

Sec. 28-175. Violation and penalties.

- (a) *Notice.* A written notice of violation must be given to any person who is determined to be in violation of any provision of this division.
- (b) *Corrective action.* Such notice must state the violation and the time period within which the violation must be corrected. The violation must be corrected within a reasonable time not to exceed 30 days from receipt of notice. If it is determined that the violation is occurring on a customer's water system and has created or contributed to the existence of an imminent hazard, the customer may be required to correct the violation immediately.
- (c) *Termination.* If the customer fails, in a timely manner, to correct a violation, water service may be terminated.
- (d) *Civil penalties.* The violation of any provision of this division shall subject the violator to assessment of a civil penalty, as determined by the town manager. Each subsequent day that a violation listed in this division continues shall constitute a separate and distinct offense according to the following schedule:
- (1) Unprotected cross connection involving a private water system which is a health hazard, per day \$1,000.00.
 - (2) Falsifying records which are required to be submitted by this section; tester may be removed from the approved certified tester list \$500.00.
 - (3) Failing to test backflow prevention assemblies as required \$100.00.
 - (4) Failing to maintain backflow prevention assemblies as required \$100.00.
 - (5) Any other violation of the provision of this section \$100.00.

- (e) *Discretion to increase penalty for repeated violation.* The town manager may increase any civil penalty assessed under this section by \$100.00 or 50 percent of the maximum civil penalty associated with the violation, whichever is greater, for a second violation of the same provision within a two-year period. Water service may be terminated after a third violation of the same provision within a two-year period.
- (f) *Liability of violator.* Any person violating any provision of this division shall pay to the town all expenses incurred by the town in repairing any damage to the public water system caused in whole or in part by the violation and any expense incurred by the town in investigating the violation. All the expenses are deemed to be a part of the civil penalty assessed with the violation.

(Ord. of 7-13-2015, § 8)

Sec. 28-176. Facilities requiring protection.

The following types of facilities or services have been identified as having a potential for backflow of non-potable water into the public water supply system. This is not an exhaustive list and other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies. As a minimum requirement, all commercial services will be required to install a double check valve assembly, unless otherwise listed below.

Facilities	System
Automotive service station, dealerships, etc.	
Non-health hazard	DCVA
Health hazard	RP
Auxiliary water systems	
Approved public/private water supply	DCVA
Unapproved public/private water supply	AG
Used water and industrial fluids	RP

Beauty/barber shops	
Non-health hazard	DCVA
Health hazard	RP
Buildings	
(Under 5 stories) Non-health hazard	DCVA
(Under 5 stories) Health hazard	RP
(Over 5 stories) All	RP
Chemical plants	RP
Commercial car-wash facility	RP
Commercial sales (dept./grocery stores)	
Non-health hazard	DCVA
Health hazard	RP
Dye works	RP
Fire systems	
Systems: ¾-inch to 2-inch	
Non-health hazard	DCDA
Health hazard (booster pumps, foam, antifreeze solution, etc.)	RP

Systems: 2½-inch to 10-inch (or larger)	
Non-health hazard	DCDA
Health hazard (booster pumps, foam, antifreeze solution, etc.)	RPDA
Hospitals, medical buildings, morgues, funeral homes, veterinary hospitals	RP
Industrial facilities	
Non-health hazard	DCVA
Health hazard	RP
Laundries	
Non-health hazard	DCVA
Health hazard	RP
Mobile home parks	
Non-health hazard	DCVA
Health hazard	RP
Pest control (exterminating and fumigating)	RP
Restaurants	
Non-health hazard	DCVA
Health hazard	RP

Schools and colleges	RP
Sewage and/or storm drain facility	RP
Swimming pools	RP
Waterfront and/or facilities within floodplain	RP
<p>Abbreviations: DCVA = Double check valve assembly. RP = Reduced pressure principle assembly. DCDA = Double check detector assembly. RPDA = Reduced pressure detector assembly. AG = Air-gap separation. PVB = Pressure vacuum breaker.</p>	

(Ord. of 7-13-2015, § 9)

Secs. 28-177—28-192. Reserved.

DIVISION 5. WATER SHORTAGE RESPONSE

Sec. 28-193. Authorization; notifications; procedure.

- (a) *Authorization.* The town manager shall enact the water shortage response provisions in this section whenever the trigger conditions outlined in subsection (d) of this section are met. In his/her absence, the water treatment plant supervisor will assume this role.

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- (b) *Notification.* The following notification methods will be used to inform water system employees and customers of a water shortage declaration: employee e-mail

announcements, notices at municipal buildings, notices in water bills. Required water shortage response measures will be communicated through the local newspaper and PSA announcements on local radio and cable stations.

(c) *Levels of response.* Five levels of water shortage response are outlined in the table below. The five levels of water shortage response are: voluntary reductions, mandatory reductions I and II, emergency reductions and water rationing. A detailed description of each response level and corresponding water reduction measures follow below:

Stage	Response	Description
1	Voluntary reductions	Water users are encouraged to reduce their water use and improve water use efficiency; however, no penalties apply for noncompliance. Water supply conditions indicate a potential for shortage.
2	Mandatory reductions I	Water users must abide required water use reduction and efficiency measures; penalties apply for noncompliance. Water supply conditions are significantly lower than the seasonal norm and water shortage conditions are expected to persist.
3	Mandatory reductions II	Same as in Stage 2
4	Emergency reductions	Water supply conditions are substantially diminished and pose an imminent threat to human health or environmental integrity.
5	Water rationing	Water supply conditions are substantially diminished and remaining supplies must be allocated to preserve human health and environmental integrity.

(1) In Stage 1, voluntary reductions, all water users will be asked to reduce their normal water use by five percent. Customer education and outreach programs will encourage water conservation and efficiency measures including irrigating landscapes a maximum of one inch per week; preventing water waste, runoff and watering impervious surfaces; watering plants deeply to encourage root growth; washing only

full loads in clothes and dishwashers; using spring-loaded nozzles on garden hoses; and identifying and repairing all water leaks.

- (2) In Stage 2, mandatory reductions I, all customers are expected to reduce their water use by ten percent in comparison to their previous month's water bill. In addition to continuing to encourage all voluntary reduction actions, the following restrictions apply: irrigation is limited to one-half inch per week between 8:00 p.m. and 8:00 a.m.; outdoor use of drinking water for washing impervious surfaces is prohibited; and all testing and training purposes requiring drinking water (e.g., fire protection) will be limited.
 - (3) In Stage 3, mandatory reductions II, customers must continue actions from all previous stages and further reduce water use by 20 percent compared to their previous month's water bill. All nonessential uses of drinking water are banned and garden and landscape irrigation must be reduced to the minimum amount necessary for survival. Additionally, in Stage 3, a drought surcharge of 1.5 times the normal water rate applies.
 - (4) In Stage 4, emergency reductions, customers must continue all actions from previous stages and further reduce their water use by 25 percent compared to their previous month's water bill. A ban on all use of drinking water except to protect public health and safety is implemented and drought surcharges increase to two times the normal water rate.
 - (5) The goal of Stage 5, water rationing, is to provide drinking water to protect public health (e.g., residences, residential health care facilities and correctional facilities). In Stage 5, all customers are only permitted to use water at the minimum required for public health protection. Firefighting is the only allowable outdoor water use and pickup locations for distributing potable water will be announced according to the town's emergency response plan. Drought surcharges increase to five times the normal water rate.
- (d) *Triggers.* The town's water source is the Mayo River. The following stream flow measurements, intake levels and production capacities trigger entry into corresponding water restriction stages:

Stage	River Operating Conditions
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1	Water level at 52 ft. msl at intake in river Discharge at USGS Gage XXX is < 300 cfs for > 14 days > 80% of production capacity for 3 consecutive days
2	Water level at 50 ft. msl at intake in river Discharge at USGS Gage XXX is < 200 cfs for > ten days > 90% of production capacity for 3 consecutive days
3	Water level at 48.5 ft .msl at intake in river Discharge at USGS Gage XXX is < 150 cfs for > 7 days 100% of production capacity on any day
4	Water level at 47 ft. msl at intake in river Discharge at USGS Gage XXX is < 100 cfs for > 5 days
5	Water level at 45 ft. msl at intake in river Discharge at USGS Gage XXX is < 50 cfs

- (e) *Return to normal.* When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented or continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.
- (f) *Enforcement.* The provisions of the water shortage response plan will be enforced by town utility department and police personnel. Citations are assessed according to the following schedule depending on the number of prior violations and current level of water shortage:

Water Shortage Level	First Violation	Second Violation	Third Violation
Voluntary reductions	N/A	N/A	N/A
Mandatory reductions (Stages 2 and 3)	Warning	\$250.00	Discontinuation of service

Emergency reductions	\$250.00	Discontinuation of service	Discontinuation of service
Water rationing	\$500.00	Discontinuation of service	Discontinuation of service

Drought surcharge rates are effective in Stages 3, 4 and 5.

- (g) *Public comment.* Customers will have the opportunity to comment on the provisions of the water shortage response plan. Customers will be notified on their water bill that a draft plan will be available at the town hall for public review and inspection. Any revisions to the draft plan will be published in the local paper at least 30 days prior to final approval by the town council.
- (h) *Variance protocols.* Applications for water use variance requests are available from the town utility office. All applications must be submitted to the utility office for review by the WTP supervisor or his/her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e., necessary use of drinking water) and the prevention of structural damage.
- (i) *Effectiveness.* The effectiveness of the town water shortage response plan will be determined by comparing the stated water conservation goals with observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violation citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data.
- (j) *Revision.* The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years in conjunction with the updating of our local water supply plan. Further, a water shortage response planning work group will review procedures following each emergency or rationing stage to recommend any necessary improvements to the plan to the town council. The WTP supervisor is responsible for initiating all subsequent revisions.

(Ord. No. 2010-03, § 6.20, 9-13-2010)

Secs. 28-194—28-209. Reserved.

ARTICLE IV. COLLECTION SYSTEM AND MUNICIPAL WASTEWATER SYSTEM

DIVISION 1. GENERALLY

Sec. 28-210. Purpose and policy.

- (a) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the town and enables the town to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the general pretreatment regulations (40 CFR 403).
- (b) The objectives of this chapter are:
- (1) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
 - (2) To prevent the introduction of pollutants and wastewater discharges into the municipal wastewater system which will pass through the system, inadequately treated, into any waters of the state or otherwise be incompatible with the system;
 - (3) To promote reuse and recycling of industrial wastewater and sludges from the municipal system;
 - (4) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public;
 - (5) To provide for equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system; and
 - (6) To ensure that the town complies with its NPDES or non-discharge permit conditions, sludge use and disposal requirements and any other federal or state laws to which the municipal wastewater system is subject. This chapter provides for the regulation of direct and indirect contributors to the municipal wastewater system, through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This chapter shall apply to all users of the municipal wastewater system as authorized by G.S. 160A-312 and/or 153A-275. The town shall designate an administrator of the publicly owned

treatment works, or POTW, and pretreatment program, hereafter referred to as the POTW director. Except as otherwise provided herein, the POTW director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or imposed upon the POTW director may be delegated by the POTW director to other town personnel. By discharging wastewater into the municipal wastewater system, industrial users located inside or outside the town limits agree to comply with the terms and conditions established in this chapter, as well as any permits, enforcement actions, or orders issued hereunder. This includes all industrial users discharging in the wastewater collection system owned by any satellite POTW.

(Ord. No. 2012-05, art. III, § 1.1, 11-13-2012)

Sec. 28-211. Definitions and rules of construction.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 USC 1251 et seq.).

Approval authority means the director of the NC Department of Environmental Quality Division of Water Resources~~division of water quality of the state department of environment and natural resources~~ or his/her designee.

Authorized representative of the industrial user.

- (1) If the industrial user is a corporation, the term "authorized representative" means:
- a. The president, secretary, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to ensure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority

to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the industrial user is a partnership or sole proprietorship, the term "authorized representative" means a general partner or the proprietor, respectively.
- (3) If the industrial user is a federal, state or local government facility, the term "authorized representative" means a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the town. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to POTW director prior to or together with any reports to be signed by an authorized representative.

Average Flow per Work Day. The average flow per work day divided by the number of hours during which the process discharge occurs.

Average Hourly Flow Rate. The average flow per work day divided by the number of hours during which the process discharge occurs.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius, usually expressed as a concentration (e.g., mg/L).

Building sewer means a sewer conveying wastewater from the premises of a user to the POTW.

Bypass means the intentional diversion of ~~wastewater~~ waste streams from any portion of a user's treatment facility.

Categorical standards means the national categorical pretreatment standards or pretreatment standard.

Control authority means the POTW organization if the POTW organization's pretreatment program approval has not been withdrawn.

Chlorine Demand. The difference between the amount of chlorine applied to a sample of waste and the amount of available chlorine residual remaining, after a contact period of 20 minutes, under analytical procedures given in the latest edition of Standard Methods.

Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designated to treat pollutants and, in fact, does treat pollutants to the degree required by the POTW's NPDES permit.

Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.

Domestic Sewage. That waste from residence sewer fixtures, public rest rooms in commercial or industrial establishments and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.

Environmental Protection Agency, or EPA, means the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Garbage. Solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grab sample means a sample which is taken from a ~~wastestream~~ waste stream on a one-time basis without regard to the flow in the ~~wastestream~~ waste stream and over a period of time not to exceed 15 minutes.

Holding tank waste means any waste from holding tanks, including, but not limited to, such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Immediate Dissolved Oxygen Demand (DOD). That quantity of molecular oxygen that is required immediately in the oxidation of certain substances which is not included in the oxygen consumed in the 5-day BOD test and is conducted according to analytical procedures given in the latest edition of Standard Methods.

Incompatible Pollutant. All pollutants other than compatible pollutants as defined in the above definition "compatible pollutant".

Indirect discharge or discharge means the discharge or the introduction from any nondomestic source regulated under section 307(b), (c), or (d) of the Act (33 USC 1317) into the POTW (including holding tank waste discharged into the system).

Industrial user or user means any person which is a source of indirect discharge.

Interference means the inhibition or disruption of the POTW collection system, treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the control authority's (and/or POTW's, if different from the control authority) NPDES, collection system or non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term "interference" includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 USC 6901 et seq.), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

Medical waste means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monitoring Facility. A structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the waste. The design, location, materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

National categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users, and which appears in 40 CFR 405—471.

National prohibitive discharge standard or prohibitive discharge standard means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 28-238 and are developed under the authority of 307(b) of the Act and 40 CFR 403.5.

New source.

(1) The term "new source" means:

- a. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c) provided that:
 - 1. The building, structure, facility, or installation is constructed at a site at which no other source is located;
 - 2. The building, structure, facility, or installation totally replaces the process or production equipment that caused the discharge of pollutants at an existing source; or
 - 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)a.2 or 3 of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(2) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

- a. Begun, or caused to begin, as part of a continuous on-site construction program:
 - 1. Any placement, assembly, or installation of facilities or equipment; or
 - 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility , engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

National Pollution Discharge Elimination System (NPDES) permit means a permit issued pursuant to section 402 of the Act (33 USC 1342), or pursuant to G.S. 143-215.1 by the state under delegation from EPA.

Non-discharge permit means a permit issued by the state pursuant to G.S. 143-215.1(d) for a waste which is not discharged directly to surface waters of the state or for a wastewater treatment works which does not discharge directly to surface waters of the state.

Number. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Pass through means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation, including an increase in the magnitude or duration of a violation, of the control authority's (and/or POTW's, if different from the control authority) NPDES, collection system, or non-discharge permit or a downstream water quality standard even if not included in the permit.

Person means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

pH means a measure of the acidity or alkalinity of a substance, expressed as standard units, and calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant means any waste as defined in G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, metals, BOD, COD, toxicity, and odor).

POTW director means the town manager.

POTW treatment plant means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollution into a POTW collection system and/or treatment plant. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment program means the program for the control of pollutants introduced into the POTW from non-domestic sources which was developed by the town in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. 143-215.3(a)(14) in accordance with 40 CFR 403.11.

Pretreatment requirements means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard.

Pretreatment standards means prohibited discharge standards, categorical standards, or local limits which apply to an industrial user.

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

Publicly owned treatment works (POTW) or municipal wastewater system means a treatment works as defined by section 212 of the Act (33 USC 1292), which is owned in this instance by the town. The term "publicly owned treatment works" includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. The term "publicly owned treatment works" includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this chapter, the term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the town who are, by contract or agreement with the town, or in any other way, users of the town's POTW.

Publicly owned treatment works (POTW) Treatment Plant or Pollution Control Plant. That portion of the POTW designed to provide treatment to wastewater.

Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority and includes the service connection up to and including the clean-out at the right-of-way easement or property line boundary.

Rate Schedule. A document adopted by Town Council that outlines charges and fees to be paid under this chapter, a copy of which is to be on file in the office of the Town Clerk.

Sanitary Sewer. A sewer which carries polluted wastes and to which storm, surface and ground water are not intentionally admitted.

Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with ground, surface and storm water as may be present because of infiltration or inflow.

Satellite POTW means the city, town or entity with which the town has agreed to receive and treat their wastewater.

Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Shall is mandatory; *may* is permissive or discretionary.

Significant industrial user or SIU means an industrial user that discharges wastewater into a publicly owned treatment works and that:

- (1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewaters);
- (2) Contributes process wastewater which makes up five percent or more of the NPDES or non-discharge permitted flow limit or five percent or more of the maximum allowable headworks loading of the POTW treatment plant for any POTW pollutant of concern;
- (3) Is subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR 405—471;
- (4) Is designated as such by the control authority, the division of water quality or the U.S. Environmental Protection Agency (EPA) on the basis that the industrial user has a

reasonable potential, either singly or in combination with other contributing industrial users, for adversely affecting the POTW's operation, or for violating any pretreatment standard or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options;

- (5) Subject to division approval under 15A NCAC 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in subsections (1) and (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, or for contributing to violations of the POTW's effluent limitations and conditions in its NPDES or non-discharge permit, or for contributing to violations of the POTW's receiving stream standard, or for limiting the POTW's sludge disposal options, and thus is not a significant industrial user;
- (6) Subject to division approval under 15A NCAC 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in subsection (2) of this definition meets the requirements of 40 CFR 403.3(v)(2) and thus is a non-significant categorical industrial user;
- (7) Subject to division approval under 15A NCAC 02H .0907(b), the control authority may determine that an industrial user meeting the criteria in subsection (2) of this definition meets the requirements of 40 CFR 403.12(e)(3) and thus is a middle tier significant industrial user. Sampling and inspection requirements may be cut in half as per 40 CFR 403.8(f)(2)(v)C and 403.12(e)(3).

Significant noncompliance (SNC) or Reportable Noncompliance means the status of noncompliance of a significant industrial user or any industrial user which meets the criteria in subsection (2) under the definition of "significant industrial user" when one or more of the following criteria are met:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter (not including flow) during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l).
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied

by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and TRC = 1.2 for all other pollutants (except flow and pH)).

- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the control authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health, welfare or to the environment or has resulted in either the control authority's or the POTW's, if different from the control authority, exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)B and section 28-414(e) to halt or prevent such a discharge.
- (5) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.
- (6) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, 90-day compliance reports, and periodic compliance reports within 30 days from the due date.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations that the control authority and/or POTW determines will adversely affect the operation or implementation of the local pretreatment program.

Slug load or discharge means any discharge at a flow rate or concentration which has a reasonable potential to cause interference or pass through, or in any other way violates the POTW's regulations, local limits, or industrial user permit conditions. This can include, but is not limited to, spills and other accidental discharges; discharges of a non-routine, episodic nature; a non-customary batch discharge; or any other discharges that can cause a violation of the prohibited discharge standards in section 28-238.

Standard Industrial Classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987.

Standard Manhole. A sewer inspection entrance constructed according to Town standards and having a minimum horizontal diameter of 4 feet and located on the sewer collection system.

Standard Methods. The latest edition of *Standard Methods for the Examination of Water and Waste Water* as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

Storm Sewer. A pipe or pipes which carry storm, surface water, drainage and other unpolluted water, but excludes sewage.

State. State of North Carolina.

Stormwater means any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent means the person designated by the town to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this chapter, or his/her duly authorized representative.

Suspended solids (SS) means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA § 307(a) or other Acts.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User. Any person who contributes, causes or permits contribution of wastewater into the sewer system.

Wastewater means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which are contributed into or permitted to enter the POTW.

Wastewater permit means the permit as set forth in section 28-302.

Waters of the state means all streams, rivers, brooks, swamps, sounds, tidal estuaries, bays, creeks, lakes, waterways, reservoirs and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(b) The following abbreviations, when used in this chapter, shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
gpd	Gallons per day
l.	Liter
mg	Milligrams
mg/L	Milligrams per liter
G.S.	North Carolina General Statutes
NPDES	National Pollution Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification

SWDA	Solid Waste Disposal Act
TSS	Total suspended solids
TKN	Total Kjeldahl nitrogen
USC	United States Code

(Ord. No. 2012-05, art. III, § 1.2, 11-13-2012)

Secs. 28-212—28-230. Reserved.

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

Sec. 28-231. Use of public sewers required.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town or in any area under the jurisdiction of the town any human or animal excrement, garbage, or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the town or in any area under the jurisdiction of the town any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this chapter and with regulations of the division of water quality.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. ~~The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 150 feet of the property line, or the owner or tenant will be assessed a monthly access fee equal to the minimum monthly sewer charge~~

(Ord. No. 2012-05, art. III, § 2.1, 11-13-2012)

Sec. 28-232. Service Connection Required

- (a) Pursuant to the authorization of G.S. 160A-317, any owner of developed property located within the Town limits on which there are situated one or more residential dwelling units or commercial establishments is required to connect the premises directly to public sewer in accordance with the provisions of this chapter provided that the public sewer is within 150 feet of the property line.
- (b) Any owner of a property who is in violation of (a) above will be assessed a monthly access fee equal to the minimum monthly sewer charge if the owner fails to connect with the available public sewer line within 90 days from the date of the mailing or posting of the notice from the Public Works Director.
- (c) A property owner shall be exempt from mandatory connection to a sewer line if:
- (1) The POTW has inadequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection; or
 - ~~(1)~~(2) The costs of connection, including the costs of underground piping and connections to the dwelling or building, exceed the costs of installing an on-site wastewater system authorized pursuant to Article 11 of Chapter 130A of the General Statutes. Determination of the comparative costs of connection shall be assessed pursuant to G.S. 160A-317 (a).

Sec. 28-232. Use of private sewage disposal systems.

- (a) Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with applicable state standards. Before commencement of construction of a private water disposal system, the owner shall first obtain a written approval of the state acting through the county health department. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of public health and division of water quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet. The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the town.
- (b) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days. Under unusual and/or special circumstances the town may extend the time of compliance or waive the requirement.

(Ord. No. 2012-05, art. III, § 2.2, 11-13-2012)

Sec. 28-233. Protection from damages.

- (a) It shall be unlawful for any person to damage, tamper with or otherwise do harm to the mains, pipes, manholes, apparatus or other parts of the sanitary sewer system, or to place or cause to be placed any object of any nature whatsoever into the system that blocks or obstructs or impedes the normal flow in the sewer system.
- (b) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any equipment or materials belonging to the town, used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers. Anyone found to be guilty shall be charged with a Class C felony pursuant to NCGS 62-323.

(Ord. No. 2012-05, art. III, § 2.3, 11-13-2012)

Sec. 28-234. Connection specifications and restrictions.

- (a) Authorized employees of the town, in accordance with specifications, shall make all connections to the sanitary sewer system for such connections that may be adopted by the town. Connections at specified locations may be made by plumbers licensed to perform plumbing work in the town if authorized by the public works director. All construction shall be in conformity with the state plumbing and building codes, as amended, and according to specifications provided by the Town. The approving authority shall inspect any sewer connection made by an authorized licensed plumber after such work has been completed and prior to the time such connection is covered.

CONSIDER:

EXTENSIONS TO MAINS AND SERVICES.

(A) Sanitary sewer lines to serve undeveloped property will be constructed ~~handled~~ as follows:

- (1) The developer shall design all sewers to serve both the subject property and the full drainage area tributary to the sewer system. The development may be required to extend sewer lines to the borders of the development or provide easements to the Town to allow for future extensions of the collection system.
- (2) The development will submit plans and specifications for review and approval by the Town, its Engineer, and the NC Department of Environmental Quality.

(3) The developer will install the lines in accordance with the approved plans and specifications once all approvals have been obtained.

(4) Upon completion of the new extension, the developer will deed the complete facility, to include all rights-of-way, easements, permits and other instruments needed for the operation and maintenance of the facility to the Town. The developer shall submit as-built drawings and engineer's certifications.

(5) The Town may participate in the cost of any oversizing of lines required to serve land area or improvements beyond the development. Should the Town require sewer line extensions (off-site or on-site larger in size than required by the applicant, the Town may pay for that portion of material cost over and above such requirements. Also, due allowance may be made to the owner of the development for intersections and alleys crossed, outside the development.

(B) Extension of sewer lines to serve other customers within the Town 's service area will be handled as follows:

(1) The plans and specifications for the extension will be submitted for review and approval by the Town, its Engineer and the NC Department of Environmental Quality.

(2) The lines will be installed in accordance with the approved plans and specifications.

(3) Prior to or upon completion of the new extension all rights-of-way, easements, permits or other instruments needed for operation and maintenance of the facility, will be deeded to the Town. The cost involved in the new extension will be paid by the person or persons requesting the extension.

(b) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of infiltration/inflow to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. No. 2012-05, art. III, § 2.4, 11-13-2012)

Sec. 28-235. Separate connections required.

Each separate dwelling, structure, business or other building shall have a separate connection to the system; provided, however, that apartments or other multi-use or occupancy buildings may have one confined connection within the discretion of the town.

(Ord. No. 2012-05, art. III, § 2.5, 11-13-2012)

Sec. 28-236. Connections outside town.

Any person owning or controlling premises beyond the corporate limits of the town and desiring to install a plumbing system for the purpose of discharging domestic and/or industrial waste into the sanitary sewers of the town may do so following an approved annexation request to the town and by complying with the requirements of the town; it shall be the responsibility of the property owner and shall be done under the general supervision of the public works director.

(Ord. No. 2012-05, art. III, § 2.6, 11-13-2012)

Sec. 28-237. Maintenance and repair of connections.

Whenever any service to any building or premises becomes clogged, broken, out of order, or in any condition detrimental to the use of the sewer service, the owner, agent or occupant having charge of such building or premises shall be held responsible for the immediate renewal or repair of the sewer service necessary to maintain an uninterrupted sanitary disposal system. Renewal or repair of sewer service from the main to the property line shall be made at the expense of the town by authorized personnel only from the property line to source of discharge the responsibility of the property line.

(Ord. No. 2012-05, art. III, § 2.7, 11-13-2012)

Sec. 28-238. Prohibited discharge standards.

- (a) *General prohibitions.* No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.
- (b) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:
 - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, ~~wastestreams~~ waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

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- (2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch in any dimension (including wood, glass, ashes, sand, cinders, and non-shredded garbage, etc.).
 - (3) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
 - (4) Any wastewater having a pH less than 5.0 or more than 9.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.
 - (5) Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.), in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to cause interference with the POTW.
 - (6) Any wastewater having a temperature greater than 150 degrees Fahrenheit (66 degrees Celsius) measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer, or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).
 - (7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

Liquid wastes containing any toxic or poisonous substances in sufficient quantities to:

- (a) Constitute a hazard to personnel operating or maintaining the sewer system and pollution control plants;
 - (b) Interfere with the biological processes used in the treatment plant;
 - (c) Which, in combination with other liquid wastes, upon passing through the sewer system will be harmful to persons, livestock or aquatic life utilizing the receiving streams into which water from the treatment plant is discharged; or
 - (d) As may be restricted by local, state and federal regulations.
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW director in accordance with section 28-246.

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- (9) Any noxious or malodorous liquids, gases, or solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- (10) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal regulations or permits issued under section 405 of the Act, the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.

Any materials which form excessive amounts of scum that may interfere with the operation of the pollution control plants or cause undue additional labor in connection with their operation;

- (11) Any wastewater which imparts color which cannot be removed by the treatment process, including, but not limited to, ~~dye wastes~~ wastes containing dyes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to public health or secondary recreation or to aquatic life and wildlife or to adversely affect the palatability of fish or aesthetic quality or impair the receiving waters for any designated uses or which causes a violation of the town's state or federal wastewater permit.
- (12) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the POTW director in compliance with applicable state or federal regulations.
- (13) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the POTW director.
- (14) Any wastewater containing more than 100 mg/L of total fats, wax, grease, oils, whether emulsified or not, or containing substances which may solidify or become viscous at a temperature between 32 degrees and 160 degrees Fahrenheit (0 degrees and 71 degrees Celsius) unless authorized by the POTW director. The use of chemical or biological agents, physical methods, or any other means to dissolve, liquefy, suspend, disperse, emulsify, entrain, or otherwise cause any oil, grease, or other similar material to flow through the sewer collection system is prohibited.

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- (15) Any sludges, screenings or other residues from the pretreatment of industrial wastes.
 - (16) Any medical wastes, except as specifically authorized by the POTW director in a wastewater discharge permit.
 - (17) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal wastewater system.
 - (18) Any material that would be identified as hazardous waste according to 40 CFR 261 if not disposed of in a sewer except as may be specifically authorized by the POTW director.
 - (19) Any wastewater causing the treatment plant effluent to violate state water quality standards for toxic substances as described in 15A NCAC 2B .0200.
 - (20) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - (21) Recognizable portions of the human or animal anatomy.
 - (22) Any wastes containing detergents, surface-active agents, or other substances which may cause excessive foaming in the municipal wastewater system.
 - (23) Any wastes causing two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) of more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter.
 - (24) At no time shall any sanitary wastewater be discharged or allowed to be discharged into the storm sewer system without exception.
 - (25) At no time shall any ground paper products be discharged or allowed to be discharged into the sewer system. The POTW director may require a grinder to be installed as necessary for the proper handling of excessive amounts of trash, rags, etc., in a discharge.

Any clothing, rags, textile remnants or waste, cloth, scraps and the like, except materials of a size that will pass through a 1/2-inch mesh screen or its equivalent in screening ability;

Any liquid or vapor having a temperature higher than 140°F measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer;

Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or in any way be injurious to persons, the public sewer system, the pollution control plants or the operation of the pollution control plants;

Any ashes, cinders, sand, mud, straw, shavings, metal, grease, fats, glass, bones, glue, feathers, fish or poultry offal, tar, plastics, wood, rubber, parch manure or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewers or pollution control plants;

Any waters, except as hereinafter provided in Sec. 28-275, which have the following characteristics:

- (a) BOD greater than 250 mg/1;
- (b) TSS greater than 250 mg/1; or
- (c) TKN greater than 40 mg/1.

Any waters or waste having a concentration greater than the specific concentration listed below:

- (a) 0.003 mg/1 arsenic;
- (b) 0.003 mg/1 cadmium;
- (c) 0.061 mg/1 copper;
- (d) 0.041 mg/1 cyanide;
- (e) 0.049 mg/1 lead;
- (f) 0.0003 mg/1 mercury;
- (g) 0.021 mg/1 nickel;
- (h) 0.005 mg/1 silver;
- (i) 0.05 mg/1 total chromium; or
- (j) 0.175 mg/1 zinc.

Any wastes or water containing mineral or hydrocarbon fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter; or containing substances which may solidify or become viscous at temperatures between 32°F and 140°F, but this prohibition shall not be deemed applicable to vegetable and animal fats, grease or oils which are compatible with or biodegradable by the sewerage pumping or treatment facilities unless otherwise prohibited by this section;

Any waters or wastes in unusual volume of flow or concentration of wastes constituting "slugs" as defined herein and where, in the opinion of the Town slugs may interfere with the process operation and/or maintenance of the sewerage system;

Any waters or wastes have a chlorine demand in excess of 20 mg/1;

Any waters or wastes that have an immediate dissolved oxygen demand in excess of 3 mg/1;

Petroleum oils or greases and exhaust gases from internal combustion engines

Pollutants, substances, wastewater, or other wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

(c) *Action by director.* When the POTW director determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW director shall:

- (1) Advise the user of the potential impact of the contribution on the POTW in accordance with section 28-414; and
- (2) Take appropriate actions in accordance with division 4 of this article for such user to protect the POTW from interference or pass through.

(Ord. No. 2012-05, art. III, § 2.8, 11-13-2012)

Sec. 28-239. National categorical pretreatment standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR 405—471 and incorporated herein.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the POTW director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the POTW director shall impose an alternate limit using the combined ~~wastestream~~ waste stream formula in 40 CFR 403.6(e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. No. 2012-05, art. III, § 2.9, 11-13-2012)

Sec. 28-240. Local limits.

(a) Purpose. The Town shall adopt local discharge limits for pollutants of concern to protect the POTW, sludge management practices, and receiving waters from pass-through and interference.

(b) Local-limits study required. Local limits shall be established only after completion of a written headworks/local-limits study that documents the technical basis for each limit, including treatment plant capacity, process removal efficiencies, sludge disposal constraints, cumulative pollutant loading, and receiving-water protection. The study shall be retained as an administrative record and made available to the public consistent with law.

(c) Adoption and incorporation. Local limits adopted by resolution or ordinance shall be incorporated into industrial user permits and control mechanisms and shall not be enforced until the POTW director has approved the supporting study and administrative record. The POTW may revise local limits following an updated technical analysis.

An industrial waste survey is required prior to a user discharging wastewater containing in excess of the following average discharge limits:

BOD	250 mg/L
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TSS	250 mg/L
TKN	40 mg/L
Arsenic	0.003 mg/L
Cadmium	0.003 mg/L
Copper	0.061 mg/L
Cyanide	0.015 mg/L
Lead	0.049 mg/L
Mercury	0.0003 mg/L
Nickel	0.021 mg/L
Silver	0.005 mg/L
Total chromium	0.05 mg/L
Zinc	0.175 mg/L

Industrial waste survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The POTW director may impose mass limits in addition to, or in place of, the concentration-based limits above.

(Ord. No. 2012-05, art. III, § 2.10, 11-13-2012)

Sec. 28-241. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. All such state requirements and limitations are incorporated herein by this reference.

(Ord. No. 2012-05, art. III, § 2.11, 11-13-2012)

Sec. 28-242. Right of revision.

The town reserves the right to establish, by ordinance or as provided in wastewater discharge permits, limitations and requirements which are more stringent than those required by either state or federal regulation if deemed appropriate by the town or if necessary to comply with the objectives presented in section 28-210 or the general and specific prohibitions in section 28-238, as is allowed by 40 CFR 403.4.

(Ord. No. 2012-05, art. III, § 2.12, 11-13-2012)

Sec. 28-243. Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement.

(Ord. No. 2012-05, art. III, § 2.13, 11-13-2012)

Sec. 28-244. Pretreatment of wastewater.

- (a) *Pretreatment facilities.* Users shall provide wastewater treatment as necessary to comply with this chapter and wastewater permits issued under section 28-302 and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in section 28-238 within the time limitations as specified by EPA, the state, or the POTW director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review, and shall be approved by the POTW director before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW director prior to the user's initiation of the changes.

(b) *Additional pretreatment measures.*

- (1) Whenever deemed necessary, the POTW director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage ~~wastestream~~waste streams from industrial ~~wastestream~~waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- (2) The POTW director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand. All interception units shall be of type and capacity approved by the POTW director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Whenever the POTW's inspection of the interceptor results in a written notice for action on the part of the person responsible for the interceptor, such action shall be completed within the compliance period granted by the POTW. No waste removed from the interceptor shall be introduced into the sanitary sewer or back into the interceptor which will cause the interceptor's discharge to exceed the limits established by this chapter. The owner shall maintain a written record of interceptor disposals and maintenance for three years.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter at the user's sole expense.

(Ord. No. 2012-05, art. III, § 2.14, 11-13-2012)

Sec. 28-245. Accidental discharge/slug control plans.

- (a) The POTW director shall evaluate whether each significant industrial user needs a plan or other action to control and prevent slug discharges and accidental discharges as defined in section 28-211. All SIUs must be evaluated within one year of being designated an SIU. The POTW director may require any user to develop, submit for approval, and implement such a plan or other specific action. Alternatively, the POTW director may develop such a plan for any user.

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- (b) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge, of a non-routine, episodic nature, a non-customary batch discharge, or a slug load. Also see sections 28-327 and 28-328. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the POTW director of any accidental or slug discharge, as required by section 28-328; and
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. No. 2012-05, art. III, § 2.15, 11-13-2012)

Sec. 28-246. Hauled wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the POTW director, and at such times as are established by the POTW director. Such waste shall not violate division 2 of this article or any other requirements established by the town. The POTW director may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The POTW director shall require haulers of industrial waste to obtain wastewater discharge permits. The POTW director may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- (c) Industrial waste haulers may discharge loads only at locations designated by the POTW director. No load may be discharged without prior consent of the POTW director. The POTW director may collect samples of each hauled load to ensure compliance with applicable standards. The POTW director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

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- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. No. 2012-05, art. III, § 2.16, 11-13-2012)

Sec. 28-247. Oil and Grease in Sanitary Sewer

(a) Purpose.

This Section is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the Town's wastewater collection system or publicly-owned treatment works by commercial, industrial, institutional and all other non-residential activities.

(b) Definitions.

- (1) "Town" shall mean the Town of Mayodan, North Carolina, and its utility service area.
- (2) "Person" shall mean any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.
- (3) "Grease" shall mean all greases, grease complexes, fats, oils, scum, sludges and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 C.F.R. 136.
- (4) "Wastewater" shall mean any substance introduced, contributed to, or discharged into the Town's wastewater collection system or publicly-owned treatment works ("POTW").
- (5) "Grease trap" or "grease interceptor" shall mean a device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the Town's wastewater collection system or POTW. The grease trap or interceptor also collects settleable solids generated by or incidental to commercial, industrial and food preparation activities.

(6) “Cooking establishment” shall mean any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and private), and daycare facilities where meals for more than six (6) children are prepared, served or otherwise made available for human consumption.

(7) “Non-cooking establishment” shall mean any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs. These businesses are encouraged to explore methods of exemption and alternate compliance status.

(8) “User” shall mean any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the Town’s wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.

(9) “Commercial establishment” and “industrial establishment” shall mean any user that has the potential to use, contribute to or otherwise impact the Town’s wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

(c) Grease Trap and Interceptor Installation, Maintenance, Record-Keeping and Removal.

(1) No later than one (1) year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the Town’s wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user’s expense whenever any user operates a commercial, industrial, or institutional cooking establishment. Grease traps and interceptors must have a minimum capacity of one thousand (1,000) gallons or more as required to affect a grease concentration maximum of 100 mg/l.

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- (2) Alternative methods of compliance may be approved by the Town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in Section III-(1) of this ordinance, and the user must adequately demonstrate to the satisfaction of the Town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under Section III-(5) of this ordinance. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the Town Manager or the Town's designated Enforcement Official for review and approval.
- (3) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the Town Manager or the Town's designated Enforcement Official.
- (4) Upon the prior written approval of the Town Manager, non-cooking establishments may be exempted from the requirements of this ordinance after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Town Manager. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.
- (5) Users shall empty and service grease traps and interceptors to comply with the performance criteria in Section III-(1) of this ordinance as often as necessary, but in any event no longer than every sixty (60) days. The Town may require a specific schedule if deemed necessary by the Town Manager or designee. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in Section III of this ordinance. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 100 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the Town's wastewater collection system or POTW.
- (6) Users shall supply (i) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (ii) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four inch (4") vertical clean-out. The Town shall have the right to inspect at any time and without prior notice.

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- (7) Users shall retain detailed records on-site for a minimum of three (3) years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.
- (8) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc., which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.
- (9) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.
- (10) Except as provided herein, for a period of one (1) year following the adoption of this ordinance, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in Section III of this ordinance. If, during such period, (i) an obstruction of any of the Town’s sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (ii) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the Town will seek enforcement action under the Sewer Use Ordinance. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (i) such overflow or other event involves an amount of wastewater equal to or in excess of one thousand (1,000) gallons, or (ii) any amount of wastewater reaches any body of surface water.

Sec. 28-248 Interlocal sewer agreement.

The Towns of Mayodan and Madison, and Stoneville have agreed to conditions set forth in Interlocal Sewer Agreements. The agreement, titled “Interlocal Agreement for Current and Future Water Needs Between Rockingham County, North Carolina, Town of Madison, North Carolina, and Town of Mayodan North Carolina” is hereby attached to the ordinance from which this chapter is derived. , titled “ ” is hereby attached to the ordinance from which this chapter is derived. A second agreement entitled “

(Ord. No. 2012-05, art. III, § 2.17, 11-13-2012)

Secs. 28-248249—28-272. Reserved.

DIVISION 3. FEES

Sec. 28-273. Purpose.

It is the purpose of this chapter to provide for the recovery of costs from users of the town's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by the town's schedule of charges and fees. The intent of such user charge is to equitably distribute the cost of administration, operation, and maintenance of the POTW to each user proportional to the amount of wastewater treatment service each user receives; and to promote self-sufficiency of the POTW with respect to administration, operation, and maintenance costs.

(Ord. No. 2012-05, art. III, § 3.1, 11-13-2012)

Sec. 28-274. User charges.

- (a) *Authority.* Pursuant to the provisions of Public Law 92-500 section 240(b) and subsequent amendments to it, the town, having received EPA financial assistance for the construction of treatment works, shall adopt a system of charges to ensure that each user pays a share of the annual administration, operation, and maintenance (including replacement) costs of the POTW.
- (b) *Intent.* The intent of such user charges is to equitably distribute the cost of administration, operation, and maintenance of the POTW to each user proportional to the amount of wastewater treatment service each user receives; and to promote self-sufficiency of the POTW with respect to administration, operation, and maintenance costs.
- (c) *Definition.* The term "replacement" referred to in subsection (a) of the section is defined as those expenditures for obtaining and installing equipment, accessories, or appurtenances that are necessary during the service life of the treatment works to maintain the treatment works capacity and performance. The term "operation and maintenance" includes replacement.
- (d) *User class.* Each user shall be charged a share of the treatment works operation and maintenance cost based on the measured proportional contribution to the treatment works loading. Generally, the user charge will be dependent upon flow insofar as BOD, COD, TSS, and other pollutant contributions discharged by all users are approximately equal. Where such pollutants exceed the range of concentration of these pollutants in normal domestic sewage, a surcharge will be added to the base charge. The models used in calculating the user charge are defined in subsection (f) of this section.
- (e) *User charge criteria.* The user charge system shall be approved by the town council and shall be maintained by the town in accordance with the following requirements:

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- (1) The user charge system must result in the distribution of the cost of operation and maintenance of treatment works within the town jurisdiction to each user (or user class) in proportion to such user's contribution to the total wastewater loading of the treatment works. Factors such as strength, volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).
- (2) The user charge system must generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the town.
- (f) *Model user charge system.* The user charge system adopted by the town shall result in the equitable distribution of annual treatment works administration, operation, and maintenance costs to each user (or user class) in approximate proportion to each user's (or user class) contribution towards the total wastewater loading of the treatment works. The following user charge models shall be used for this purpose. The symbols used in the models are as defined below:

C_f = Total fixed operation and maintenance (O&M) costs per unit of time.

C_t = Total variable operation and maintenance (O&M) costs per unit of time.

C_u = A user's charge for O&M per unit of time.

C_s = A surcharge for wastewater of excessive strength.

V_u = Volume contribution from a user per unit of time.

V_t = Total volume contribution from all users per unit of time.

B_c = O&M cost for treatment of a unit of biochemical oxygen demand (BOD).

B = Contribution of BOD from a user above a base level.

S_c = O&M cost for treatment of a unit of suspended solids.

S = Contribution of SS from a user above a base level.

N_c = O&M cost for treatment of unit of ammonia.

N = Concentration of ammonia from a user above a base level.

P_c = O&M cost for treatment of a unit of any pollutant having identifiable contributions to overall treatment

P = Concentration of a pollutant from a user above a base level.

- (1) *Model No. 1.* Whereas the treatment works is primarily flow dependent as the BOD, suspended solids, and other pollutant concentrations discharged by the majority of users are approximately equal; therefore, the user charge will be developed on a volume basis in accordance with the model below:

C_u	=	C_f	+	$V_u \times C_t$
		No. of Users		V_t

- (2) *Model No. 2:* When determined by the town that BOD, COD, TSS, ammonia and any other appropriate pollutant concentrations from a user exceeds the range of concentration of these pollutants typically found in normal domestic sewage, a surcharge calculated by means of Model No. 1, shall be levied in addition to the base sewer use charge. The surcharge shall be computed by the model below:

$$C_u = [B_c(B) + S_c(S) + N_c(N) + P_c(P)]$$

- (g) *Pollutant concentrations.* Baseline pollutant concentrations shall be as follows, or as established by the POTW director and held as a standard for the town:

BOD5	300 mg/L
TSS	300 mg/L
Total nitrogen	50 mg/L
TKN	40 mg/L
Ammonia nitrogen	25 mg/L

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- (h) *Costs included.* Model No. 1 shall include all costs for operation and maintenance associated with extraneous flows not attributable to any one user or user class, thereby distributing these costs to all users.
 - (i) *Other considerations.* User charges may be established based on a percentage of the charge for water usage. However, the unit rate sewer charge for the largest volume users must be as great as or greater than the unit cost of operation and maintenance (excluding debt service). In any event, a surcharge shall still be levied in accordance with the provisions of Model No. 2. The system of user charges for the wastewater treatment system shall be based on total annual system costs, including operation and maintenance expenses.
 - (j) *Notification.* Each user shall be notified no less often than annually of the rates for user charges. Such notification shall be done in conjunction with a regular bill, and, if the regular bill also includes charges for other services, shall clearly identify the portion of the bill attributable to wastewater user charges.
 - (k) *Council review.* The town council shall review annually the sewage contributions of users, the total annual costs of debt service, operation, and maintenance of the POTW and will make adjustments in the schedule of charges and fees as necessary to support the intent of this chapter.
 - (l) *Precedence.* The user charge system shall take precedence over any terms or conditions of any contracts or agreements that are inconsistent with section 204(b)(a) of the Clean Water Act.

(Ord. No. 2012-05, art. III, § 3.2, 11-13-2012)

Sec. 28-275. Surcharges.

- (a) All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the levels as established in the schedule of charges and fees which is on file in the office of the town clerk.
- (b) The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharged above the levels in the schedule of charges and fees. The amount charged per pound of excess will be set forth in the schedule of charges and fees.
- (c) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

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- (1) Metered water consumption as shown in the records of meter readings maintained by the town; or
 - (2) If required by the town or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the town. The metering system shall be installed and maintained at the user's expense according to arrangements that may be made with the town.

Where any user procures all or part of his/her water supply from sources other than the town, the user shall install and maintain at his/her own expense a flow-measuring device of a type approved by the town.

- (d) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the town. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR 136.
- (e) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW director or his/her duly appointed representatives shall be binding as a basis for charges.
- (f) The amount of surcharge is based on the current treatment costs associated with the removal of the designated parameter. O&M costs used to derive the surcharge is based on the most current costs of treating the given parameter to produce the acceptable discharge characteristics as defined in the town's current NPDES permit. All noted surcharges shall be imposed as herein provided in addition to any existing sewer user charge and/or other fees imposed after the adoption of the ordinance from which this chapter is derived. Rates shall be as stated in the fee schedule, which is on file in the office of the town clerk.

(Ord. No. 2012-05, art. III, § 3.3, 11-13-2012)

Sec. 28-276. Pretreatment program administration charges.

The schedule of charges and fees adopted by the town may include charges and fees for:

- (1) Reimbursement of costs of setting up and operating the pretreatment program;
- (2) Monitoring, inspections and surveillance procedures;

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- (3) Reviewing slug control plans, including accidental and/or slug load discharge procedures and construction plans and specifications;
 - (4) Permitting;
 - (5) Other fees as the town may deem necessary to carry out the requirements of the pretreatment program.

(Ord. No. 2012-05, art. III, § 3.4, 11-13-2012)

Secs. 28-277—28-300. Reserved.

DIVISION 4. WASTEWATER DISCHARGE PERMIT APPLICATION AND ISSUANCE

Sec. 28-301. Wastewater dischargers.

It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the town. When requested by the POTW director, a user must submit information on the nature and characteristics of its wastewater within ten days of the request. The POTW director is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. No. 2012-05, art. III, § 4.1, 11-13-2012)

Sec. 28-302. Wastewater permits.

All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the POTW director to be significant industrial users shall obtain a significant industrial user permit within 180 days of receiving notification of the POTW director's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW director be required to obtain a wastewater discharge permit for non-significant industrial users.

- (1) *Significant industrial user determination.* All persons proposing to discharge non-domestic wastewater, or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the POTW director a significant industrial user determination. If the POTW director determines or suspects that the proposed discharge fits the significant industrial user criteria, he will require that a significant industrial user permit application be filed.
- (2) *Significant industrial user permit application.* Users required to obtain a significant industrial user permit shall complete and file with the town, an application in the

form prescribed by the POTW director, and accompanied by an application fee in the amount prescribed in the schedule of charges and fees. Significant industrial users shall apply for a significant industrial user permit within 90 days after notification of the POTW director's determination in subsection (1) of this section. The application shall include, at a minimum:

- a. Name of industrial user;
- b. Address of industrial user;
- c. Standard Industrial Classification (SIC) code or expected classification and industrial user category;
- d. Wastewater flow;
- e. Types and concentrations (or mass) of pollutants contained in the discharge;
- f. Major products manufactured or services supplied;
- g. Description of existing on-site pretreatment facilities and practices;
- h. Locations of discharge points;
- i. Raw materials used or stored at the site;
- j. Flow diagram or sewer map for the industrial user;
- k. Number of employees;
- l. Operation and production schedules; and
- m. Description of current and projected waste reduction activities in accordance with G.S. 143-215.1(g).

(3) *Application signatories and certification.* All wastewater discharge permit applications and user reports must be signed by the current authorized representative of the user on file with the control authority and/or municipality as defined in section 28-211 and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the

information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(4) *Application review and evaluation.* The POTW director will evaluate the data furnished by the user and may require additional information.

- a. The POTW director is authorized to accept applications for the town and shall refer all applications to the POTW staff for review and evaluation.
- b. Within 30 days of receipt the POTW director shall acknowledge and accept the complete application; or, if not complete, shall return the application to the applicant with a statement of what additional information is required.

(5) *Tentative determination and draft permit.*

- a. The POTW staff shall conduct a review of the application and an on-site inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.
- b. If the staff's tentative determination in subsection (5)a of this section is to issue the permit, the following additional determinations shall be made in writing:
 1. Proposed discharge limitations for those pollutants proposed to be limited;
 2. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and
 3. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.
- c. The staff shall organize the determinations made pursuant to subsections (5)a and b of this section and the town's general permit conditions into a significant industrial user permit.

(6) *Permit supporting documentation.* The control authority staff shall prepare the following documents for all significant industrial user permits.

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- a. An allocation table (AT) listing permit information for all significant industrial users, including, but not limited to, permit limits, permit effective and expiration dates, and a comparison of total permitted flows and loads with division-approved maximum allowable loadings of the POTW, including flow, on forms or in a format approved by the division. The AT shall be updated as permits are issued or renewed, and as permits are modified where the permitted limits or other AT information is revised.
 - b. The basis, or rationale, for the pretreatment limitations, including the following:
 - 1. Documentation of categorical determination, including documentation of any calculations used in applying categorical pretreatment standards; and
 - 2. Documentation of the rationale of any parameters for which monitoring has been waived under 40 CFR 403.12(e)(2).

(7) *Final action on significant industrial user permit applications.*

- a. The POTW director shall take final action on all applications not later than 90 days following receipt of a complete application.
- b. The POTW director is authorized to:
 - 1. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this chapter and G.S. 143-215.1;
 - 2. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;
 - 3. Modify any permit upon not less than 60 days' notice and pursuant to subsection (9) of this section;
 - 4. Revoke any permit pursuant to section 28-414;
 - 5. Suspend a permit pursuant to section 28-414;
 - 6. Deny a permit application when in the opinion of the POTW director such discharge may cause or contribute to pass through or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. 143-215.1.

(8) *Hearings.*

- a. *Initial adjudicatory hearing.* An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 28-415, or one issued an administrative order under section 28-414 shall have the right to an adjudicatory hearing before a hearing officer designated by the POTW director upon making written demand, identifying the specific issues to be contested, to the POTW director within 30 days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified herein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within 45 days of the receipt of the written demand for a hearing. The POTW director shall transmit a copy of the hearing officer's decision by registered or certified mail.
1. *New permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 2. *Renewed permits.* Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
 3. *Terminated permits.* Upon appeal, including judicial review in the general courts of justice, of a terminated permit, no permit is in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.
- b. *Final appeal hearing.* Any decision of a hearing officer made as a result of an adjudicatory hearing held under subsection (8)a of this section may be appealed to the town council upon filing a written demand within ten days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with local hearing procedure cite. Failure to make written demand within the time specified herein shall bar further appeal. The town council shall make a final decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

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- c. *Official record.* When a final decision is issued under subsection (8)b of this section, the town council shall prepare an official record of the case that includes:
1. All notices, motions, and other like pleadings;
 2. A copy of all documentary evidence introduced;
 3. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken;
 4. A copy of the final decision of town council.
- d. *Judicial review.* Any person against whom a final order or decision of the town council is entered, pursuant to the hearing conducted under subsection (8)b of this section, may seek judicial review of the order or decision by filing a written petition within 30 days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the superior court of the county along with a copy to the town. Within 30 days after receipt of the copy of the petition of judicial review, the town council shall transmit to the reviewing court the original or a certified copy of the official record.

(9) *Permit modification.*

- a. Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as listed below. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
 1. Changes in the ownership of the discharge when no other change in the permit is indicated;
 2. A single modification of any compliance schedule not in excess of four months;
 3. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational.
- b. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame

prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by subsection (2) of this section, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard.

- c. A request for a modification by the permittee shall constitute a waiver of the 60-day notice required by G.S. 143-215.1(b) for modifications.

(10) *Permit conditions.*

- a. The POTW director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this chapter and G.S. 143-215.1. Wastewater permits shall contain, but are not limited to, the following:
 - 1. A statement of duration (in no case more than five years);
 - 2. A statement of non-transferability;
 - 3. Applicable effluent limits based on categorical standards or local limits or both;
 - 4. Applicable monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law;
 - 5. Requirements for notifying the POTW in the event of an accidental discharge or slug load as defined in section 28-211;
 - 6. Requirements to implement a plan or other controls for prevention of accidental discharges and/or slug loads as defined in section 28-211 if determined by the POTW director to be necessary for the user;
 - 7. Requirements for immediately notifying the POTW of any changes at its facility affecting the potential for spills and other accidental discharges, or slug load as defined in section 28-211. Also see sections 28-237 and 28-238; and

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8. A statement of applicable civil and/or criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- b. In addition, permits may contain, but are not limited to, the following:
1. Limits on the average and/or maximum rate of discharge, and/or requirements for flow regulation and equalization.
 2. Limits on the instantaneous, daily and/or monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
 3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.
 5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 7. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
 8. Requirements for immediate reporting of any instance of noncompliance and for automatic resampling and reporting within 30 days where self-monitoring indicates a violation.
 9. Compliance schedules for meeting pretreatment standards and requirements.
 10. Requirements for submission of periodic self-monitoring or special notification reports.

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11. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 28-335 and affording the POTW director, or his/her representatives, access thereto.
 12. Requirements for prior notification and approval by the POTW director of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
 13. Requirements for the prior notification and approval by the POTW director of any change in the manufacturing and/or pretreatment process used by the permittee.
 14. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.
 15. Other conditions as deemed appropriate by the POTW directors to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(11) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.

(12) *Permit transfer.* Wastewater permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

(13) *Permit reissuance.* A significant industrial user shall apply for permit reissuance by submitting a complete permit application in accordance with this section a minimum of 180 days prior to the expiration of the existing permit.

(Ord. No. 2012-05, art. III, § 4.2, 11-13-2012)

Secs. 28-303—28-322. Reserved.

DIVISION 5. REPORTING REQUIREMENTS

Sec. 28-323. Baseline monitoring reports.

- (a) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW director a report which contains the information listed in subsection (b) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW director a report which contains the information listed in subsection (b) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below:
- (1) *Identifying information.* The name and address of the facility, including the name of the operator and owner.
 - (2) *Environmental permits.* A list of any environmental control permits held by or for the facility.
 - (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined ~~wastestream~~ waste stream formula set out in 40 CFR 403.6(e).
 - (5) *Measurement of pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily

operations and shall be analyzed in accordance with procedures set out in section 28-332.

- c. Sampling must be performed in accordance with procedures set out in section 28-333 and 40 CFR 403.12(b) and (g), including 40 CFR 403.12(g)(4).
- (6) *Certification.* A statement, reviewed by the user's current authorized representative as defined in section 28-211, and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 28-324.
- (8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with section 28-302(3).

(Ord. No. 2012-05, art. III, § 5.1, 11-13-2012)

Sec. 28-324. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by section 28-323(b)(7):

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (2) No increment referred to above shall exceed nine months;
- (3) The user shall submit a progress report to the POTW director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for

any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

- (4) In no event shall more than nine months elapse between such progress reports to the POTW director.

(Ord. No. 2012-05, art. III, § 5.2, 11-13-2012)

Sec. 28-325. Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW director a report containing the information described in section 28-323(b)(4) through (6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 28-302(3).

(Ord. No. 2012-05, art. III, § 5.3, 11-13-2012)

Sec. 28-326. Periodic compliance reports.

- (a) All significant industrial users shall, at a frequency determined by the POTW director but in no case less than once every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the applicable flows for the reporting period. Sampling and analysis must be performed in accordance with procedures set out in section 28-332 and 28-333. All periodic compliance reports must be signed and certified in accordance with section 28-302(3).
- (b) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW director, using the procedures prescribed in section 28-332, the results of this monitoring shall be included in the report.

(Ord. No. 2012-05, art. III, § 5.4, 11-13-2012)

Sec. 28-327. Reports of changed conditions.

Each user must notify the POTW director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. The permittee shall not begin the changes until receiving written approval from the control authority. See section 28-328(d) for other reporting requirements.

- (1) The POTW director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 28-302.
- (2) The POTW director may issue a wastewater discharge permit under section 28-302 or modify an existing wastewater discharge permit under section 28-302 in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow or pollutant increases of 20 percent or greater, and the discharge of any previously unreported pollutants; increases or decreases to production; increases in discharge of previously reported pollutants; discharge of pollutants not previously reported to the control authority and/or municipality; new or changed product lines; new or changed manufacturing processes and/or chemicals; or new or changed customers.

(Ord. No. 2012-05, art. III, § 5.5, 11-13-2012)

Sec. 28-328. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load as defined in section 28-211, that may cause potential problems for the POTW, the user shall immediately telephone and notify the POTW director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (b) Within five days following such discharge, the user shall, unless waived by the POTW director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

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- (c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (a) of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
 - (d) All SIUs are required to notify the POTW immediately of any changes at its facility affecting the potential for spills and other accidental discharge, discharge of a non-routine, episodic nature, a non-customary batch discharge, or a slug load as defined in section 28-211.

(Ord. No. 2012-05, art. III, § 5.6, 11-13-2012)

Sec. 28-329. Reports from unpermitted users.

- (a) All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW director as the POTW director may require.
- (b) All users classified as non-significant categorical industrial users under section 28-211 shall provide appropriate reports to the POTW director as the POTW director may require. At a minimum, this shall include the annual certification of continuing to meet the non-significant categorical industrial user criteria as required under 40 CFR 403.12(q).

(Ord. No. 2012-05, art. III, § 5.7, 11-13-2012)

Sec. 28-330. Notice of violation/repeat sampling and reporting.

- (a) If sampling performed by a user indicates a violation, the user must notify the POTW director within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW director within 30 days after becoming aware of the violation. If allowed by the POTW director, the user is not required to resample:
 - (1) If the POTW monitors at the user's facility at least once a month; or
 - (2) If the POTW samples between the user's initial sampling and when the user receives the results of this sampling.
- (b) If the POTW has performed the sampling and analysis in lieu of the industrial user and the POTW sampling of the user indicates a violation, the POTW shall repeat the sampling and obtain the results of the repeat analysis within 30 days after becoming aware of the violations, unless one of the following occurs:
 - (1) The POTW monitors at the user's facility at least once a month;

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- (2) The POTW samples the user between their initial sampling and when the POTW receives the results of this initial sampling; or
 - (3) The POTW director requires the user to perform sampling and submit the results to the POTW director within the 30-day deadline of the POTW becoming aware of the violation.

(Ord. No. 2012-05, art. III, § 5.8, 11-13-2012)

Sec. 28-331. Notification of the discharge of hazardous waste.

The town prohibits the discharge of any hazardous wastes without notification to and approval by the POTW director.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the ~~wastestream~~waste stream discharge during the calendar month, and an estimation of the mass and concentration of such constituents in the ~~wastestream~~waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days before the discharge commences. The user shall not begin the discharge until receiving written approval from the town. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed conditions must be submitted under section 28-327. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 28-323, 28-325, and 28-326.
- (2) Dischargers are exempt from the requirements of subsection (1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during

which the user discharges more than such quantities of any hazardous waste do not require additional notification.

- (3) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW director, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 2012-05, art. III, § 5.9, 11-13-2012)

Sec. 28-332. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by the EPA or the town. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA and the town. Analyses must be performed by a state certified lab for each parameter analyzed, if such certification exists for that parameter.

(Ord. No. 2012-05, art. III, § 5.10, 11-13-2012)

Sec. 28-333. Grab and composite sample collection.

- (a) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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- (b) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, volatile organic compounds, and any other pollutants as required by 40 CFR 136. The POTW shall determine the number of grabs necessary to be representative of the user's discharge. See 40 CFR 403.12(g)(5) for additional grab sample number requirements for BMR and 90-day compliance reports. Additionally, the POTW director may allow collection of multiple grabs during a 24-hour period which are composited prior to analysis as allowed under 40 CFR 136.
- (c) Composite samples. All wastewater composite samples shall be collected with a minimum of hourly aliquots or grabs for each hour that there is a discharge. All wastewater composite samples shall be collected using flow proportional composite collection techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW director. When authorizing time-proportional composites or grabs, the samples must be representative and the decision to allow the alternative sampling must be documented.

(Ord. No. 2012-05, art. III, § 5.11, 11-13-2012)

Sec. 28-334. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. No. 2012-05, art. III, § 5.12, 11-13-2012)

Sec. 28-335. Recordkeeping.

Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the town, or where the user has been specifically notified of a longer retention period by the POTW director.

(Ord. No. 2012-05, art. III, § 5.13, 11-13-2012)

Sec. 28-336. Special reporting requirements for industrial users in satellite POTWs.

In the case of industrial user located in a satellite POTW organization's jurisdiction, all information required to be reported to the industrial user's pretreatment program control authority by this chapter shall also be reported to the POTW treatment plant organization.

(Ord. No. 2012-05, art. III, § 5.14, 11-13-2012)

Secs. 28-337—28-360. Reserved.

DIVISION 6. COMPLIANCE MONITORING

Sec. 28-361. Monitoring facilities.

- (a) The town requires the user to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the town may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (b) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the town's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the town.

(Ord. No. 2012-05, art. III, § 6.1, 11-13-2012)

Sec. 28-362. Inspection and sampling.

The town will inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the town, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The town, approval authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in

force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the town, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Denial of the POTW's, approval authority's, or EPA's access to the user's premises shall be a violation of this chapter. Unreasonable delays may constitute denial of access.

(Ord. No. 2012-05, art. III, § 6.2, 11-13-2012)

Sec. 28-363. Search warrants.

If the POTW director, approval authority, or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the town designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the POTW, approval authority, or EPA may seek issuance of a search warrant from the county superior court.

(Ord. No. 2012-05, art. III, § 6.3, 11-13-2012)

Secs. 28-364—28-384. Reserved.

DIVISION 7. CONFIDENTIAL INFORMATION

Sec. 28-385. Disclosure of information.

- (a) Information and data provided by an industrial user to the POTW director pursuant to this chapter identifying the nature and frequency of a discharge shall be available to the public without restriction. All other information which may be so submitted by an industrial user to the POTW director in connection with any required reports shall also be available to the public unless the industrial user or other interested person specifically identifies the information as confidential upon submission and is able to demonstrate to the satisfaction of the POTW director that the disclosure of such information or a particular part thereof to the general public would divulge methods or processes entitled to protection as trade secrets.
- (b) Information provided by an industrial user to the POTW director that is determined to be entitled to confidential treatment shall be made available upon written request to the division of water quality or any state agency for uses related to the pretreatment program, the National Pollutant Discharge Elimination System (NPDES) permit, collection system

permit, stormwater permit, and/or non-discharge permit, and for uses related to judicial review or enforcement proceedings involving the person furnishing the report.

- (c) Information and data received by the division or other state agency under subsection (b) of this section shall be subject to the processes set forth in G.S. 143-215.3C.

(Ord. No. 2012-05, art. III, § 7, 11-13-2012)

Secs. 28-386—28-413. Reserved.

DIVISION 8. ENFORCEMENT

Sec. 28-414. Administrative remedies.

- (a) *Notification of violation.* Whenever the POTW director finds that any industrial user has violated or is violating this chapter, wastewater permit, or any prohibition, limitation or requirements contained therein, or any other pretreatment requirement, the POTW director may serve upon such a person a written notice stating the nature of the violation. Notice shall be by U.S. mail, first class, postage prepaid, addressed to the user's permit address. Within 30 days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the town by the user. Submission of this plan does not relieve the discharger of liability for any violations occurring before or after the notice of violation.
- (b) *Consent orders.* The POTW director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to subsection (d) of this section.
- (c) *Show cause hearing.* The POTW director may order any industrial user who causes or is responsible for an unauthorized discharge, has violated this chapter or is in noncompliance with a wastewater discharge permit to show cause why a proposed enforcement action should not be taken. In the event the POTW director determines that a show cause order should be issued, a notice shall be served on the user specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation. The POTW director shall review the evidence presented at the hearing and determine whether the proposed enforcement action is appropriate. A show

cause hearing under this section is not a prerequisite to the assessment of a civil penalty under section 28-415 nor is any action or inaction taken by the POTW director under this section subject to an administrative appeal under section 28-302(8).

- (d) *Administrative orders.* When the POTW director finds that an industrial user has violated or continues to violate this chapter, permits or orders issued hereunder, or any other pretreatment requirement, the POTW director may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:
- (1) Immediately comply with all requirements;
 - (2) Comply in accordance with a compliance time schedule set forth in the order;
 - (3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation;
 - (4) Disconnect unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated within a specified time period.
- (e) *Emergency suspensions.* The POTW director may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its NPDES or non-discharge permit. Any user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within 15 days of the notice of suspension to determine whether the suspension may be lifted or the user's waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the POTW director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the noncompliant discharge. The industrial user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the POTW director prior to the date of the above-described hearing.
- (f) *Termination of permit or permission to discharge.* The POTW director may revoke a wastewater discharge permit or permission to discharge for good cause, including, but not limited to, the following reasons:

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- (1) Failure to accurately report the wastewater constituents and characteristics of his/her discharge;
 - (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
 - (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the permit or permission to discharge, conditions of this chapter, or any applicable state and federal regulations.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under subsection (c) of this section why the proposed action should not be taken.

(Ord. No. 2012-05, art. III, § 8.1, 11-13-2012)

Sec. 28-415. Civil penalties.

- (a) Any user who is found to have failed to comply with any provision of this chapter, or the orders, rules, regulations and permits issued hereunder, may be assessed a civil penalty up to \$25,000.00 per day per violation. Penalties between \$10,000.00 and \$25,000.00 per day per violation may be assessed against a violator if:
 - (1) For any class of violation, only if a civil penalty has been imposed against the violator within the five years preceding the violation; or
 - (2) In the case of failure to file, submit, or make available, as the case may be any documents, data, or reports required by this chapter, or the orders, rules, regulations and permits issued hereunder, only if the POTW director determines that the violation was intentional and a civil penalty has been imposed against the violator within the five years preceding the violation.
- (b) Any user who is found to have conducted malicious damage to the public sewer system, treatment works, and/or all appurtenances shall be subject to punitive action and penalties.
- (c) In determining the amount of the civil penalty, the POTW director shall consider the following:

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- (1) The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;
 - (2) The duration and gravity of the violation;
 - (3) The effect on groundwater or surface water quantity or quality or on air quality;
 - (4) The cost of rectifying the damage;
 - (5) The amount of money saved by noncompliance;
 - (6) Whether the violation was committed willfully or intentionally;
 - (7) The prior record of the violator in complying or failing to comply with the pretreatment program;
 - (8) The costs of enforcement to the town.
- (d) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 28-302(8).

(Ord. No. 2012-05, art. III, § 8.2, 11-13-2012)

Sec. 28-416. Other available remedies.

Remedies, in addition to those previously mentioned in this chapter, are available to the POTW director who may use any single one or combination against a noncompliant user. Additional available remedies include, but are not limited to:

- (1) *Criminal violations.* The district attorney for the county may, at the request of the town, prosecute noncompliant users who violate the provisions of G.S. 143-215.6B.
- (2) *Injunctive relief.* Whenever a user is in violation of the provisions of this chapter or an order or permit issued hereunder, the POTW director, through the town attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.
- (3) *Water supply severance.* Whenever an industrial user is in violation of the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

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- (4) *Public nuisances.* Any violation of the prohibitions or effluent limitations of this chapter, or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person creating a public nuisance shall be subject to the provisions of the town's regulations governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(Ord. No. 2012-05, art. III, § 8.3, 11-13-2012)

Sec. 28-417. Remedies nonexclusive.

The remedies provided for in this chapter are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with town's enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant. Further, the POTW director is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 2012-05, art. III, § 8.4, 11-13-2012)

Secs. 28-418—28-447. Reserved.

DIVISION 9. ANNUAL PUBLICATION OF SIGNIFICANT NONCOMPLIANCE

Sec. 28-448. Public notice.

At least annually, the POTW director shall publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance, in 15A NCAC 2H .0903(b)(10), with applicable pretreatment standards and requirements, during the previous 12 months.

(Ord. No. 2012-05, art. III, § 9, 11-13-2012)

Secs. 28-449—28-479. Reserved.

DIVISION 10. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 28-480. Upset.

- (a) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (b) of this section are met.
- (b) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the user can identify the cause of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the POTW director within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days.
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. No. 2012-05, art. III, § 10.1, 11-13-2012)

Sec. 28-481. Prohibited discharge standards defense.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 28-238(a) or the specific prohibitions in sections 28-238(b)(2), (3), (5) through (7), and (9) through (23) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the town was regularly in compliance with its NPDES permit, and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 2012-05, art. III, § 10.2, 11-13-2012)

Sec. 28-482. Bypass.

- (a) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (b) and (c) of this section.
- (b) Notice.
 - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the POTW director, at least ten days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the POTW director of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (c) General prohibition; exceptions.

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- (1) Bypass is prohibited, and the POTW director may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsection (b) of this section.
 - (2) The POTW director may approve an anticipated bypass, after considering its adverse effects, if the POTW director determines that it will meet the three conditions listed in subsection (c)(1) of this section.

(Ord. No. 2012-05, art. III, § 10.3, 11-13-2012)

Chapter 29 RESERVED

Chapter 30 VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. TAXICABS

~~Sec. 30-19. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Taxicab* means any motor vehicle seating nine or fewer passengers, operated upon any street or highway on call or on demand, accepting or soliciting passengers indiscriminately for hire between such points along streets or highways as may be directed by the passenger so being transported. The term "taxicab" does not include motor vehicles or motor vehicle carriers as defined in the state statutes.~~

~~(Code 1975, § 10.21)~~

~~Sec. 30-20. Unlawful to operate without a certificate.~~

~~It shall be unlawful for any person to operate a taxicab upon and over the streets of the town without first having applied for and secured from the council a certificate of convenience and necessity as hereinafter set forth.~~

~~(Code 1975, § 10.22)~~

~~Sec. 30-21. Application required.~~

~~Every person desiring to operate a taxicab upon and over the streets of the town shall file, on forms supplied by the town clerk, an application for certificate of convenience and necessity.~~

~~(Code 1975, § 10.23)~~

~~Sec. 30-22. Council issues certificates.~~

~~The council shall have power and it will be its duty to order certain certificates issued or refuse to issue certain certificates or to issue certificates for partial exercise of the rights granted only such certificate under such terms and conditions as in its judgment the public convenience and necessity may require.~~

~~(Code 1975, § 10.24)~~

~~Sec. 30-23. Duration of certificate.~~

~~A certificate shall constitute a franchise from the town for the operation of taxicabs within the town subject to the provisions of this article for one year, unless a shorter period of time is specified in the certificate. Applications for renewal shall be filed annually and hearing conducted as herein provided.~~

~~(Code 1975, § 10.25)~~

~~Sec. 30-24. Determination of convenience and necessity.~~

~~(a) In determining whether the public convenience and necessity require the franchising of such taxicab or taxicabs, the council shall, among other things, take into consideration the following factors:~~

~~(1) Whether or not the public convenience and necessity require such proposed or additional taxicab service within the town.~~

~~The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.~~

~~(3) The number and condition of equipment.~~

~~(4) The schedule of proposed rates, if required by the council to be charged.~~

~~(5) The number of taxicabs now operated and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved and whether or not adequate provision has been made for off-street parking of said taxicabs.~~

~~(6) The experience of the applicant in the taxicab business.~~

~~(7) Such other relative facts as may be deemed necessary and advisable.~~

~~(b) Before making any decision with respect to the issuance of a certificate of convenience and necessity, the town council, or a committee thereof, shall make a full and complete investigation of all facts, if it so desires, subpoena witnesses and utilize the services of the chief of police or any other officer or employee of the town.~~

~~(Code 1975, § 10.26)~~

~~Sec. 30-25. Hearing; notices.~~

~~Each application for certificate of convenience and necessity shall be scheduled for a hearing not later than 20 days after the same is filed, and the applicant shall be notified by the town clerk by mail to the business address set forth in the application of the date and time of such hearing, such notification to be sent at least ten days before the date set for the hearing. The town clerk shall also, within the same time, notify all persons who at the time hold certificates of convenience and necessity for the operation of taxicabs within the town, of the date and time for such hearing and the name of the applicant. In addition, the town clerk shall cause to be published at least once in a newspaper of general circulation at least ten days before the hearing a notice setting forth the name of the applicant and the date and time of the hearing. The cost of such publication shall be paid by the applicant.~~

~~(Code 1975, § 10.27)~~

~~Sec. 30-26. Burden of proof.~~

~~The burden of proof shall be upon the applicant to establish the existence of public convenience and necessity for the operation of the taxicab specified in his/her application, and all other facts required for the granting of a certificate.~~

~~(Code 1975, § 10.28)~~

~~Sec. 30-27. Failure to begin operations.~~

~~If a certificate is granted to an applicant, and said applicant shall fail, in accordance with the provisions of the certificate, to begin operations within 60 days after the date of said certificate, then said certificate shall become null and void, and no refund of any amount paid by the applicant will be made by the town.~~

~~(Code 1975, § 10.29)~~

~~Sec. 30-28. Transfer.~~

~~A certificate is not transferable without the consent and approval of the council. Applications for a permit to transfer shall be filed in the same manner as an application for a certificate of convenience and necessity. The proceedings upon such application for transfer shall be the same as those prescribed for the issuance of a certificate, except that the question of public convenience and necessity need not be proved.~~

~~(Code 1975, § 10.30)~~

~~Sec. 30-29. Revocation of certificate.~~

~~(a) The council may at any time after a public hearing revoke any certificate issued by authority of this article for any one, or more, of the following causes:~~

- ~~(1) Failure to operate the taxicab specified in the certificate in such manner as to serve the public adequately and efficiently.~~
- ~~(2) Failure to maintain motor equipment in good repair.~~
- ~~(3) Failure to carry liability insurance or bond as required by law.~~
- ~~(4) Failure to pay to the town taxes or license fees imposed upon such taxicabs.~~

~~(5) Repeated and persistent violation by the taxicab drivers of traffic and safety ordinances, or state laws relating to alcoholic beverages or prostitution.~~

~~(6) Failure to report accidents.~~

~~(7) Willful failure to comply with any provision of this article or other town ordinances or state laws relating to the operation of taxicabs, whether such ordinances and laws be now in force or hereafter enacted into ordinances and into laws.~~

~~(b) No certificate shall be revoked until the owner has had at least five days' notice by personal service or registered mail of the charges against him, and of the time and place of the hearing. If, after the hearing, it is found that the owner is guilty of one or more of the offenses listed herein, the council shall have the power to revoke the certificate, or to condition a revocation upon compliance of its order within any time fixed by it.~~

~~(Code 1975, § 10.31)~~

~~Sec. 30-30. Substitution of vehicles.~~

~~(a) The person to whom a certificate has been issued may, by proper endorsement thereon by the town clerk, substitute another vehicle in place of the vehicle for which certificate was granted. In such instance, the liability insurance or bonds shall also be transferred to such substitute vehicle.~~

~~(b) In the event of the temporary or permanent disability of an approved driver, the franchise holder may apply to the chief of police for an approval of a substitute driver. Such approval shall be submitted to the council at their next regular meeting for their approval of such substitute driver, either on a temporary or permanent basis.~~

~~(Code 1975, § 10.32; Ord. of 11-11-1958)~~

~~Sec. 30-31. No person to hold more than one certificate.~~

~~The town council reserves the right to issue only one such certificate to any one person, and the person holding such certificate shall be required to operate his/her taxicab himself and shall have no power or authority by virtue of his/her certificate to delegate the operation of such taxicab to any person.~~

~~(Code 1975, § 10.33)~~

Sec. 30-32. Requirements for taxicabs.

Every taxicab operating in the town and for which a certificate is issued under this article shall comply with the following requirements:

- (1) It shall be at all times in good repair when in operation and shall be subject to inspection by the police department at any time.
- (2) The name and address of the operator, the license of the driver, and the rates and fares in effect shall be kept posted inside of the said taxicab at all times when it is in operation and shall be exhibited to any person demanding it.

(Code 1975, § 10.35; Ord. of 1-1-1946)

Sec. 30-33. Bond and insurance required.

- (a) Every taxicab owner-operator in the town shall file with the town council and keep in effect at all times a policy of insurance with some company duly licensed by the insurance commissioners, with solvent surety, in the total amount of the penal sum specified herein, conditioned on such owner responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of any taxicab operated by him in amounts equal to or more than the statutorily required minimum insurance amounts for all drivers.
- (b) Total amount of insurance or the total penal sum of such bond shall be not less than \$5,000.00 each for the first three taxicabs for which a certificate is granted under this article, and \$500.00 for each taxicab for which a certificate is granted in excess of three. In the event that a judgment is rendered against any such owner in any court of competent jurisdiction by reason of any accident for which the insurance policy or bond as herein provided, the owner shall, within 24 hours after the rendition of such judgment, increase the total amount of said insurance or the penal sum of said bond so that there will be kept in effect, in the manner contemplated by law and this article, insurance or bond upon which there has been recovery of not less than the minimum provided herein. No taxicab shall be operated within the town unless the insurance policy or bond herein provided for is on file with the town council and is in full force and effect, and unless a certificate thereof identifying the vehicle by motor serial number is carried in the cab and displayed upon demand of any police officer. Every bond filed hereunder shall contain a provision and every insurance policy filed hereunder shall contain a provision or have an endorsement that no cancellation thereof shall be effective until not less than five full days of 24 hours each have elapsed from the actual receipt of notice of the proposed cancellation by the town council. The person to whom notice of cancellation is given as herein provided shall note thereon in writing the date and hour at which the notice of

~~cancellation was received. If the taxicab owner who filed said bond or insurance policy shall not provide another bond or insurance policy as required by this section before the cancellation becomes effective, all taxicab operations by him in the town shall cease at the time the cancellation becomes effective, and his/her certificate of public convenience and necessity and other rights under this article shall be automatically suspended.~~

~~(Code 1975, § 10.36)~~

Sec. 30-34. Taxi stands.

~~No area or space on the town streets shall be set aside for the use of any taxicab company as a taxicab stand.~~

~~(Code 1975, § 10.37)~~

Appendix A TRAFFIC¹⁸

Sec. 101.

Parking prohibited at all times on the following streets (See Section 7.173 [26-450]):

- ~~(1) On the East side of 6th Avenue from Main Street to Adams Street.~~
- ~~(2) On the West side of Turner Road beginning approximately 2,000 ft. from Ayersville Road and extending approximately 200 ft. This being directly in front of Madison Throwing Company Plant No. 10.~~
- (3) On the South side of Garfield Street and on the West side of Hanna Street for a distance of 100 ft. from the intersection of the two said streets.
- (4) On the south side of W. Jackson Street from N. 7th Avenue running west for seventy (70) feet; on the south side of W. Jackson Street from N. 7th Avenue running east for 70 feet; on the north side of W. Jackson Street from N. 7th Avenue running west for 20 feet; on the north side of W. Jackson Street from N. 7th Avenue running east for 20

¹⁸Editor's note(s)—Printed herein is Appendix I, which has been carried over from the 1975 Code and renamed Appendix A. Amendments to the appendix are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. Additions made for clarity are indicated by brackets.

feet; on the West side of North 7th Avenue from W. Jackson Street running north for 20 feet.

- (5) On the north side of Wray Street in the public access "turn-around" paved area between 303 and 307 Wray Street.

(Ord. of 7-1-1971; Ord. of 4-13-1987; Ord. of 7-8-2013)

Sec. 103.

Parking limited to two hours between the hours of 6:00 a.m. and 6:30 p.m. on any day except Sundays and public holidays within the district or upon any of the streets as follows (See Section 7.174 [26-451]):

Parking limited to two hours between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays within the district or upon any of the streets as follows (Effective 2-5-1998)

1. On 2nd Avenue from Main Street to Jefferson Street and on Main Street from 2nd Avenue to 3rd Avenue and from 2nd Avenue to the alley 150 feet east of 2nd Avenue (Effective 6-8-2015).
2. On Main Street from 3rd Avenue to 4th Avenue (Effective 11-13-1989, repealed from ordinance 2-5-1998).
- ~~3. Both sides of Washington Street from the alley located between 4th Avenue and 5th Avenue west to 5th Avenue. (Effective 11-15-1994 and to expire twelve (12) months from the date of adoption.)~~

(Ord. of 2-5-1998; Amd. of 6-8-2015)

Sec. 104.

Parking limited to one hour between the hours of 8:00 a.m. and 4:00 p.m. on any day except Sundays and public holidays within the district or upon any of the streets as follows (See Section 7.174 [26-451]):

1. On Washington Street north side from 2nd Avenue to a distance of 100 feet (Effective 7-1-1971).

(Ord. of 7-1-1971)

Sec. 105.

Parking limited to ten minutes (See section 7.174 [26-451]).

~~**Sec. 106.**~~

~~The following streets or portion of streets shall be reserved as stands for the specific purpose and at the exact location described in the following (See section 7.164 [26-415]):~~

~~(1) Southeast corner of Main Street and 2nd Avenue in the Town of Mayodan, N.C., [shall] be the taxicab zone and parking area in said Town.~~

(Ord. of 2-16-1956)

~~**Sec. 107.**~~

~~Diagonal parking. All vehicles shall be parked at an angle of approximately 45 degrees with the curb on the following streets or portions thereof (See section 7.142 [26-341]).~~

Sec. 108.

Through streets (See section 7.91 [26-188]).

Sec. 109.

Intersections at which "stop" is required before entering (See section 7.93 [26-190]).

Sec. 110.

One-way streets (See section 7.83 [26-166, 26-167]).

Sec. 111.

Left turns to be made to the left of the center at the following intersections (See section 7.73 [26-139]).

Sec. 112.

No left turns at the following intersections (See section 7.73 [26-139]).

Sec. 113.

No right turns at the following intersections (See section 7.73 [26-139]).

Sec. 114.

No complete or "U" turns at the following intersections (See section 7.73 [26-139]).

Sec. 115.

Twenty (20) mile per hour speed limit on the following streets (See Section 7.62(1) [26-119(a)]).

Sec. 116.

Twenty-five (25) mile per hour speed limit on the following streets (See Section 7.62(2) [26-119(b)]):

Main Street from 4th Avenue eastward to Business Hwy 220 (Second Avenue).

Sec. 117.

Thirty mile per hour speed limit on the following streets (See section 7.62(3) [26-115(c)]).

Sec. 118.

Forty mile per hour speed limit on the following streets (See section 7.62(4) [26-115(d)]).

Sec. 119.

Forty-five mile per hour speed limit on the following streets (See section 7.62(5) [26-115(e)]).

Sec. 120.

Fifty mile per hour speed limit on the following streets (See section 7.62(6) [26-115(f)]).

Sec. 121.

Fifty-five mile per hour speed limit on the following streets (See section 7.62(7) [26-115(g)]).

Sec. 122.

Twenty mile per hour speed limit on the following streets (See section 7.62(8) [26-115(h)]).

Sec. 123.

Twenty-five (25) mile per hour speed limit on the following streets (See section 7.62(9) [26-115(i)]):

- (1) Taft Street (3-9-1998).
- (2) Garfield Street (3-9-1998).
- (3) Hanna Street (3-9-1998).

(Amd. of 3-9-1998)

Sec. 124.

Thirty (30) mile per hour speed limit on the following streets (See section 7.62(10) [26-115(j)]).

Sec. 125.

Forty mile per hour speed limit on the following streets (See section 7.62(11) [26-115(k)]).

Sec. 126.

Forty-five mile per hour speed limit on the following streets (See section 7.62(12) [26-115(l)]).

Sec. 127.

Fifty mile per hour speed limit on the following streets (See section 7.62(13) [26-115(m)]).

Sec. 128.

Fifty-five mile per hour speed limit on the following streets (See section 7.62(14) [26-115(n)]).

Sec. 129.

The following streets or portions thereof are designated as passenger loading and unloading zones (See section 7.162 [26-413]).

Sec. 130.

The following streets or portions thereof are designated as commercial loading and unloading zones (See section 7.163 [26-414]).

~~**Sec. 131.**~~

~~The following streets or portions thereof are designated as School Bus Safety Zones at the times indicated (See section 7.108 [26-221]): (1) On both sides of 6th Avenue from Main Street to Jefferson Street between the hours of 7:15 a.m. to 8:00 a.m. and from 2:00 p.m. to 2:45 p.m. on those days when school is in session.~~

Sec. 131.

Parking prohibited between the hours of 8:00 a.m. to 4:00 p.m. upon any of the streets as follows (See Section 7.154 [26-451]):

~~(1) North side of Main Street between 5th Avenue and 6th Avenue~~

(2) North side of Washington Street from 2nd Avenue to a distance of 100 feet.

(Ord. of 7-1-1971)

APPENDIX A

Part II, Chapter 2, Article II

Sec. 2-22. Planning board created.

A town planning board is hereby created under the authority of G.S. 160D-301.

Sec. 2-23. Members of planning board.

(a) The town planning board shall consist of five members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals or housing authority board. The mayor may appoint two ex officio members to the board who shall have no vote but who shall act as advisors to the planning board.

(1) The composition of the Planning Board shall contain four (4) regular members within municipal limits, one (1) regular member within the extraterritorial jurisdiction (ETJ), two (2) alternate members, one (1) each from the municipal limits and from the ETJ.

(b) The citizen members shall be appointed by the town council upon creation of the planning board to hold office as follows: two members for one year, two members for two years and one member for three years; thereafter, members shall be appointed for a term of three years. All members of the planning board shall serve as such without compensation. Members may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The mayor shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the board.

Sec. 2-24. Organization and rules of planning board.

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

Sec. 2-25. Staff and finances of planning board.

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

Sec. 2-26. General powers and duties of planning board.

- (a) The duties of the planning board are as set forth in G.S. 160D-301(b).
- (b) It shall be the function and duty of the planning board to make recommendations for a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction in accordance with G.S. 160D-501

Sec. 2-28. Miscellaneous powers and duties of planning board.

- (a) Before the adoption by the planning board of the plan or any such part, amendment, extension or addition, the planning board shall hold at least one public hearing thereon. The planning board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the planning board, when duly authorized by the planning board, may attend planning conferences or meetings of planning institutes or hearings upon pending Town planning legislation, and the planning board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. All officers and employees of the town shall render such reasonable assistance and any such information to the planning board as may be requested by the planning board for its work.
- (b) The planning board shall from time to time, and at least annually, submit reports in writing to the council giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof, and these reports shall contain such other recommendations as the planning board feels should have immediate attention.

Sec. 2-30. Regular meetings of the Planning Board.

The regular meetings of the Planning Board shall be held on the ## DAY of each month at ## p.m., at the location unless otherwise designated by the Town Clerk.

Secs. 2-3029—2-45. Reserved.

APPENDIX B

Part 1, Chapter 10

Sec. 10-A. Definitions

Cemetery means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

a. A burial park, for earth interment.

b. A mausoleum.

c. A columbarium.

Columbarium means a structure or building substantially exposed aboveground intended to be used for the interment of the cremated remains of a deceased person.

Human remains or remains means the bodies of deceased persons, and includes the bodies in any stage of decomposition, and cremated remains.

Lot means a space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

Mausoleum means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.

Mausoleum section means any construction unit of a mausoleum acceptable to the Commission which a cemetery uses to initiate its mausoleum program or to add to its existing mausoleum structures. (14) "Person" means an individual, corporation, partnership, joint venture, or association.

Fire Department

Sec. 12-66 Fuel oil tanks, etc.

(a) ~~No fuel oil tanks, gasoline tanks or kerosene tanks shall be located, within the designated fire zones of the town, as to create a fire hazard or as to endanger the lives and property of its citizens.~~ The installation, placement, and use of fuel oil tanks, gasoline tanks, and kerosene tanks shall comply with the North Carolina Fire Code and all applicable state and federal regulations.

(b) ~~No fuel oil tanks, gasoline tanks and kerosene tanks of a capacity of 560 gallons or more shall be placed or located or used above ground, within the designated fire zones of the town.~~ Above-ground storage tanks with an individual capacity of 560 gallons or more are prohibited, except as permitted by the Fire Code and approved by the Fire Chief.

- (c) ~~All fuel oil tanks, gasoline tanks and kerosene tanks of a capacity of 560 gallons or more shall be buried beneath the surface of the ground within the designated fire zones of the town.~~ Storage tanks with an individual capacity of 560 gallons or more shall be installed underground unless otherwise authorized by the Fire Chief in accordance with the North Carolina Fire Code.
- (d) ~~It shall be the duty of the owners of the property or managers thereof, within the designated fire zones of the town, not to violate this section.~~ Property owners and operators are responsible for ensuring compliance with this section and all applicable state and federal tank regulations.
- (e) ~~The chief of the fire department shall be charged with the responsibility of making periodic investigations within the designated fire zones of the town, to determine whether or not this section has been violated and to make a report of violations thereof to the council.~~ The Fire Chief, or their designee, is authorized to conduct inspections to determine compliance with this section and shall report violations to the Town Manager and Town Council as appropriate.

Part 1, Chapter 24, Article V

Sec. 24-107 Definitions

~~*Smoking* means the inhaling, exhaling, burning or carrying of lighted pipe, cigar, cigarette, or other combustible tobacco products.~~

Grounds mean unenclosed area owned, leased, or occupied by State or local government.

Local government means a local political subdivision of this State, an airport authority, or an authority or body created by an ordinance, joint resolution, or rules of any such entity.

Local government building means a building owned, leased as lessor, or the area leased as lessee and occupied by a local government.

Local vehicle means a passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

Smoking means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

- (a) Continuing to smoke in violation of Article constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00).

Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this ordinance may not be assessed court costs.

(b) The health director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place or place of employment and fails to comply with the provisions of Part 1C of Article 23 of NCGS Chapter 130A or with this Article:

- (1) First violation. – Provide the person in violation with written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.
- (2) Second violation. – Provide the person in violation with written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
- (3) Subsequent violations. – Impose on the person in violation an administrative penalty of not more than two hundred dollars (\$200.00) for the third and subsequent violations. Each day on which a violation of this Article or rules adopted pursuant to this Article occurs may be considered a separate and distinct violation. ~~Violation of this article shall subject the offender to a civil penalty in the amount of \$5.00 to be recovered by the town. Violators shall be issued a written citation which must be paid to the town within 48 hours. Violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4.~~

Sec. 24-111 Penalty

(a) Continuing to smoke in violation of Article constitutes an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of this ordinance may not be assessed court costs.

(b) The health director may take the following actions and may impose the following administrative penalty on a person who manages, operates, or controls a public place or place of employment and fails to comply with the provisions of Part 1C of Article 23 of NCGS Chapter 130A or with this Article:

- (1) First violation. – Provide the person in violation with written notice of the person's first violation and notification of action to be taken in the event of subsequent violations.

- (2) Second violation. – Provide the person in violation with written notice of the person's second violation and notification of administrative penalties to be imposed for subsequent violations.
- (3) Subsequent violations. – Impose on the person in violation an administrative penalty of not more than two hundred dollars (\$200.00) for the third and subsequent violations. Each day on which a violation of this Article or rules adopted pursuant to this Article occurs may be considered a separate and distinct violation. ~~Violation of this article shall subject the offender to a civil penalty in the amount of \$5.00 to be recovered by the town. Violators shall be issued a written citation which must be paid to the town within 48 hours. Violation of this article shall not constitute a misdemeanor or infraction punishable under G.S. 14-4.~~

APPENDIX C

Part II, Chapter 18, Article III

Sec. 18-48. ~~Unnecessary noises prohibited~~—Generally Annoying and Disturbing Noises

(a) Subject to the provisions of this Section, it shall be unlawful for any ~~person, firm or corporation~~ person, persons, or business entity to create or assist in creating, permit, continue, or permit the continuance of make, permit, continue, or cause to be made, any unreasonably loud, disturbing, annoying or unnecessary and noise in the Town of Mayodan. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited, with the exception of construction work done pursuant to a federal, state, county or city contract which requires work to be performed during certain hours.

(b) For purposes of this section, the following definitions shall apply:

Unreasonably loud or annoying. Noise which is incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order.

Disturbing. Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area.

Unnecessary. Any excessive or unusually loud sound or any sound which is of such character, intensity and duration as to disturb the peace and quiet of any neighborhood or which disturbs, injures or endangers the comfort, repose, health, peace or safety of any person, and being a type of sound which could be lessened or otherwise controlled by the maker without unduly restricting his conduct.

Replacing standards section 1-14, and acts 1-19:

(c) In determining whether a noise is unreasonably loud, annoying, disturbing, or unnecessary, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character, nature and zoning of the area; whether the noise is related to the normal operation of a business or other activity or is the result of some use for individual purposes and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof. The following acts are declared to be loud, disturbing, annoying and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

a. **Blowing horns.** The sounding of any horn, whistle or signal device on any automobile, motorcycle, bus or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonably loud, disturbing or annoying sound as defined above, or the sounding of such device for an unnecessary and/or unreasonable period of time.

- b. Radios, stereos, etc. The playing of any radio, television set, record player, stereo or other sound reproduction system, musical instrument or sound-producing or sound-amplifying device on the premises of any dwelling, hotel or motel room in such manner or with such volume, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m. as to be an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the noise is unreasonably loud, annoying, disturbing and unnecessary if the sound generated is audible at a distance of thirty (30) feet or more from the dwelling's property line, or from the unit's most outer boundary wall in the case of a hotel or motel room.
- c. Sound-producing equipment in vehicles. The playing of any radio, cassette player, compact disc, videotape or disc or other similar device for reproducing sound located on or in any motor vehicle on a public street, highway, within any public vehicular area, within the motor vehicular area of any public or private parking lot or park or on the premises of a private residence in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above. A presumption is created that the sound thus created is unreasonably loud, annoying, disturbing and unnecessary if the sound generated or noise vibration therefrom is audible or can be felt at a distance of thirty (30) feet or more from the radio, cassette player, compact disc, video tape or disc or other similar device that is producing the sound.
- d. Animals. The keeping of any animal or bird, which by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
- e. Operation of vehicles. The operation of any automobile, motorcycle, or vehicles in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.
- f. Blowing whistles. The blowing of any steam whistle attached to any steam boiler in an unreasonably loud, annoying, disturbing or unnecessary manner as defined above, except as a warning of danger.
- g. Exhaust discharge. The discharge into the open of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent unnecessarily loud, annoying, disturbing or unnecessary noises therefrom.
- h. Compressed air devices. The use of any mechanical device operated by compressed air unless unreasonably loud, annoying disturbing or unnecessary noise created thereby is effectively muffled and reduced.
- i. Noises to attract attention. The use of any drum, bell, loudspeaker, or other instrumentality for the purpose of attracting attention by creation of noise to any performance, show, sale, display or advertisement of merchandise. The use of explosives such as fireworks may also be a violation where conducted at hours which interfere with the normal peace, calm and good order of the neighborhood or when conducted without obtaining the proper permissions, permits, etc.
- j. Hawking, peddling or soliciting. The shouting and crying of peddlers, hawkers, vendors, which disturb the quiet and peace of the neighborhood.

- k. Loudspeakers or amplifiers. The use of any mechanical loudspeakers or other mechanically amplified device within or from any commercial establishment or private entertainment or recreational venue is presumed to be unreasonably loud, annoying, disturbing and unnecessary if the sound played or emitted may be heard at a distance from thirty (30) feet or more of the facility's property line, particularly but not limited to the hours between 11:00 p.m. and 7:00 a.m.

(d) Enforcement. The town in its discretion may through the sheriff or the Town's Ordinance Enforcement Officer (OEO) designated to exercise the powers prescribed by the regulation in accordance with the procedures specified in this Section, take one (1) or more of the following enforcement actions for violations of this section against any responsible person, persons or business entity as stated in subsection (a):

- a. Issue a written warning.
- b. Issue a citation subjecting a violator to a civil penalty of one hundred dollars (\$100.00) for the first violation, (\$250.00) for the second violation, and (\$500) for the third violation and every violation thereafter until the violation is remedied. This Ordinance may be enforced by injunction and order abatement, and all other appropriate equitable remedies to ensure compliance with this article as provided in G.S. 153A-123.
- c. Failure to pay a civil penalty imposed under this section within ten (10) days shall subject the offender to an additional \$50.00 delinquency charge. Any unpaid penalty or delinquency charge may be recovered by the town in a civil action in the nature of a debt.
- d. Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct offense as provided in G.S. 153A-123(g)..
- e. This Ordinance may be enforced by injunction and order abatement, and all other appropriate equitable remedies to ensure compliance with this article as provided in G.S. 153A-123.

(e) Exceptions. In the interest of public safety and convenience the following activities are exempted from the application of this article:

- (1) Emergency work made necessary to restore property to a safe condition; emergency work required to protect persons or property from danger or potential danger; or work by private or public utilities when restoring utility services.
- (2) Any street construction activity performed by, or on behalf of, a government agency on streets designated on the then current thoroughfare plan as adopted county or state; provided that all equipment is operated in accordance with the manufacturer's specifications and is equipped with all legally required noise-reducing devices in proper operating condition. Blasting and pile driving on street projects are covered under this exemption only to the extent that they are carried on between the hours of 7:00 a.m. and 10:00 p.m., Monday through Saturday.
- (3) Noise arising from the premises of a bona fide farm or a farming operation as defined in G.S. 153A-340(b)(2) as a result of routine farming activities necessary for the operation of the farm.

(f) An owner of any premises subject to this section who is not a current occupant of the premises shall be responsible and subject to civil penalties, but not criminal liability, for actions by tenants, guests, or other licensees which constitute violations of this section. Absentee owners must be notified by personal service or certified mail of the first or previous violations that have occurred within the previous twelve (12) month period before a subsequent increased civil penalty may be imposed.

State law reference— Authority for above section, G.S. 153A-133.

Part I Chapter 18

Sec. 18-87 Definitions.

Abandoned vehicle, as authorized and defined in G.S. 160A-303, means a vehicle that is left:

- ~~(1) Upon a public street or highway in violation of a law or ordinance prohibiting parking~~
Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or;
- ~~(2) On a public street or highway for longer than seven days; Is left on property owned or operated by the city for longer than 24 hours; or~~
- ~~(3) On property owned or operated by the town for longer than 24 hours; Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or~~
- ~~(4) On private property without the consent of the owner, occupant or lessee thereof, for longer than two hours; or~~
Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public

Junked motor vehicle means ~~any vehicle or motor vehicle, whether automobile, bus, trailer, truck, tractor, mobile home, motorcycle, or waterborne craft, or any other contraption, which is deposited, stored, left, or located by its owner or any other person, or is permitted or condoned to be deposited, stored, left, or located by its owner or any person, on public or private premises or property in the town which:~~ a vehicle that does not display a current license plate and that:

- ~~(1) Is not registered by the state or any other state for operation on public highways or waterways, and has not been so registered during the preceding 12 months; Is partially dismantled or wrecked; or~~
- ~~(2) Does not bear a state-issued motor vehicle inspection sticker, or bears such sticker but which has been expired for more than 12 months; Cannot be self-propelled or moved in the manner in which it originally was intended to move; or~~
- ~~(3) Is not in a condition for its original intended use in that it is partially dismantled or wrecked or cannot be self-propelled or moved in the manner in which it was intended to move; Is more than five years old and appears to be worth less than one hundred~~

dollars (\$100.00) or is more than five years old and appears to be worth less than five hundred dollars (\$500.00) as provided by the municipality in an ordinance adopted under this section.

- ~~(4) Is no longer intended to be used for its original purpose in light of the condition of the vehicle and the circumstances surrounding its storage or abandonment;~~
- ~~(5) Is being held or used for the purpose of resale of parts or for the purpose of reclaiming for use some or all of the materials therein; or held for the purpose of disposing of said vehicle and it is more than five years old and appears to be worth less than \$100.00; or~~
- ~~(6) Is a derelict vehicle, as defined in G.S. 20-137.7.~~
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
- (9) One that contains areas where people and/or animals could become trapped; or
- ~~(9)~~(10) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town council.

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APPENDIX D

Part II, Chapter 28, Division 3

Sec. 28-40 Connection Requirement

- (a) Pursuant to the authorization of G.S. 160A-317, any owner of developed property located within the Town limit on which there are situated one or more residential dwelling units or commercial establishments is required to connect the premises directly to public water in accordance with the provisions of this chapter provided that the public water is within 150 feet of the property line.
- (b) Any owner of a property who is in violation of (a) above will be assessed a monthly access fee equal to the minimum monthly water charge, as established by the Town Council, if the owner fails to connect with the available public sewer line within 90 days from the date of the mailing or posting of the notice from the Town Manager.
- (c) As a condition of new connections to the Town's water or sewer systems, property owners must annex the subject parcel into the Town's corporate limits or execute a recorded, binding annexation agreement committing to annexation within a specified timeframe (not to exceed 12 months) prior to issuance of any connection permit or meter activation; the Town may require payment of applicable connection, capacity, and administrative fees and may condition service on completion of any necessary infrastructure improvements or developer agreements. This requirement shall be implemented consistent with state annexation law and apply to all connection applications submitted on or after the ordinance effective date.
- (d) A property owner shall be exempt from mandatory connection to a water line if adequate water pressure cannot be achieved using the same piping size as the meter provides to the owner's premises. For purposes of this subsection, the term "adequate water pressure" shall mean the average water pressure delivered to all connected customers within a one-quarter mile radius in either direction of the owner's point of connection. In order to establish the adequacy or inadequacy of water pressure for purposes of this subsection, a property owner shall submit to the Town a determination of [the] same prepared by a professional engineer, licensed in accordance with the provisions of Chapter 89C of the General Statutes. In the event water pressure is determined to be inadequate, a property owner may elect, in lieu of connection to the Town's water supply, to install a private drinking water well, as that term is defined under G.S. 87-85, which well shall be approved by the Town if the well meets the requirements of Chapter 87 of the General Statutes and rules adopted thereunder. The Town, however, shall have no liability for the quality or quantity of water, or water pressure, from a private drinking water well installed pursuant to this subsection.

~~All owners of improved property located within the corporate limits of the town and upon or within a reasonable distance of any water line owned and operated by the town shall connect their premises with the town water system.~~

Adds:

- Atmospheric vacuum breaker. A device used to prevent back-siphonage which is designed so as not to be subject to static line pressure.
- Backflow prevention administrator. The Public Works Director, or the director's designee, is the Town employee designated to administer and enforce the provisions of this article.
- Hazard-Moderate. One that presents foreseeable and significant potential for pollution, nuisance, aesthetically objectionable or other undesirable alterations of the drinking water supply.

- Hazard-Severe. An actual or potential threat of contamination to the public water system or to a customer's potable water system that could cause serious illness or death.
- Pressure vacuum breaker. An assembly suitable for continuous pressure, to be used to provide protection against back siphonage.
- Private water system. Any water system located on the customer's premises, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.
- Residential dual check (RDC). A "residential dual check valve" is an assembly, without test cocks or ports, containing two independently operating spring loaded, poppet type check valves, in series, which can be easily removed and replaced. This assembly is suitable for installation in a water meter vault or pit, below ground.
- Used water. Any water supplied by a water purveyor from a public water system to a consumer's water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.
- Auxiliary water supply. Any water supply on or available to the customer's premises other than the purveyor's approved public potable water supply. The auxiliary water may include water from another purveyor's public potable water supply or any natural source such as a well, spring, river, stream, etc., and used or objectionable.

Modifies:

- Backflow prevention assembly- approved means an approved effective device or method used to prevent backflow from occurring in the potable water supply. The type of assembly required shall be based on degree of hazard, existing or potential.
- Degree-of-hazard~~Hazard, degree~~ means the evaluation of a hazard within a private water system as moderate or severe.
- Hazard, health, means actual or potential threat of contamination of a physical, chemical, biological, pathogenic~~hazardous~~ or toxic nature to the public or consumer's potable water system to such a degree or intensity that there would be a danger to health.- Examples of waterborne health hazards include but are not limited to:
 - Physical. Radio isotopes/radio nuclides;
 - Chemical. Lead, mercury and other heavy metals, organic compounds, other toxins and hazardous substances;
 - Biological. Microorganisms and pathogens like cryptosporidium, typhoid, cholera and E. coli.
- Imminent hazard~~Hazard, Imminent~~ means an actual threat of contamination to the public water system that could cause serious illness or death.
- Public potable water system means any publicly or privately owned water system operated as a public utility under a current North Carolina Department of Environment, Health, and Natural Resources (NCDEHNR) Environmental Quality (DEQ) permit...
- Approved water supply means any public potable water supply which has been investigated and approved by the North Carolina Department of Environment, Health and Natural Resources (NCDEHNR) Environmental Quality (NCDEQ).
- Unapproved water supply means a water supply which has not been approved for human consumption by the North Carolina Department of Environmental Quality (NCDEQ), Environment, Health and Natural Resources (NCDEHNR).

Removes:

- Hazard, non health

Sec. 28-172. Unprotected cross-connection prohibited.

- (a) No water service connection to any private water system shall be installed or maintained by the Town of Mayodan unless the water supply is protected as required by this article and other applicable laws. Service of water to any premises shall be discontinued by the Town if a backflow assembly, required by this article, is not installed, tested, and maintained or if a backflow assembly has been removed, bypassed, or if an unprotected

cross connection exists on the premises. Service will be restored after all such conditions or defects are corrected.

- (b) No customer shall allow an unprotected cross-connection to be made or to remain involving the customer's private water system.
- (c) No connection shall be made to an unapproved auxiliary water supply unless the public water supply is protected against backflow by an approved backflow assembly, appropriate to the degree of hazard.
- (d) No customer shall fail to maintain in good operating condition any backflow prevention assembly, which is part of the customer's private water system and is required by this article.
- (e) No customer shall fail to submit to the Town any record, which is required by this article.

Sec. 28-173. Installation of devices.

(a) *Specifications.*

- (1) All backflow prevention assemblies shall be installed in accordance with specifications furnished by a town representative and or the manufacturer's installation instructions and or the latest edition of the state building code, whichever is most restrictive. The installation or replacement of a backflow prevention assembly for domestic water use shall only be performed by a licensed plumber or utility contractor. The installation or repair of a backflow prevention assembly on a dedicated fire sprinkler service shall be performed by a licensed fire sprinkler contractor or utility contractor. All backflow prevention assemblies shall be tested by a certified Backflow Technician authorized by the Town of Mayodan. Repairs to a backflow prevention assembly on a dedicated fire sprinkler system may only be performed by a fire sprinkler contractor.
- (2) All new construction plans and specifications which will directly affect the Town of Mayodan Water System, and/or required by the North Carolina Building Code, the North Carolina Department of Environmental Quality and Town or County Planning and Zoning Offices, shall be made available to the Town of Mayodan Backflow Administrator for review, approval and to determine the degree of hazard.
- (3) All existing facilities zoned commercial or industrial and have existing water services with the Town of Mayodan Water System and requesting certificate of occupancy from the Town or County Planning and Zoning offices, shall be inspected for compliance of backflow and cross-connection control prevention. Any facility not having backflow protection or changing the degree of hazard shall be brought into compliance before the Backflow Administrator may release certificate of occupancy.
- (4) All backflow prevention assemblies must be installed and maintained on the customer's premises as part of the customer's private water system at or near the service connection and before the service line is connected to any other pipes except as authorized by the water purveyor.
- (5) If it has been determined that a backflow prevention assembly cannot be installed at the meter service or other outside location, the Backflow Administrator may allow the assembly to be installed just inside the building.
- (6) Any branch of plumbing installed on a private water system that may be of a greater hazard than the supply line, (example: Chemical induced irrigation or fire

systems, pump systems, etc.) shall be protected with a reduced pressure zone assembly.

- (7) All backflow prevention assemblies shall be installed in accordance with the backflow and cross-connection specifications furnished by the Town of Mayodan and/or the manufacturer's instructions, whichever is most restrictive.
- (8) Any customer installing a reduced pressure zone (RPZ), pressure vacuum breaker (PVB), double check-detector assembly (DCDA) or double check valve assembly (DCVA) shall provide the following information on forms provided by the town to the Backflow Administrator within ten days of installation: service address, owner, date of installation, type of assembly, manufacturer, model, and serial number.

Note: If an imminent hazard or unreasonable threat of contamination or pollution to the public water system is detected, the Backflow Administrator may require the installation of the required backflow assembly immediately or within a shorter time period than specified in subsection (f) above.

(g) No service shall be completed until the Backflow Administrator has been provided information or has surveyed the private water system to determine the degree of hazard and make a determination of a backflow prevention assembly to be installed to protect the public water supply.

(h) The Backflow Administrator must approve each backflow assembly required by this article. Specifications for backflow assemblies are furnished by the Town of Mayodan. Any unapproved backflow assemblies must be replaced within a time set by the administrator, with an approved backflow assembly.

Sec. 28-211 Definitions and rules of construction

- Amends:
 - Approval authority means the director of the NC Department of Environmental Quality Division of Water Resources~~division of water quality of the state department of environment and natural resources~~ or his/her designee.
 - Bypass means the intentional diversion of ~~wastewater~~ waste streams from any portion of a user's treatment facility.
 - Grab sample means a sample which is taken from a ~~wastewater~~ waste stream on a one-time basis without regard to the flow in the ~~wastewater~~ waste stream and over a period of time not to exceed 15 minutes.
 - Significant noncompliance (SNC) or Reportable Noncompliance means the status[...]
 - Suspended solids (SS) means[...]
- Adds:
 - Average Flow per Work Day. The average flow per work day divided by the number of hours during which the process discharge occurs.
 - Average Hourly Flow Rate. The average flow per work day divided by the number of hours during which the process discharge occurs.
 - Chlorine Demand. The difference between the amount of chlorine applied to a sample of waste and the amount of available chlorine residual remaining, after a contact period of 20 minutes, under analytical procedures given in the latest edition of Standard Methods.

- Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment work's NPDES permit, where the publicly owned treatment work is designated to treat pollutants and, in fact, does treat pollutants to the degree required by the POTW's NPDES permit.
- Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of North Carolina.
- Domestic Sewage. That waste from residence sewer fixtures, public rest rooms in commercial or industrial establishments and garbage grinders, dishwashers and clothes washers which are not operated on a commercial basis.
- Garbage. Solid waste from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- Immediate Dissolved Oxygen Demand (DOD). That quantity of molecular oxygen that is required immediately in the oxidation of certain substances which is not included in the oxygen consumed in the 5-day BOD test and is conducted according to analytical procedures given in the latest edition of Standard Methods.
- Incompatible Pollutant. All pollutants other than compatible pollutants as defined in the above definition "compatible pollutant".
- Monitoring Facility. A structure or sampling installation for the purpose of accurately measuring the volume of flow and sampling of the waste. The design, location, materials, heat, wrecked or discharge equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.
- Publicly owned treatment works (POTW) Treatment Plant or Pollution Control Plant. That portion of the POTW designed to provide treatment to wastewater.
- Public Sewer. A sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority and includes the service connection up to and including the clean-out at the right-of-way easement or property line boundary.
- Rate Schedule. A document adopted by Town Council that outlines charges and fees to be paid under this chapter, a copy of which is to be on file in the office of the Town Clerk.
- Sanitary Sewer. A sewer which carries polluted wastes and to which storm, surface and ground water are not intentionally admitted.
- Sewage. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with ground, surface and storm water as may be present because of infiltration or inflow.
- Standard Manhole. A sewer inspection entrance constructed according to Town standards and having a minimum horizontal diameter of 4 feet and located on the sewer collection system.

- o Standard Methods. The latest edition of Standard Methods for the Examination of Water and Waste Water as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.
- o Storm Sewer. A pipe or pipes which carry storm, surface water, drainage and other unpolluted water, but excludes sewage.
- o State. State of North Carolina.
- o Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA § 307(a) or other Acts.
- o User. Any person who contributes, causes or permits contribution of wastewater into the sewer system.

Sec. 28-232. Service Connection Required

- (a) Pursuant to the authorization of G.S. 160A-317, any owner of developed property located within the Town limits on which there are situated one or more residential dwelling units or commercial establishments is required to connect the premises directly to public sewer in accordance with the provisions of this chapter provided that the public sewer is within 150 feet of the property line.
- (b) Any owner of a property who is in violation of (a) above will be assessed a monthly access fee equal to the minimum monthly sewer charge if the owner fails to connect with the available public sewer line within 90 days from the date of the mailing or posting of the notice from the Public Works Director.
- (c) A property owner shall be exempt from mandatory connection to a sewer line if:
 - (1) The POTW has inadequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection; or
 - (2) The costs of connection, including the costs of underground piping and connections to the dwelling or building, exceed the costs of installing an on-site wastewater system authorized pursuant to Article 11 of Chapter 130A of the General Statutes. Determination of the comparative costs of connection shall be assessed pursuant to G.S. 160A-317 (a).

Sec. 28-234 Connection specifications and restrictions

- (a) Authorized employees of the town, in accordance with specifications, shall make all connections to the sanitary sewer system for such connections that may be adopted by the town. ~~If authorized by the town council, c~~Connections at specified locations may be made by plumbers licensed to perform plumbing work in the town if authorized by the public works director. All construction shall be in conformity with the state plumbing and building codes, as amended, and according to specifications provided by the Town. The approving authority shall inspect any sewer connection made by an authorized licensed plumber after such work has been completed and prior to the time such connection is covered.

Consider adding the following:

Extensions to Mains and Services.

(A) Sanitary sewer lines to serve undeveloped property will be constructed handled as follows:

- (1) The developer shall design all sewers to serve both the subject property and the full drainage area tributary to the sewer system. The development may be required to extend sewer lines to the borders of the development or provide easements to the Town to allow for future extensions of the collection system.
- (2) The development will submit plans and specifications for review and approval by the Town, its Engineer, and the NC Department of Environmental Quality.
- (3) The developer will install the lines in accordance with the approved plans and specifications once all approvals have been obtained.
- (4) Upon completion of the new extension, the developer will deed the complete facility, to include all rights-of-way, easements, permits and other instruments needed for the operation and maintenance of the facility to the Town. The developer shall submit as-built drawings and engineer's certifications.
- (5) The Town may participate in the cost of any oversizing of lines required to serve land area or improvements beyond the development. Should the Town require sewer line extensions (off-site or on-site larger in size than required by the applicant, the Town may pay for that portion of material cost over and above such requirements. Also, due allowance may be made to the owner of the development for intersections and alleys crossed, outside the development.

(B) Extension of sewer lines to serve other customers within the Town 's service area will be handled as follows:

- (1) The plans and specifications for the extension will be submitted for review and approval by the Town, its Engineer and the NC Department of Environmental Quality.
- (2) The lines will be installed in accordance with the approved plans and specifications.
- (3) Prior to or upon completion of the new extension all rights-of-way, easements, permits or other instruments needed for operation and maintenance of the facility, will be deeded to the Town. The cost involved in the new extension will be paid by the person or persons requesting the extension.

Sec. 28-238 Prohibited discharge standards.

(b) *Specific prohibitions.* No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

(25) At no time shall any ground paper products be discharged or allowed to be discharged into the sewer system. The POTW director may require a grinder to be installed as necessary for the proper handling of excessive amounts of trash, rags, etc., in a discharge.

Any clothing, rags, textile remnants or waste, cloth, scraps and the like, except materials of a size that will pass through a 1/2-inch mesh screen or its equivalent in screening ability;

Any liquid or vapor having a temperature higher than 140°F measured at a suitable point of access on the building sewer nearest the point of entry to the public sewer;

Any liquids, solids or gases which by reason of their nature or quality may cause fire or explosion, or in any way be injurious to persons, the public sewer system, the pollution control plants or the operation of the pollution control plants;

Any ashes, cinders, sand, mud, straw, shavings, metal, grease, fats, glass, bones, glue, feathers, fish or poultry offal, tar, plastics, wood, rubber, parch manure or any other solids or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the public sewers or pollution control plants;

Any waters, except as hereinafter provided in Sec. 28-275, which have the following characteristics:

- (a) BOD greater than 250 mg/1;
- (b) TSS greater than 250 mg/1; or
- (c) TKN greater than 40 mg/1.

Any waters or waste having a concentration greater than the specific concentration listed below:

- (a) 0.003 mg/1 arsenic;
- (b) 0.003 mg/1 cadmium;
- (c) 0.061 mg/1 copper;
- (d) 0.041 mg/1 cyanide;
- (e) 0.049 mg/1 lead;
- (f) 0.0003 mg/1 mercury;
- (g) 0.021 mg/1 nickel;
- (h) 0.005 mg/1 silver;
- (i) 0.05 mg/1 total chromium; or
- (j) 0.175 mg/1 zinc.

Any wastes or water containing mineral or hydrocarbon fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter; or containing substances which may solidify or become viscous at temperatures between 32°F and 140°F, but this prohibition shall not be deemed applicable to vegetable and animal fats, grease or oils which are compatible with or biodegradable by the sewerage pumping or treatment facilities unless otherwise prohibited by this section;

Any waters or wastes in unusual volume of flow or concentration of wastes constituting "slugs" as defined herein and where, in the opinion of the Town slugs may interfere with the process operation and/or maintenance of the sewerage system;

Any waters or wastes have a chlorine demand in excess of 20 mg/1;

Any waters or wastes that have an immediate dissolved oxygen demand in excess of 3 mg/1;

Petroleum oils or greases and exhaust gases from internal combustion engines.

Sec. 28-240 Local Limits

(a) Purpose. The Town shall adopt local discharge limits for pollutants of concern to protect the POTW, sludge management practices, and receiving waters from pass-through and interference.

(b) Local-limits study required. Local limits shall be established only after completion of a written headworks/local-limits study that documents the technical basis for each limit, including treatment plant capacity, process removal efficiencies, sludge disposal constraints, cumulative pollutant loading, and receiving-water protection. The study shall be retained as an administrative record and made available to the public consistent with law.

(c) Adoption and incorporation. Local limits adopted by resolution or ordinance shall be incorporated into industrial user permits and control mechanisms and shall not be enforced until the POTW director has approved the supporting study and administrative record. The POTW may revise local limits following an updated technical analysis.

Sec. 28-247 Oil and grease in sanitary sewer

(a) Purpose.

This Section is intended to aid in the prevention of sanitary sewer blockages and obstructions caused by the introduction, discharge and contribution of fats, oils, greases, grease complexes, scum, sludge and other organic polar compounds into the Town's wastewater collection system or publicly-owned treatment works by commercial, industrial, institutional and all other non-residential activities.

(b) Definitions.

- (1) "Town" shall mean the Town of Mayodan, North Carolina, and its utility service area.
- (2) "Person" shall mean any actual person, corporation, partnership, unincorporated association, and any governmental entity or political subdivision and departments and agencies thereof.
- (3) "Grease" shall mean all greases, grease complexes, fats, oils, scum, sludges and all other organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Such substances are detectable and measurable using analytical procedures established in 40 C.F.R. 136.
- (4) "Wastewater" shall mean any substance introduced, contributed to, or discharged into the Town's wastewater collection system or publicly-owned treatment works ("POTW").
- (5) "Grease trap" or "grease interceptor" shall mean a device for separating and retaining waterborne greases before the wastewater which contains such grease exits the grease trap or interceptor into the Town's wastewater collection system or POTW. The grease trap or interceptor also collects settable solids generated by or incidental to commercial, industrial and food preparation activities.
- (6) "Cooking establishment" shall mean any person primarily engaged in the activities of cooking, preparing, serving or otherwise making available for human consumption any form of foodstuff, and which uses one or more of the following cooking or preparation methods in connection with such activities: cooking or preparation by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, poaching, or any type of cooking or preparation that produces a hot non-potable product in or on a receptacle that requires washing, rinsing or other form of cleaning. Such establishments include, but are not limited to, restaurants, cafeterias, extended care facilities, school cafeterias (public and

private), and daycare facilities where meals for more than six (6) children are prepared, served or otherwise made available for human consumption.

- (7) "Non-cooking establishment" shall mean any person primarily engaged in the rendering or preparation of pre-cooked foodstuffs that do not require or involve any form of cooking. Such establishments include, but are not limited to, establishments that are primarily engaged in the rendering preparation of cold dairy and frozen foodstuffs. These businesses are encouraged to explore methods of exemption and alternate compliance status.
- (8) "User" shall mean any person primarily engaged in any commercial, industrial, institutional or other non-residential activity who introduces, contributes or discharges (or causes or permits the introduction, contribution or discharge of) wastewater into the Town's wastewater collection system or POTW, including but not limited to any person who introduces, contributes or discharges wastewater into the wastewater collection system or POTW through any mobile source.
- (9) "Commercial establishment" and "industrial establishment" shall mean any user that has the potential to use, contribute to or otherwise impact the Town's wastewater collection system or POTW. Such establishments include, but are not limited to, maintenance facilities, repair facilities and equipment cleaning facilities.

(c) Grease Trap and Interceptor Installation, Maintenance, Record-Keeping and Removal.

- (1) No later than one (1) year after adoption of this ordinance, all users shall install grease traps or interceptors designed to limit the introduction, contribution and discharge of greases into the Town's wastewater collection system or POTW. Grease traps and interceptors with appropriate sampling or inspection points shall be installed at the user's expense whenever any user operates a commercial, industrial, or institutional cooking establishment. Grease traps and interceptors must have a minimum capacity of one thousand (1,000) gallons or more as required to affect a grease concentration maximum of 100 mg/l.
- (2) Alternative methods of compliance may be approved by the Town if the user demonstrates that compliance with this ordinance is impossible or impractical at the time of adoption of this ordinance as a result of limited space. However, any such proposed alternative method of compliance will be required to meet the performance criteria specified in Section III-(1) of this ordinance, and the user must adequately demonstrate to the satisfaction of the Town that the proposed alternative method will satisfy those performance criteria. In addition, any such alternative method must be cleaned at a more frequent interval than is required of grease traps and interceptors under Section III-(5) of this ordinance. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily. Prior to approval of any such proposed alternative method of compliance, documentation of the proposed method's actual performance criteria must be submitted to the Town Manager or the Town's designated Enforcement Official for review and approval.
- (3) Grease traps and interceptors may also be required in other facilities, as deemed necessary by the Town Manager or the Town's designated Enforcement Official.
- (4) Upon the prior written approval of the Town Manager, non-cooking establishments may be exempted from the requirements of this ordinance after an inspection of the subject premises and submission of adequate supporting documentation, as deemed necessary in the sole and absolute discretion of the Town Manager. At a minimum, such supporting documentation shall include: blueprints of the subject premises, a full and detailed

description of the operations and activities at the subject premises, and a full and detailed list of all potential sources of grease at the subject premises.

- (5) Users shall empty and service grease traps and interceptors to comply with the performance criteria in Section III-(1) of this ordinance as often as necessary, but in any event no longer than every sixty (60) days. The Town may require a specific schedule if deemed necessary by the Town Manager or designee. Under-the-counter types of grease traps and interceptors shall be cleaned at least daily, and shall comply with the performance criteria in Section III of this ordinance. There shall be no reintroduction of wastewater back into the grease trap or interceptor unless and until said wastewater has been proven to contain 100 mg/l or less of grease. Under no circumstances shall the sludge or scum layer be reintroduced or discharged into the Town's wastewater collection system or POTW.
- (6) Users shall supply (i) an adequate sampling point downstream of the grease trap or interceptor, prior to mixing with other sanitary flows, and (ii) an accessible entry into each chamber of the grease trap or interceptor. The minimum requirement for the sampling point shall be a four inch (4") vertical clean-out. The Town shall have the right to inspect at any time and without prior notice.
- (7) Users shall retain detailed records on-site for a minimum of three (3) years reflecting all maintenance carried out pursuant to this ordinance. At a minimum, such records shall contain the following information: date of service, name of the employee involved, and a receipt reflecting all services rendered by the waste hauler providing the service.
- (8) Users are required to keep the grease trap or interceptor free of inorganic solids such as grit, towels, gloves, cigarettes, eating utensils, etc., which could clog or settle in the trap or interceptor, thereby reducing the effective volume or capacity of the trap or interceptor.
- (9) Users are required to ensure that all waste material removed from grease traps and interceptors is disposed of in a manner that complies with all federal, state and local statutes, rules, regulations, policies and ordinances.
- (10) Except as provided herein, for a period of one (1) year following the adoption of this ordinance, no enforcement actions will be taken under this section for failure to achieve the performance criteria specified in Section III of this ordinance. If, during such period, (i) an obstruction of any of the Town's sanitary sewer main(s) occurs and causes a sewer overflow, spill, leak or other event with any environmental impact, and (ii) such overflow, spill, leak or other event may be attributed in part or in whole to a particular user, then the Town will seek enforcement action under the Sewer Use Ordinance. For purposes of this section, an overflow, spill, leak or other event shall be deemed to have an environmental impact when (i) such overflow or other event involves an amount of wastewater equal to or in excess of one thousand (1,000) gallons, or (ii) any amount of wastewater reaches any body of surface water.

AGENDA ITEM COVER

<p>Item for Agenda:</p>	<p>Utility Billing & Collections Policy Amendment</p>
<p>Placement on Agenda:</p>	<p>New Business</p>
<p>Presenter:</p>	<p>Melody Shuler, Town Manager</p>
<p>Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Background: The Town’s Utility Billing & Collections Policy was last updated in October 2024 and the Utility Service Close Out Policy was last updated in July 2021. Following the recent utility cutoff cycle, to help clarify billing procedures, late fees, and customer service standards, staff identified the need for clearer direction and authority to manage irregular or problematic cutoff lists.</p> <p>The revised Billing & Collections policy adds a new section — Section V-B: “Town Manager’s Administrative Authority During Cutoff Situations.” This section provides the Town Manager with the authority to delay or temporarily suspend water service disconnections, or to authorize reconnections, in cases where:</p> <ul style="list-style-type: none"> • Billing discrepancies, data errors, or system malfunctions are suspected; • There are widespread customer impacts caused by administrative or technical issues; or • Other exceptional circumstances warrant review prior to

disconnection.

This change ensures fair treatment of customers, protects the Town from potential procedural errors, and allows flexibility to address issues in real time. The revision also requires that any such action be documented and reviewed with the Finance and Public Works Directors, and that significant issues be reported to Town Council for awareness and policy refinement.

The revised Policy also provides clearer definitions of customer classes, consistent with the ongoing water rate study through UNC School of Government.

Requested Action:

Motion to approve the revised **Utility Billing & Collections Policy**.

Town of Mayodan
Utility Billing & Collections Policy

Policy No. P-2013-001

Adopted: December 9, 2013

Effective: January 1, 2014

Updated: October 14, 2024

Responsible Department: Finance

Purpose

The purpose of the Utility Billing and Collections Policy is to provide standard operating procedures for the billing and collections processes performed by the Town of Mayodan. The policy is established by Town Council to provide direction to Town staff in procedures that are efficient, fair, and equitable to all Town of Mayodan utility customers.

The Town of Mayodan is authorized to operate a water and sewer utility as a public entity under Chapter 160A of the North Carolina General Statutes. The Town is also authorized to operate a municipal solid waste enterprise under the same statute.

The Town has an adopted ordinance (Chapter 6.18 Utility Use Ordinance, Appendix II, Section 101) that authorizes the Town Council to establish rates, fines, deposits, and other fees for financing the total cost of the Town's utility systems.

I. Definitions

Utility Customer – The person, persons, or entity that has entered into an agreement with the Town of Mayodan for the provision of utility services (water and/or sewer, and solid waste collection).

Residential Customer – A property used primarily for human habitation, including single-family dwellings, duplexes, triplexes, townhomes, condominiums, apartment buildings, and other multi-family residential structures, whether individually metered or master-metered. Residential classification applies when water service is used principally for domestic living purposes.

Commercial Customer -- A property used primarily for retail sales, offices, professional services, restaurants, lodging, personal services, institutional uses (including schools, churches, and government buildings), or other business activities that do not involve manufacturing, fabrication, processing, or industrial production. Commercial classification applies when water usage is incidental to business operations and does not involve significant process water discharge.

Industrial Customer -- A property used primarily for manufacturing, fabrication, assembly, processing, refining, treatment, or other industrial production activities. This classification includes facilities where water is used as part of a production process, cooling process, cleaning process, or where wastewater characteristics differ materially from typical domestic or commercial discharge.

Agricultural Customer -- A property used primarily for agricultural production, including crop cultivation, livestock operations, nurseries, greenhouses, irrigation, or other farming-related activities.

Customer classification shall be based on the primary use of the property as determined by zoning designation, tax records, business registration, occupancy permit, or other documentation deemed reliable by the Finance Director. Customers within the same classification shall be treated uniformly for rate and billing purposes in accordance with G.S. 160A-314.

High-Risk Customer – A customer, whether owner or renter, that has any one of the following occurrences: 1. One returned check within any 24-month period with the Town of Mayodan. 2. Has had Mayodan utility service disconnected due to non-payment (including returned checks) more than once in a 24-month period. 3. Failed to notify the Town requesting closure of a utility account. 4. Had a returned check on a utility deposit. 5. Attempted to re-establish service with an outstanding bill from a previous account with the Town of Mayodan.

Late Fee – An amount charged to an account that is past the due date for the current billing cycle. The Town Council sets the late fee.

Administrative Fee – A fee charged at 7:30 a.m. on the date that water utility service is scheduled to be disconnected, regardless of whether the utility is actually disconnected. Administrative fees are charged whenever the Town terminates service due to non-payment, missed payment agreements, or returned checks.

Meter Tampering – Water meters are the property of the Town of Mayodan. NCGS §14-151 makes it unlawful for any unauthorized person to alter, tamper with, or bypass a water meter. Proof of who did the actual tampering is not necessary to prosecute the property owner or customer. A first violation is a misdemeanor; a second or subsequent violation is a Class H felony. Civil penalties may also apply.

II. Application for Service

A. Required Application

All customers must complete and sign an application for service for water, sewer, and solid waste collection. Applications are available at Town Hall and the Town may develop other methods of accepting applications. All applications must be signed by the customer

establishing service. By signing the application, the customer agrees to abide by all rules and procedures established or modified by the Town. Proof of ownership or a rental agreement and photographic identification must accompany the application.

Customers with prior unpaid balances must pay in full before re-establishing service and will be considered “high risk” per Section I.

B. Fees

The Town Council has the authority to set fees for all utility services.

C. Deposits

Accounts not in the property owner’s name must provide a deposit for the life of the account. Deposit amounts are determined by the Town Council and must be made by cash, check, cashier’s check, money order, or credit card. All customers re-establishing or transferring service are responsible for any outstanding bills in the customer’s name. Applicants (whether owner or renters) considered to be “high-risk” as defined above, may be required to provide a deposit to re-establish or transfer an account. Deposits paid by check or debit card that are returned for insufficient funds result in immediate disconnection. Service will only be re-established after payment of the deposit, NSF fees, administrative fee, and reconnection fee by cash, cashier’s check, or money order.

D. New Service Procedures

After submitting a complete application, the Billing Clerk will notify the Public Works Director or designee of the request for service. Requests made before 4:00 p.m. will receive same-day service. The Town is not responsible for damage or high usage bills due to leaks or fixture disrepair beyond the Town’s meter when providing service to the customer. Customers are advised to be on-site when service is connected.

The Town reserves the right to turn-off water if there is evidence of water usage at the property and the customer is not available to check for leaks. Town staff will attempt to contact the customer to notify them of a possible leak and make arrangements to turn the service back on when the customer or their designee is available. Arrangements must be made Monday-Thursday, 8:30-4:00 and Friday 8:00-11:00am. HOWEVER, the Town is not responsible for leaks beyond the meter and does not take responsibility for leaving a meter on, even if it shows usage.

III. Utility Billing and Collections

A. Residential/Agricultural Accounts

Billed bi-monthly. Meters are read between the 10th and 15th of even-numbered months. Bills are mailed around the 25th of even-numbered months. Bills are due the 15th of the following odd-numbered months. If payment is not received before 7:30 a.m. the day after the due date, a late fee is assessed.

B. Commercial/Industrial Accounts

Billed monthly, with meters read on or about the last business day of each month. Bills are due the 15th of the following month. If payment is not received before 7:30 a.m. the day after the due date, a late fee is assessed.

Accounts 30 days past due are disconnected. Reconnection requires full payment, including administrative fees.

C. Industrial Sewer Metering

Industrial users who consume water not discharged to the Town's wastewater system must install sub-meters at their expense for accurate billing.

Such meter or meters shall be installed under the supervision and in accordance with the plans and specifications of the Town. If the customer's meter does not work properly, then it will be the owner's responsibility to fix or replace the meter at their expense. Failure to do so will result in full sewer charges based on water consumption being charged to the account.

D. Payment Extensions

Customers may request payment extensions under the following circumstances:

- **Unusually High Bills:** Customers whose bill exceeds double their average bill (last 6 cycles) may request to pay in three monthly installments, including late fees. The customer is responsible for payment on any other regular bills within that 3-month period. A payment arrangement contract must be signed by the customer whose name is on the account no later than the day prior to cut off day. If any payment is missed the Town reserves the right to terminate service without additional notice. In addition, any late fees or administrative fees must be paid in full before service is reconnected.
- **Customer Hardship:** Customers demonstrating financial hardship may request up to two extensions within 24 months, not exceeding 15 days past the cutoff date. The Town Manager or designee must approve hardship extensions. Customers must be current on prior bills, seek outside assistance, and sign a payment agreement no later than the day prior to cut off day.

IV. Calculation of Bills

A. Utility Usage

Bills are calculated per thousand-gallon usage for both water and sewer, with a minimum billing of 3,500 gallons each. Rates are set by Town Council and are higher for properties outside Town limits.

B. Residential Solid Waste

All residential customers are billed for solid waste unless part of an apartment complex. One cart is provided per customer; additional carts may be purchased. Carts are collected on a weekly basis.

C. Commercial Solid Waste

Commercial accounts are billed unless proof of private collection is provided. The Town does not collect from dumpsters. The Town collects commercial waste twice weekly. Additional carts may be purchased.

V. Disconnection / Termination of Services

A. Customer Request

Customers must request service termination by 4:00 pm Monday-Thursday and 11:00 am on Fridays. Deposits are applied to unpaid balances. In order for the Town to process deposit refunds, Customers will provide a forwarding address. Final bills are mailed at the end of the month of termination.

B. Disconnect Due to Non-Payment

Accounts unpaid and without approved extensions shall be processed for disconnection on or about 35 days after billing. The Town is not responsible for delays, lost bills, or late payments caused by the United States Post Office or any financial institutions. Disconnections will not occur on Fridays or days before Town holidays. An administrative fee, as set by Town Council, is assessed on all accounts scheduled for disconnection whether or not the physical cutoff occurs. Repeat offenders within 24 months may incur an additional administrative fee.

C. Meter Tampering

Tampering with Town meters is prohibited under NCGS §14-151. Violators are subject to criminal and civil penalties. If a customer tampers with a disconnected meter, it may be locked or removed until all fees and damages are paid. The meter installation fee shall be an amount established by the Town Council.

V-A. Customer Communication and Conduct During Cutoff Periods

To ensure clear, consistent, and courteous communication with customers during billing and service disconnections, Town staff shall adhere to the following standards:

1. Pre-Cutoff Communication

- If an account is not paid in full by the scheduled due date, a second notice regarding the outstanding balance will be issued. If payment is not received in full before the cutoff date, service may be subject to disconnection in accordance with this policy and applicable law.
- All notices must clearly state the due date, cutoff date, amount due, administrative fee information, and available payment methods.

2. Professionalism During Cutoffs

- Staff shall maintain professionalism, empathy, and composure when interacting with customers affected by disconnection.
- All communication—verbal, written, or electronic—must remain factual, respectful, and consistent with official Town policy.
- The Finance and Public Works Departments shall coordinate throughout the cutoff process to ensure information provided to customers is accurate and timely.

3. Post-Cutoff Coordination

- Upon payment or verification of payment, reconnection shall be scheduled promptly in accordance with operational procedures.
- Staff shall clearly explain the administrative fee, including that it is assessed whether or not physical disconnection occurs once cutoff procedures begin.
- All interactions, payments, and service actions related to cutoff and reconnection shall be accurately documented in the billing system.

4. Training and Review

- Employees involved in billing, collections, or field operations shall receive periodic training on customer service, conflict resolution, and communication best practices.
- The Finance Director shall review complaints and feedback following each cutoff cycle to identify improvements in communication or procedure.

V-B. Town Manager’s Administrative Authority During Cutoff Situations

The Town Manager is authorized to exercise discretion to delay or modify water disconnections when unusual circumstances arise, such as billing discrepancies, technical issues, or widespread customer impacts identified during the cutoff review process.

1. Temporary Delay of Cutoffs

- The Town Manager may postpone cutoffs for individual accounts or the entire cutoff list if there is reasonable concern about billing accuracy, processing errors, or other extenuating factors.
- Such action shall be documented with a brief written explanation provided to the Finance Director.

2. Restoration of Service

- The Town Manager may authorize temporary reconnection of water service if a customer's disconnection is determined to have resulted from administrative error, billing inaccuracy, or hardship warranting immediate review.
- Customers must still satisfy all applicable payment obligations once the issue is resolved.

3. Reporting and Oversight

- The Town Manager shall review the circumstances and corrective actions with the Finance Director and Public Works Director following any delay or restoration action.
 - Significant procedural concerns shall be reported to Town Council for awareness and policy refinement as needed.
-

VI. Unusually High Water Bills

A. Meter Reading

During bill processing an attempt will be made to detect unusually high-water usage.

The Town will re-read meters showing unusually high consumption. If confirmed, staff may attempt to notify the customer as a courtesy in person at the property or via a door-hanger. However, the Town is under no obligation to report high water usage to the customer and only does so as a courtesy to the customer.

B. Leaks

If unusually high usage is due to leaks on private property (past the meter coupling), an adjustment to the **sewer portion only** may be considered if:

- The leak did not enter the sanitary system; and
- The customer provides proof of repair; and
- The usage during the leak period exceeds double the customer's average usage.

If all criteria above are met, the sewer portion of the bill will be eligible for an adjustment.

Customers are eligible for only one (1) leak adjustment within any twelve (12) month period. However, if the same leak impacts two (2) billing cycles, the customer may receive up to two (2) adjustments for that single leak.

If above leak criteria are met, the bill, as adjusted shall be calculated by:

1. Determine the average water and sewer charge for the previous six (6) billing periods. If the customer has less than six billing periods of history, staff will determine average usage based on the number of months available.

C. Appeals

Customers may appeal an unusually high usage bill prior to the assessing of a late fee by contacting the Town **on or before the due date**. Customers may appeal high bills to the Town Manager, and subsequently to the Town Council. Appeals must be submitted within five business days of the Manager's decision. Town Clerk will place the appeal request on the next available agenda of the Town council and notify the customer of the date, time, and place of meeting. Council decisions are final.

From time to time the Town may flush private taps to clear water due to a leak or other unforeseen event. In such circumstances, the Town will credit the customer by estimating the water used and deducting that usage from the water and sewer total of the customer automatically before the bill is mailed.

VII. Pool Filling Regulations

Customers may request sewer-use adjustments for pool filling if:

1. The request is made at least three business days before filling and filling occurs between 8:30 a.m. and 3:00 p.m. after staff read the meter. If pool filing begins before the meter has been read, no credit will be given.

2. Adjustments are limited to once per calendar year:

Pool filling of less than 3,500 gallons will not be given any credit.

Pool filling of 3,501–10,000 gallons: \$20 credit.

Pool filling Over 10,000 gallons: \$50 credit.

Proof of purchased pool may be requested.

Town of Mayodan

Utility Close Out Policy

Policy No. P-2014-002

Adopted: July 14, 2014

Effective: July 15, 2014

Updated: July 1, 2021

Responsible Department: Finance and Public Works

Purpose

In order to provide a consistent, efficient method for the close-out of utility accounts for Town of Mayodan customers and to provide guidance to Town staff of the following policy procedures to be followed.

Water/Sewer Close-Out Procedure

It is the customer's responsibility to properly close-out their utility account by notifying the Town.

Town staff will read and turn off the water meter. Billing staff will determine which of the following circumstances apply to determine which billing procedure to follow:

If it has been 30 Days or less since the last billing cycle-

- Less than 100 gallons of usage then there will be no charge to process the close-out.
- If usage is between 101-1,750 gallons of water there shall be a close-out charge of one-half of the current minimum charge.
- If usage is more than 1,750 gallons of water used then the customer will be billed for actual usage.

If it has been over 30 days since the last billing cycle-

- If usage is between 0-3,500 gallons of water there shall be a close-out charge of the current minimum charge.
- If usage is more than 3,500 gallons of water then the customer will be billed for actual usage.

Solid Waste Close-Out Procedure

It is the customer's responsibility to properly close-out their utility account by notifying the Town.

Close-out fees for solid waste are as follows:

- If it has been less than 15 days since last billing cycle and less than 100 gallons of water used there will be no charge for solid waste.
- If it has been less than 15 days since last billing cycle but more than 100 gallons of water used or for any billing period more than 15 days to 30 days the charge will be the same as the monthly rate for solid waste service.
- For any billing period over 30 days the charge will be the bi-monthly **rate**, as set by Town Council.

Deposits Applied

Close-outs are processed during the next billing cycle.

If a deposit was made to open the account, then the deposit will be applied to any outstanding owed amount.

Any remaining funds will be mailed to the address of record either on the close-out form or the service billing address.

Town of Madison
Customer Service Policy
Water, Sewer and Garbage

PURPOSE AND SCOPE:

This policy has been adopted by the Town of Madison Board of Aldermen for all customers of the Town. The policy is intended to offer direction and guidance for the Town Manager and Employees of the Town on water, sewer and garbage billing, connections, collections and other related issues but is not meant to be all-inclusive. Further, the policy is to provide the customer, utility and building trades and Employees of the Town a helpful guide with uniform procedures for providing utility service. The Town of Madison desires to treat its citizens in a fair and indiscriminate manner while recognizing that each customer has distinct needs and requirements.

APPLICATION OF POLICY:

This policy applies to every customer or applicant for utility services and may be revised, amended, supplemented or otherwise changed from time to time by action of the Board of Aldermen. Customers are encouraged to seek answers to questions by contacting the Finance Department of the Town of Madison. Copies of this policy are available at Madison Town Hall.

SERVICES PROVIDED:

1. Water: The Town of Madison will endeavor to provide potable water to all residential, commercial, and industrial customers within the corporate limits. Water service will be extended to customers outside the corporate limits in accordance with the Town of Madison Code of Ordinances.
2. Sewer: The Town of Madison will provide collection and treatment of domestic, commercial, and industrial sewage to customers within the corporate limits. Sewer service will be extended to customers outside the corporate limits in accordance with the Town of Madison Code of Ordinances.
3. Garbage: The Town of Madison or its designated contractor will remove residential garbage in approved containers, placed at the curb once a week, and recycling in approved containers every other week.

ESTABLISHING SERVICE:

1. **Connections Required:**
All property owners in the Town shall be required to make connections with the Town water and sewer system if lines are adjoining or adjacent to their property. Further, all water and sewer customers will be required to participate and be billed for garbage and recycling collection services unless a dumpster is required per the Town of Madison Code of Ordinances or customer lives outside the corporate limits.
2. **Office and Service Hours:**
Services can be established at the Town of Madison Finance Department located in Town Hall. Town Hall is open 8:00 a.m. to 5:00 p.m., Monday through Friday with the exception of holidays and/or special closings. Emergency restoration work is performed 24-hours a day,

seven days a week. Please call us at (336) 427-2271 during normal business hours and (336) 548-6041 after hours for Emergency Service.

3. **Application of Service:**

- a. Any customer requesting services will complete a contract for utility services and agreement for services. The customer will show: A valid government issued picture identification. Disclosure of your Social Security/Federal ID number is not mandatory. Your Social Security/Federal ID number may also be used for collection of utility debt and be shared with NC Department Debt Set-off and/or third-party collector.
 - i. **Additional Information required for Services:**
 1. Owner of the Property:
 - a. Customer may be required to show proof of ownership.
 2. If Representative is Power of Attorney for the Customer needing service, then they may be required to provide:
 - a. Power of Attorney paperwork
 - b. Power of Attorney's state issued photo ID.
 - c. Customer's state issued photo ID.
 3. Tenant of Property:
 - a. Current lease agreement between property owner, Power of Attorney or Property Manager.
- b. **Non-Residential and Industrial Accounts:** Accounts established for non-residential services will be asked to provide a Federal Tax ID Number, W-9, coordination form from Planning & Development Services and a signature by an officer of the corporation listed in the Articles of Incorporation. For a non-incorporated business, the account will be listed in the name of a responsible person (owner, manager, etc.). That person accepts the personal responsibility for payment of the account.
- c. **Time of Application:** The municipality will strive to meet customer's needs for connection of service. Normal connections not requiring installation of equipment will be made the same day as requested if the request is received prior to 3:00 p.m. on normal Business Days.
- d. **Account Information Changes:** Any changes to account information, mailing address, account name, etc. should be made in writing or in person by the account-holder to prevent mistakes.
 - i. **Additional Information Required**
 1. If request is being made by Power of Attorney, the following would be required for any changes on the account:
 - a. Copy of Power of Attorney Paperwork
 - b. Power of Attorney's state issued photo ID.
 - c. If the account holder is a tenant and not the property owner, then an updated lease would be required.
 2. In the event the account holder has been deceased, and the person requesting the change is the spouse, the following would be required for any changes to the account:
 - a. Death Certificate of Deceased
 - b. Spouse's state issued photo ID.
 - c. If the account holder is a tenant and not the property owner, then an updated lease would be required.

3. In the event the account holder has deceased, and the person requesting the change is the Executor/Executrix, the following would be required for any changes to the account:
 - a. Executor/Executrix paperwork from Clerk of Court
 - b. Executor/Executrix state issued photo ID.
 - c. If the account holder is a tenant and not the property owner, then an updated lease would be required.

4. Prior Debt:

- a. The Town shall not furnish service to an applicant who is indebted to the Town for service previously furnished, or to the applicant or any other member of the applicant's household, until all indebtedness has been satisfied.
- b. If prior utility debt to the Town is discovered after service is established, a letter will be sent to the customer and the prior debt will be due and payable immediately in order to maintain utility service.
- c. An upfront payment of 50% is required. Then, a payment contract can be made. This contract will be for no longer than 3 months and can be paid weekly, biweekly or monthly. If there is any deviation from the contract, this could result in the service at the Customer's current location being disconnected and the total balance on the contract will be due in full. This contract is non-transferable.

5. Customer Deposits:

- a. **Deposit Due for Service.** Property owners, upon proof of ownership, are not required to pay a deposit for residential or business water and sewer services. A deposit of \$200 will be required for water and sewer services for residential and business customers who are not owners of the premises.
- b. **Refunding of Deposit**
 - i. Customer Deposits will be refunded to customers who have no delinquencies, returned checks, bank drafts, charged-back credit/debit cards or disconnections for a consecutive 12-month period. The deposit will be credited to your account or refunded by check upon request of customer at the end of the next billing cycle.
 - ii. When Voluntarily Disconnection occurs, the deposit will be refunded automatically with all outstanding amounts on the final bill to be deducted from the deposit amount. The remaining credit on the account will be refunded by check at the end of the next billing cycle.
 - iii. When Involuntarily Disconnection occurs, the deposit shall not be refunded until the customer calls to voluntarily disconnect or forced closure of account occurs, at which time deposits will be treated as a voluntarily disconnection.

BILLING:

1. Payment of Water/Sewer/Garbage Bills:

- a. Water bills will be mailed by the 28th day of the month and due to the Town no less than 30 days from mailing. No second notices will be mailed. Failure to receive bills does not prevent late and/or nonpayment fees.
- b. After the established due date, a bill is considered late and will incur a late fee of \$25 which date and new amount due will be printed on the bill. Payments received in the drop box at Town Hall or paid online by 8:00 am on the first business day after the due date will be considered on time.

- c. No less than 10 days after the due date, a non-payment fee of \$50.00 will be added to any unpaid bill and services may be disconnected. The non-payment fee is not a reconnection fee and is due regardless of connection status. The disconnection date along with the new amount due will be printed on the bill. Payments received in the drop box at Town Hall or paid online by 8:00 am on the disconnection date will not be subject to a non-payment fee.
- d. Bills must be paid in full before services will be reconnected. After hours reconnections must be paid in full, plus a \$50.00 after hours reconnection fee to the Finance Department by 12:00 pm the next business day or services will be disconnected until all fees are paid in full with no after hour reconnection option.

2. Bad Check Policy:

- a. Upon notification from a financial institution that a check has been returned for insufficient funds, closed accounts or any other reason, the Finance Department shall immediately notify the customer in writing allowing ten days to pay the check in full by cash, money order, certified check or debit/credit card, including a returned check fee as established in the Town Fee Schedule. If after 10 days, the customer fails to pay the returned check/fees, a notice shall be placed on the addressed door stating that if payment is not received within 24 hours, services will be disconnected.
- b. A second returned check from the same customer shall follow the notification procedures in subsection (I) and include a letter stating that all future payments made to the Town must be in the form of cash, money order, certified check or debit/credit card due to repeated returned checks.
- c. Should the customer fail to respond to subsections (I) and (II) of this section, a certified letter will be sent to inform the customer that failure to correct this item within 15 days may result in the Town taking legal action to collect this indebtedness.

3. Billing Adjustment:

- a. The purpose for adjusting water/sewer bills is to assist users with a hardship when users have a high bill that is caused by circumstances out of their control. Water and Sewer bills may be adjusted per the following guidelines:
 - i. The leak was out-of-sight and a reasonable and prudent person could not have detected the leak. A commode or indoor faucet/plumbing fixture leak would, therefore, not be adjusted.
 - ii. That the problem has been corrected.
 - iii. That evidence of the repairs, such as plumbing bills and/or a signed statement as to what was done, be submitted.
 - iv. That the adjustment shall be for a maximum of two concurrent billing cycles of high usage, regardless of the length of time that the leak occurred.
 - v. Customers are allowed one (1) adjustment in a consecutive twelve (12) month period. Adjustments shall be made to sewer usage only and shall not be made to water usage. The sewer adjustment will be based on the average of the preceding twelve (12) months of use. If a customer does not have a twelve (12) month history, then the Town will use all months available. Sewer adjustments will not be allowed for high bills due to running toilets and/or leaking indoor faucets/plumbing fixtures.
 - vi. Bills shall not be adjusted for filling pools, watering lawns or gardens, increasing number of household uses or for any other similar reason. However, sewer fees may be adjusted if customers request and use the Town pool meter or

establish a specific date with the Finance Department to use their own pool meter in filling swimming pools.

- vii. If a water meter has stopped reading, the Finance Director or his/her designee will calculate an adjusted water/sewer bill based on the average monthly consumption from the twelve (12) previous months. If it takes more than one billing cycle to fix the meter, the bill will be adjusted again according to this procedure.

4. Extension of Time for Payment of Bills:

- a. All extension requests must be made in person to the Finance Department by the person (or their authorized legal representative) in whose name the account is opened.
- b. Request must be approved by the Finance Department before the disconnection date. The extension stops disconnection only with late and nonpayment fees still due and payable.
- c. The maximum length on any one extension is 10 days.
- d. Customers are allowed no more than one (1) Extension in a consecutive 12-month period.
- e. Extension may be requested by Residential customers only.
- f. If payment is not made by the specified date and time included in the agreement, services will be disconnected without further notice.

5. Payment Plan:

- a. Customers may request a payment plan for excessively high bills, as follows:
 - i. Bills exceeding \$500.00 are allowed a maximum payment plan of three (3) payments.
 - ii. Bills exceeding \$1000.00 are allowed a maximum payment plan of six (6) payments.
 - iii. Bills exceeding \$1500.00 will be addressed on a case-by-case basis not to exceed twelve (12) months or as determined and approved by the Town Manager.
 - iv. Regular bi-monthly bills are still due and must be paid on time in order to maintain the payment arrangement.
 - v. If the payment arrangement is broken due to non-payment of regular bills or if the arranged amount is not paid by its specified due date, services will be disconnected without further notice and all monies due must be paid in full before services will be reconnected.

DISCONTINUING SERVICE

1. Transfer of Service:

- a. Customers may transfer service from one location to another as long as the account is not past due. The remaining amount owed on the previous account and any fees will be due by the regular billing date. Failure to pay previous account after transfer will result in the outstanding balance being transferred to the new account location.
- b. Previous deposits will be transferred to the new account. Any additional deposits that will be required to set up the new account will be paid with application for transfer.

2. Voluntary Disconnection of Service:


- a. If a customer requests utility service disconnection, the customer must make this request in person to prevent fraudulent disconnections. A request for disconnection shall be accompanied by a forwarding address for mailing of the final bill. Service will be disconnected on the date specified by the customer.
- b. Upon disconnection, a final meter reading will be recorded and a final bill issued to the customer.
- c. Any deposit paid by the customer will be refunded automatically with all outstanding amounts on the final bill to be deducted from the deposit amount. The remaining credit on the account will be refunded by check at end of the next billing cycle.

3. Involuntary Discontinuance of Service:

- a. The Town may discontinue utility service for any one of the following reasons:
 - i. Failure of the customer to pay bills for utility service as required in the Billing Information Section of this policy.
 - ii. Upon discovery of meter tampering.
 - iii. Discovery of a condition which is determined to be hazardous or unsafe.
 - iv. Returned check, draft or debit/credit card payment.
- b. A notice for termination will be mailed for ii, iii, and iv above and must include a clear explanation of the reasons for the termination and a statement that cut-off is imminent which includes the date it will occur. A notice will not be mailed for i above as this information is included on your regular utility bill.

4. Forced Closing of a Utility Account:

- a. As soon as possible, but not more than 60 days after termination of utility service including involuntary discontinuance of service, the account will be closed. All fees and credits are then added to the balance and a "final" bill will be issued to the customer. Any balance owed to the Town will remain due and collectible until the balance is paid.
- b. All legal means of collection for an account past due will be taken whether the account is in "closed" status or not.
- c. If customer has current active account with the Town, any credits or fees due will be handled as follows:
 - i. Credits: Any credit balance will be transferred to other active accounts that are in the Customer's name as soon as possible or upon customer request. A check will be issued for credit due at end of next billing cycle.
 - ii. Fees Due: Any fees owed to the Town will be transferred to the Customer's other active account by the 10th day after the final bill is due.

	Policy: Utility Billing & Collections Policy	Effective Date: January 1, 2014
	Policy Number: 2013-001	Revision Effective Date: June 13, 2022
	Responsible Party: Finance Department	Revision Page Number:

UTILITY BILLING & COLLECTIONS POLICY

Adopted: December 9, 2013
 Effective: January 1, 2014
 Updated: October 14, 2024

Purpose

The purpose of the Utility Billing and Collections Policy is to provide Standard Operating Procedures for the billing and collections processes performed by the Town of Mayodan. The Policy is established by Town Council to provide direction to Town Staff in efficient procedures that are fair and equitable to all Town of Mayodan utility customers.

The Town of Mayodan is authorized to operate a water and sewer utility as a public entity under the authorizing statute 160A of the State of North Carolina. The Town is authorized to operate a municipal solid waste enterprise under statute 160A of the State of North Carolina.

The Town has an adopted ordinance (Chapter 6.18 Utility Use Ordinance, Appendix II, Section 101) that authorizes the Town Council to establish rates, fines, deposits, and other fees for purpose of financing the total cost of the utility system to the Town.

I. Definitions

Utility Customer - The person, persons, or entity that has entered into an agreement with the Town of Mayodan for the provision of utility services (water and/or sewer, and solid waste collection).

Residential/Business Customer - Any customer not meeting the definition of High Water User Customer.

High Water User Customer - Any customer of the Town of Mayodan that uses more than 10,000 gallons of water in a 30-day period.

High-Risk Customer - A customer, whether owner or renter that has been determined to have any one of the following occurrences:

1. One returned checks in any 24-month period with the Town of Mayodan.
2. Have had Mayodan utility service disconnected due to non-payment (including returned checks) more than once in a 24-month period.
3. Failed to notify the Town requesting utility account closure.
4. Customer who has a returned check on their utility deposit.
5. Customer attempting to re-establish service with an outstanding bill from a previous account with the Town of Mayodan.

Late Fee - An amount charged to an account that is past the due date for the current billing cycle. The late fee is charged on the amount that is past the due date. The Town Council sets the late fee.

Administrative Fee - A fee charged at 7:30am on the date that water utility service is scheduled to be disconnected, regardless of whether the utility is actually disconnected or not at that time. Administrative fees are charged whenever the Town terminates service due to non-payment either due to missing a promise to pay or a returned check.

Town of Mayodan - Municipal government chartered by the State of North Carolina, (the Town), (Mayodan).

Meter Tampering - Water meters are the property of the Town of Mayodan. NCGS §14-151 makes it unlawful for any unauthorized person to alter, tamper with, or bypass a water meter that has been installed for the purpose of measuring and registering the amount of water consumed. The statute prohibits unauthorized persons from reconnecting water or otherwise turning back on water services when it has been lawfully disconnected or turned off by the provider of utility services. Proof of who did the actual tampering is not necessary to prosecute the property owner or water customer (tenant). A first violation is a misdemeanor; however, a second or subsequent violation is a Class H felony. Alternately, should the Town elect to pursue a violator civilly, the violator can be ordered to pay triple the amount of losses or damages sustained by the Town, or \$5,000, whichever is greater.

II. Application For Service

- A. Required - Application for service for water, sewer, and solid waste collection is required for all customers. The Town will make applications available at Town Hall and may develop other methods of accepting applications. All applications must be signed by the customer. By signing the application, the customer is agreeing to abide by all of the rules and procedures established or modified by the Town as necessary for the operations of the utility services.

All applications must be accompanied by proof of ownership or rental agreement and a photographic identification for example; state, school, or employer ID badge.

If it is determined that any customer with a previous unpaid account balance is attempting to re-establish service, they must provide payment in full before service will be reestablished.

Such customers will also be considered “High Risk” per Section II above.

- B. Fees - The Town Council has the authority to set fees for utility services.
- C. Deposits - Accounts not in the property owners name must provide a deposit for the life of the account. The deposit amount is determined by the Town Council. Deposits must be made by cash, check, cashier’s check, money order, or credit card. All customers re-establishing or transferring service are responsible for any outstanding bills in the customer’s name. Applicants (whether owners or renters) considered to be “high-risk” as defined in Section I above, may be required to provide a deposit to re-establish or transfer an account. The deposit amount shall be set by Town Council.

Account deposits paid by check or debit card that are returned due to non-sufficient funds shall result in immediate disconnection of service. Service will be re-established upon payment of the deposit, all non-sufficient fund fees, an account administration fee, and a reconnection fee in cash, cashier’s check, or money order. Checks will not be accepted for non-sufficient funds regardless of the financial institution.

- D. New Service Procedures - After a complete application has been submitted for utility service, the Billing Clerk will notify the Public Works Director or his designee of the request for service. Requests made before 4:00pm shall be provided same day service.

The Town is not responsible for any property damage or high usage bills, due to a leak when providing service to the customer. To avoid the possibility of water damage or a

high bill due to a leak or disrepair of utility lines and fixtures beyond the Town's meter, customers are advised to be on-site when service is connected.

The Town reserves the right to turn-off water if there is evidence of water usage at the property and the customer is not available to check for leaks. Town staff will attempt to contact the customer to notify them of a possible leak and make arrangements to turn the service back on when the customer or their designee is available. Arrangements must be made Monday-Thursday, 8:30-4:30 and Friday 8:00-11:00am. HOWEVER, the Town is not responsible for leaks beyond the meter and does not take responsibility for leaving a meter on, even if it shows usage.

III. Utility Billing and Collections

- A. Residential/Commercial Accounts - Residential/Commercial accounts are billed on a bi-monthly basis. Meters are generally read between the 10th- 15th day of even-numbered months (February, April, June, August, October, and December). Bills are mailed on or about the 25th day of the even-numbered months. If the payment is not received before 8:00am the day after the bill is due, a late fee is assessed. At this time, the Town accepts cash, checks, cashier's checks, money orders, and credit cards for payment. The Town has a 24-hour drop box located at Town Hall and accepts payments online through the bill pay option on the Town's website at www.townofmayodan.com.
- B. High Water User Accounts - High Water User Accounts are billed monthly and are mailed by the last business day of the month. Meters are read on or about the last business day of the month. These accounts are due on the 15th day of the following month. If not received in the office by 7:30am, the late fee shall be applied on the next business day.. These accounts will be disconnected for non-payment 30 days after the bill due date. Customers that are disconnected will not be re-connected until the account is paid in-full, including any administrative fees due.
- C. Any customer using water from the Town's water system for an industrial purpose so that the water used is not discharged into the wastewater system of the Town shall not be charged for sewer service on said quantity; provided that the water used for such industrial purpose and not discharged into the wastewater system shall be accurately measured by a sub-meter at the expense of the consumer. Such meter or meters shall be installed under the supervision and in accordance with the plans and specifications of the Town. If the customer's meter does not work properly, then it will be the owner's responsibility to fix or replace the meter at their expense. Failure to do so will result in full sewer charges based on water consumption being charged to the account.
- D. Payment Extensions - Customers may request an extension on the time to pay a bill under the following circumstances and procedures:
 - o Unusually High Bills (Section VII) - Customers meeting the criteria for an Unusually High Bill, whose bill is more than double the average bill for the account (last 6 billing cycles) may request to make payment in 3 monthly installments, including any late fees. The customer is responsible for payment on any other regular bills within that 3 month period. A payment arrangement contract must be signed by the customer whose name is on the account. If any payment is missed the Town reserves the right to terminate service without additional notice. In addition, any late fees or administrative fees must be paid in full before service is reconnected.

Customer Hardship - Customers that have a hardship and cannot make full payment on their bill may request an extension, which must be approved by the Town Manager or designee. This extension is based upon hardship and not customer convenience, therefore the Town reserves the right to request documentation of the hardship. The customer must be up to date on all previous bills owed the Town before requesting an extension. The customer must first attempt to contact outside support from The Department of Social Services, non-profit agencies, or faith-based support programs. The customer must sign a payment arrangement contract. Customers shall be required to pay any late fees associated with the account. Customers may not request an extension more than two times in a 24-month period. If a customer meets the definition of a high-risk customer at any time within the past two years, extension payments must be by cash, cashier's check, money order, or credit card. Customers requesting a hardship extension must make the request and complete all applicable requirements at least one business day before the disconnect date. Customers may be granted an extension of up to 15 days past the disconnect date. The Town may require partial payments to ensure compliance with the agreement. Failure to meet the agreement will result in the service being disconnected without further notice. In order to re-instate service bill must be paid including late fees and the administrative fees for disconnected accounts.

IV. Calculation of Bills

- A. Utility Usage - Bills are calculated on a per thousand-gallon usage for water and for sewer with a minimum billing of 3,500 gallons each. The Town Council sets the rate for water/sewer usage. Rates are set for two categories of customers; properties located within the Town limits and properties served outside of the Town limits. Rates are listed in the most current Town Fee Schedule. Typically, a utility customer shall have the same usage for water as sewer. Exceptions include leak allowances, pool filling, irrigation systems, Industrial sewer metering, or Town ordered flushing.
- B. Residential Solid Waste - All active residential utility customer accounts will be charged for solid waste, with the exception of apartment communities. Customers are issued a single can that is collected on a weekly basis. Customers may request additional cans at an additional monthly cost. Solid waste services are billed on the utility bill.
- C. Commercial Solid Waste - All active commercial utility customer accounts will be charged for solid waste, unless the customer demonstrates that they have a contract with a private hauler. The Town does not collect from dumpsters. The Town collects commercial solid waste twice a week. Customers may pay for additional cans at an additional monthly cost.

V. Disconnection/Termination of Services

- A. Customer Request - The customer must contact the Town to terminate service by 10:00am of the business day requested for termination. Termination requests after 10:00am may not be processed till the following business day. In order for the Town to process deposit refunds, Customers will provide a forwarding address. Account deposits will be applied to all unpaid balances. Final bills or refunds will be mailed at the end of the month in which service was terminated.
- B. Disconnect Due to Non-Payment - Accounts that are not paid in full and have no

arrangements for an extension (See III. D) shall be processed for disconnection on or about 35 days after billing. The Town is not responsible for delays, lost bills, or late payments caused by the United States Post Office or any financial institutions. Disconnections will not occur on a Friday or the day before a Town recognized Holiday. An administrative fee as set by the Town Council shall be assessed on any account that is scheduled for disconnection due to nonpayment or failure to meet an agreed upon payment agreement contract regardless of whether disconnection of service actually occurs. If an account is cut-off twice in a 24-month period, the customer will also be responsible for an additional administrative fee as set by Town Council. This fee will be required of all customers, whether owner or renter.

- C. **Meter Tampering** - Water meters are the property of the Town of Mayodan. NCGS §14-151 makes it unlawful for any unauthorized person to alter, tamper with, or bypass a water meter that has been installed for the purpose of measuring and registering the amount of water consumed. The statute prohibits unauthorized persons from reconnecting water or otherwise turning back on water services when it has been lawfully disconnected or turned off by the provider of utility services. Proof of who did the actual tampering is not necessary to prosecute the property owner or water customer (tenant). A first violation is a misdemeanor; however a second or subsequent violation is a Class H felony. Alternately, should the Town elect to pursue a violator civilly, the violator can be ordered to pay triple the amount of losses or damages sustained by the Town, or \$5,000, whichever is greater. If after the Town has disconnected a customer/user from the system and the customer tampers with the meter, the meter shall be immediately locked or removed. A removed meter shall not be reinstalled at the location or address at which the meter was removed until all due utility bills, late payment fees, administrative fees, and meter reinstallation fees are paid in full by the customer or the property owner. The meter installation fee shall be an amount established by the Town Council.

VI. Unusually High Water Bills

- A. **Meter Reading** - During bill processing an attempt will be made to detect unusually high-water usage. Those meters will be re-read to confirm the reading. If usage is more than double the average for the customer, the Town will attempt to contact the customer at the property in-person or via a door-hanger. However, the Town is under no obligation to report high water usage to the customer and only does so as a courtesy to the customer.
- B. **Leaks** - If it is determined that the high-water usage has occurred because of a leak on private property (past the meter coupling) an adjustment to the sewer portion of the bill may be made under the following procedures:
1. If the cause is a broken pipe or leak whereby the wasted water is not returned to the sanitary sewer system, the bill, as adjusted shall be calculated by:
 - (a) Determine the average water and sewer charge for the previous six (6) billing periods. If the customer has less than six billing periods of history, staff will determine average usage based on the number of months available; and
 - (b) If the usage from the leak is more than double the average usage, then an adjustment will be made to the sewer portion of the bill so that the customer is charged the average usage for sewer as determined in (a) above. Extended

payments shall follow Section III D above.

- (C) The customer is required to present verification of the problem such as a plumber's receipt or a receipt for purchase of materials to repair the problem. An affidavit will be acceptable in certain circumstances.
- 2. No adjustment to the bill will be made if the cause of the unusually high usage is from a defective plumbing fixture, mechanical failure of a household appliance, hanging commode, or other incident where the water entered the sanitary sewer.
- C. Appeals - Customers may appeal an unusually high usage bill prior to the assessing of a late fee by contacting the Town **on or before** the due date.
 - 1. Appeals to the Town Manager - Appeals are heard by the Town Manager or his designee. Customers may submit evidence on their behalf regarding their usage and attempts to fix any leaks or other deficiencies. Unless appealed to the Town Council, the decision of the Town Manager is final. The Town Manager will keep a record of the appeal. The decision of the Town Manager does not establish precedent regarding the circumstances of the appeal. At least annually a report shall be made to Town Council regarding any appeals and the Town Manager's decision to approve or deny appeals.
 - 2. Appeals to Town Council - This process is conducted as a quasi-judicial hearing. A customer that has had their appeal denied by the Town Manager may appeal to the Town Council. The appeal must be made in writing to the Town Clerk within five business days after the final decision of the Town Manager. The Town Clerk will place the appeal request on the next available agenda of the Town Council and notify the customer by first class mail of the date, time, and place of the meeting. The Town Council may hear any evidence it deems applicable to the appeal, including testimony by the appellant, town staff, town attorney, or other parties. The Town Council shall either approve or deny the appeal within 45 days of the hearing. The Town Clerk shall notify the appellant of the decision of the Town Council within five business days by first class mail. The decision of the Town Council is final and does not establish precedent regarding the circumstances of the appeal.
- D. Number of Adjustments - Customer may not request an adjustment for an unusually high water usage bill more than once per 12-month period.
- E. Town Activities - From time to time the Town may flush private taps to clear water due to a leak or other unforeseen event. In such circumstances, the Town will credit the customer by estimating the water used and deducting that usage from the water and sewer total of the customer automatically before the bill is mailed.

VIII. Pool Filling Regulations

- A. Pool Filling -Customers may request an adjustment to the utility bill for sewer usage when filling pools under the following circumstances:
 - 1. Adjustments may only be made once per calendar year.
 - 2. Customers must contact the Town at least 3 business days before initiating pool

filling activities, which must occur during business hours between 8:30am and 3:00pm and must **NOT** begin until Public Works staff have read the meter at their location.

3. If pool filling begins before the meter has been read, no credit will be given.

4. Pool filling of less than 3,500 gallons will not be given any credit.

5. If a pool filling is more than 3,501 gallons but less than 10,000 gallons a credit of \$20 will be given upon customer proof that they have purchased a pool and contacted the Town before filling begins. If a pool filling is 10,000 gallons or more, a credit of \$50 will be given upon customer proof that they have purchased a pool and contacted the Town before filling begins.



Policy: Utility Close-Out	Effective Date: 7/14/14
Policy Number: 2014-002	Revision Effective Date: 07/01/2021
Responsible Party: Water Billing Division	Revision Page Number: 2

UTILITY SERVICE CLOSE-OUT POLICY

**Adopted
July, 14, 2014**

**Effective
July 15, 2014**

I. Purpose

In order to provide a consistent, efficient method for the close-out of utility accounts for Town of Mayodan customers and to provide guidance to Town staff the following policy procedures are to be followed.

II. Water/Sewer Close-Out Procedure

It is the customer's responsibility to properly close-out his utility account by notifying the Town.

A. Town staff will read and turn off the water meter.

B. Billing staff will determine which of the following circumstances apply to determine which billing procedure to follow:

If it has been 30 Days or less since the last billing cycle-

1. Less than 100 gallons of usage then there will be no charge to process the close-out.
2. If usage is between 101-1,750 gallons of water there shall be a close-out charge of one-half of the current minimum charge.
3. If usage is more than 1,750 gallons of water used then the customer will be billed for actual usage.

If it has been over 30 days since the last billing cycle-

1. If usage is between 0-3,500 gallons of water there shall be a close-out charge of the current minimum charge.
2. If usage is more than 3,500 gallons of water then the customer will be billed for actual usage.

III. Solid Waste Close-Out Procedure

A. Close-out fees for solid waste are as follows:

1. If it has been less than 15 days since last billing cycle and less than 100 gallons of water used there will be no charge for solid waste.
2. If it has been less than 15 days since last billing cycle but more than 100 gallons of water used or for any billing period more than 15 days to 30 days the charge will be the same as the monthly rate for solid waste service.
3. For any billing period over 30 days the charge will be the bi-monthly rate.

IV. Deposits Applied

A. Close-outs are processed during the next billing cycle.

B. If a deposit was made to open the account then the deposit will be applied to any outstanding owed amount.

C. Any remaining funds will be mailed to the address of record either on the close-out form or the service billing address.

AGENDA ITEM COVER

Item for Agenda:	Pay & Classification Study
Placement on Agenda:	New Business
Presenter:	Melody Shuler, Town Manager
<p style="text-align: center;">Description of Agenda Item or Other Pertinent Information for Council:</p>	<p>Background The Town of Mayodan requested proposals to conduct a Pay and Classification Study to evaluate the Town’s current compensation system and position classifications. Two firms were contacted: The MAPS Group and Piedmont Triad Regional Council (PTRC).</p> <p>While the PTRC proposal reflected a lower cost, staff recommends proceeding with The MAPS Group because their proposal provides a more comprehensive review of the Town’s compensation system.</p> <p>Last year, town staff worked with The MAPS Group on rewriting the Personnel Policy, which was a good experience that resulted in a well-written, legally sound policy document.</p> <p>Scope of Services The proposed Pay and Classification Study will include:</p> <ul style="list-style-type: none"> • Evaluation of all Town positions to determine appropriate classifications and corresponding salary ranges. • Review of position questionnaires and interviews with employees and department heads. • Preparation of updated job descriptions. • Comprehensive public sector salary survey to assess competitiveness in the applicable labor market. • Development of an updated pay plan with recommended salary ranges. • Employee allocation list with recommendations for individual employee

placement within the new pay structure.

- Review of compression issues and recommendations for addressing them.
- Development of implementation options and associated costs.
- Formal presentation of findings.

The study is projected to take approximately three months and can begin as early as March 2026, with completion targeted for early June 2026, allowing for potential implementation during the upcoming fiscal year budget cycle.

Fiscal Impact

The total cost of the study is **\$9,500**. Staff recommends funding this expense through the Administration budget under contingency.

Staff Recommendation

Completion of this study will:

- Ensure the Town remains competitive in recruiting and retaining qualified employees.
- Provide an objective, data-driven compensation framework.
- Address salary compression and classification consistency.
- Assist in responding to Police Department concerns regarding starting pay and market competitiveness.
- Support long-term workforce stability and retention by ensuring employees are compensated fairly and competitively.

Investing in this study is a proactive step toward maintaining a strong, motivated workforce and positioning the Town of Mayodan for continued organizational success.

Recommended Motion

Motion to approve the proposal from The MAPS Group to conduct a Pay and Classification Study for the Town of Mayodan in the amount of \$9,500 and authorize the Town Manager to execute the necessary agreement.

CLASS AND PAY STUDY PROPOSAL

for the

Town of Mayodan

The MAPS
Group

Executive Recruitment. Class and Pay Studies. HR Consulting Services.

Erika Phillips, The MAPS Group, www.themapsgroup.com, 919-758-9122

**PROPOSAL FOR CLASSIFICATION AND COMPENSATION STUDY
FOR THE
TOWN OF MAYODAN**

CLASS STUDY PROPOSAL TABLE OF CONTENTS

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Section 1. Qualifications

The Management and Personnel Services Group (The MAPS Group) is a team of consultants specializing in human resource management and development. The MAPS Group provides quality, affordable, human resources services to public and non-profit organizations. Human Resources services include recruitment and selection, personnel policy development, classification and compensation studies, appraisal process development, and supervisory training. The MAPS Group consultants are all current or retired local and state human resources professionals committed to providing quality services and helping clients enhance their own organizational capacities. All consultants have a minimum of 15-20 years of experience working in a human resources management position in North Carolina state and local government agencies. We have worked for small organizations as well as large North Carolina cities and counties.

The team lead for this study will be Erika Phillips with additional staff assisting as needed. Ms. Phillips has over 30 years of public sector human resources experience in both municipal and state government and has conducted classification and compensation studies for multiple organizations over the last nine years. Ms. Phillips has a Master's Degree in Education, a Bachelor's Degree in Psychology, and the SHRM-Senior Certified Professional certification.

Section 2. Project Objectives

The MAPS Group will conduct a comprehensive classification and compensation study for the Town of Mayodan to ensure a competitive pay plan that allows for successful recruitment and retention of staff and allows Town staff to update the pay plan over time.

The classification and compensation study for the Town of Mayodan will include the following work study objectives:

- Study and evaluate all positions within the Town for the purpose of determining the appropriate position classification and corresponding salary range.
- Conduct a comprehensive salary survey of appropriate public sector organizations to determine if the Town's salaries, benefits and wages are competitive in the applicable job market.
- Prepare updated class specifications for each position class based upon current job duties and requirements, outlining appropriate ADA information.
- Prepare an updated pay plan as required to maintain a competitive system of salaries.
- Identify and recommend positions that the Town may consider exempt from the Wage and Hour Provisions of the Fair Labor Standards Act (FLSA).
- Review and make recommendations concerning the effectiveness of the Town's overall compensation system including compression issues.

Section 3. Methodology of Work

The classification and compensation project will include the followings steps and work components:

- Conduct meetings with the Town Manager and department heads to discuss the various work components of the study and to explain the study methodology and approach. At this meeting we will discuss the appropriate labor market for surveying salary data and the project schedule.
- Conduct study orientation sessions with employees. The meetings will cover the purpose of a study, steps involved in the study and study methodology, review of position questionnaire instructions, and to answer any employee questions. These meetings help establish realistic expectations with employees and reduce misinformation.
- Review and study existing positions. This task will involve a review of the employee position description questionnaires, desk audits with representative employees in each class, and meeting with department heads to review and verify information presented on the questionnaires and in the desk audits. This task helps to determine that The MAPS Group obtains comprehensive and accurate data and information.
- Conduct a salary survey of public sector jurisdictions to ensure the Town's salary ranges are competitive and sufficient to attract and retain qualified employees.
- Prepare an updated classification and pay plan with updated classification titles and corresponding salary ranges. We will also prepare an employee allocation list with recommendations for each individual employee's position, salary grade, and salary.
- Costs for several different implementation options of the plan will be provided. Options will be designed specifically to address salary compression if needed and desired.
- Following the review and field audit of existing employee positions, class specifications (often called job descriptions) will be prepared. These class specifications will be written to comply with OSHA and ADA regulations.

Section 4. Work Schedule

The time to perform this project will be approximately three months. The study can be started as early as March 2026, if requested, and completed no later than early June 2026. If needed for budget preparation, we can work to present the implementation cost numbers quickly and the written products later in the study timeline.

Below is a proposed sample timeline. The timeline can be adjusted based on discussions with the Town.

Date	Study Task
Middle March 2026	Employee Orientation Meetings
Early April 2026	Employee Desk Audits/Interviews
Late April/Early May 2026	Draft Report Presented to Town
June 2026	Final Report with Class Specifications Ready

Section 5. Cost of Services

The quote for the proposed classification and compensation study is \$9,500. The quote includes consultant travel expenses.

All items listed in the Town’s Request for Proposal will be conducted in a timely manner that allows for implementation in the next fiscal year budget.

Professional fees are billed in three equal installments throughout the recruitment, one at the beginning of the study, one at the halfway point, and one upon completion of the project.

The MAPS Group does not mark up expenses and we work diligently to keep expenses at a minimum and maintain records of all expenditures.

Section 6. Final Product

The study will result in the publication of the study report which will include the classification plan, class specifications, salary survey, and implementation costs. In addition, the same information will be provided to Town staff in an electronic format. The MAPS Group agrees to provide a hard copy of the final report to the Town Manager as well as an electronic copy which will include all spreadsheets, tables, job descriptions, and related work products.

The MAPS Group team lead will formally present the study to the Town Council, if requested, and be available to respond to questions.

Section 7. Other

Communication with the Town

During the study, MAPS consultants will be available to Town management to clarify any steps, current stage of the study, or other issues related to the study by phone or email. In addition, while MAPS consultants are on site for orientation meetings and/or interviews, we are available to meet with management as needed.

Involvement of Town Staff

Town staff will be requested to complete position description questionnaires for each position and to participate in interviews if selected (all department directors will be interviewed). The Town will be requested to provide current employee data including copies of the current salary plan and employee information by department with name, current classification, current grade, date of hire, date of last promotion if available, and current annual salaries. These last components are needed for calculating the costs of implementation options.

Plan Maintenance

Once the study is complete and implemented, the MAPS Group will provide assistance to Town staff regarding the maintenance of the pay plan including the classification of new or revised positions, market revisions to the pay plan, and other assistance as requested. The MAPS Group will provide telephone consultation and will classify new or revised positions as needed for up to one year following the study.

Additional Information

A vendor application, E-Verify Compliance Statement, W-9 form, and other required documents will be provided in the event of contract award.

Contact Information

Erika Phillips
ephillips@themapsgroup.com
919-758-9122
www.themapsgroup.com

Submittal Date: February 17, 2026

PROPOSAL AND AGREEMENT

**PROFESSIONAL SERVICES OFFERED TO
TOWN OF MAYODAN
FOR
A CLASSIFICATION AND PAY STUDY**

This is a proposal and agreement by the Piedmont Triad Regional Council (PTRC) to provide services to a member government, specifically, to the Town of Mayodan (hereinafter "Town") to complete a classification and pay study for selected employee classifications.

I. Work Elements for Position Classification Study

As part of the position classification and pay study, the PTRC agrees to conduct the following work elements:

- A. Study the classification and positions identified in section II of this proposal.
- B. Meet with management before commencement of the position classification and pay study to discuss the following issues: expectations of the study, confirmation of labor market comparisons, the understanding of the classifications and pay process, and implementation principles.
- C. Facilitate an orientation session with the employees for the purpose of explaining the study and to distribute and explain the position description questionnaire. The PTRC will provide the design and format of questionnaires which are to be filled out by every employee. The questionnaires provide the basic information necessary to address the classification criteria.
- D. Interview all incumbents from each classification that desire to be interviewed and at least one incumbent from each classification. The interviews provide an opportunity to see the employee's work environment, to ask the employee additional questions, to allow the employee to add information that may have been left off the questionnaire, and to obtain a "personal feel" for the position.
- E. Collect salary data from public employers in the labor market with whom the County wishes to compete. The Town will have input as to whom data is collected from and generally what weight data is given.
- F. Assign each classification to a salary grade based on an assessment of the classification, market data collected, and internal relationships.

- G. Assign each employee to a position and classification. Implementation costs for any recommended changes will be calculated. A printout will be provided to management which will include name, current title, proposed title, current grade, current salary, proposed grade, proposed salary, dollar increase on an annual basis, and percent increase. These costs will be summarized by department based on the way the information is provided by the Town. The Town will need to provide guidance as to how implementation will be administered.
- H. Assist the Town staff with the writing of classification specifications where a new classification is proposed or an inadequate classification specification exists.
- I. Meet with Department Heads and management prior to finalizing the recommendations to discuss findings and receive input.
- J. Present to management a summary of the study and recommendations.
- K. Deliver to the Town a final compilation of the study that will contain the assignment of classifications to grades, schedule of changes, and allocation list.
- L. Consult on miscellaneous items such as report preparation to communicate study results to employees, organizational design of departments, advice on feasibility of substantially equivalent status and other related subjects as needed.

II. Schedule of Classifications to Review

Specifically, the following classifications will be studied;

Title
Chief WTP Operator
Crew Leader
Customer Service Rep
Finance Director
Firefighter
Groundskeeper
Lieutenant
Parks Superintendent
Police Captain
Police Chief
Police Officer I
Police Officer II
Public Works Director
Public Works Technician I
Public Works Technician II
Public Works Technician III
Public Works Technician III
Public Works Technician IV
Sergeant
Town Clerk
Town Manager
Water Plant Operator
Water Plant Superintendent

III. Responsibilities of the Town

In order to facilitate relevant and useful study results the Town agrees to provide to PTRC the following:

- A. Input as to whom data is collected from and generally what weight data is given. Because this element is so important in determining recommended salary ranges, it is suggested this be discussed and resolved before the data is collected in order to obtain some consensus about data collection and what emphasis should be placed on the larger employers in the market. No private sector or out of state data will be analyzed, unless the Town specifically provides it.
- B. Copies of existing class specifications. Electronic copies will be provided if available,
- C. Access to employees for interviews, if necessary, for data collection about the work they perform.
- D. Access to a computer or digital database of current payroll and salary administration information. This database should include the employee's name, current title, current grade, current salary, and any other relevant information related to classification or study implementation decisions. PTRC will summarize the study reports based on the way the information is provided by the Town.
- E. Guidance as to how the implementation of the study's results will be administered.
- F. Access to appropriate management staff, as determined by the County Manager, to meet with PTRC's representatives to gather information, discuss recommendations, and receive input.
- G. A contact person for all business related to the project including the scheduling of interviews, necessary meeting space, information referral to the County Manager and any other items necessary to the completion of this project.

Until otherwise directed the designated contact and address is –

Melody Shuler, Town Manager
Town of Mayodan
210 W. Main Street, Mayodan, NC 27027
Office: 336-427-0241 Cell: 980-328-7083
Email: mshuler@mayodannc.org

IV. Timeline for Project Completion

June 2026 (PTRC is available to start work as early

- Meet with management (Work Element A)
- If necessary, hold an orientation session with the employees (Work Element C).
- Employees complete questionnaires and supervisors review and approve. Questionnaires returned to PTRC for review and building interview schedules.

July 2026

- Conduct Interviews (Work Element D).
- PTRC completes market analysis and classification analysis.

August 2026

- Meet with management to discuss findings and receive input (Work Element I).
- Final presentation will be made to management summarizing the study and recommendations (Work Element J).

September 2026

- Deliver final compilation of the study to the County (Work Element K).

V. Method of Classification

The PTRC utilizes the factor comparison method of job evaluation. The duties and responsibilities of individual positions are evaluated to determine their relative level of difficulty and responsibility. The factors used are generally accepted principles in the personnel field. The following are among the classification factors used in determining the level of each position:

1. Working conditions
2. Nature and significance of public contacts
3. Variety and complexity of work
4. Decision making
5. Consequence of error
6. Supervision given
7. Supervision received
8. Knowledge, skills, and abilities

It is mutually understood that individual employee compensation is not being studied and PTRC will not be making recommendations regarding individual employee compensation. Further it is understood that the County's management and employment practices and such factors as individual employee performance determine individual compensation.

VI. Staff

The PTRC Staff assigned to this project are very experienced in all areas of Human Resources Management, data collection and analysis. Biographic sketch of the available staff for this project are available upon your request.

VII. References

The PTRC has been involved in human resources consulting since 1986. Over the past two decades PTRC has performed personnel consulting for almost every local government in our region. The following is a list of local governments for which services have been rendered recently and would be familiar with our work. Specific contacts at each local government are available upon request.

Davidson County
Iredell County
Rockingham County
City of Archdale
City of Asheboro
City of Burlington
City of High Point
City of Reidsville
City of Thomasville

Town of Elon
Town of Haw River
Town of Kernersville
Town of Mooresville
Town of Liberty
Town of Stoneville
Piedmont Triad Airport Authority

VIII. Fees for Service

PTRC proposes to complete the classification and pay study of selected classifications for a fee of \$6,200.00. This fee will be billed in two installments; one-third after the interviews are completed and the balance will be payable within thirty (30) days after submission of completed final report. Any alteration or modification from the above specifications involving extra cost of material or labor will be implemented only upon written instructions from the designated contact with the Town.

IX. Acceptance of Proposal

If you are in agreement with the terms of this proposal please indicate by signing below and returning a signed original to the offices of the PTRC. PTRC staff will begin work as soon as we are notified of your acceptance. This confirms your intention to accept the scope of work as indicated in the proposal presented by the PTRC, provide assistance and otherwise meet the responsibilities outlined, and you are confirming the encumbrance of funds sufficient to pay the fees for services rendered.

Please return acceptance to:
Matt Reece, Assistant Director
Piedmont Triad Regional Council
1398 Carrollton Crossing Drive
Kernersville, NC 27284

For your information:
Office - 336-904-0300 / mreece@ptrc.org / www.ptrc.org

Town of Mayodan

ATTEST
Secretary

Signature

Title

Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

(Signature of finance officer).

Date

AGENDA ITEM COVER

Item for Agenda:	Sewer Plant Pump Rebuild
Placement on Agenda:	New Business
Presenter:	Joey Hudy, Public Works Director
Description of Agenda Item or Other Pertinent Information for Council:	<p>Agenda Item: Budget Amendment – Sewer Plant Pump Rebuild</p> <p>Action Requested: Consider and approve a budget amendment to transfer funds to cover the cost of rebuilding a pump at the wastewater treatment plant.</p> <p>Background: A pump installed at the sewer plant in August burned up approximately two weeks ago. The State requires the Town to maintain a backup pump in operation; therefore, this repair is necessary to remain in compliance.</p> <p>The estimated cost to rebuild the pump is approximately \$20,000. A budget amendment is needed to transfer funds to cover this unplanned expense.</p>



Mayodan Fire Department

100 North Ayersville Road
Mayodan, NC 27027
(336) 427-5977

Chief Dylan Garner
(336) 552-3215

dgarner@mayodannc.org



To: Mayodan Town Council, Mayor, and Town Manager

From: Dylan Garner, Fire Chief

Date: February 2026

Subject: Emergency Calls and Training Report for February 2026

Emergency Calls for February 2026

1. 2/1/2026 – 12:09 PM – CO Alarm
 - 170 Shakey Rd, Stoneville
 - Station 60 responded to a commercial alarm at Gildan
 - Engine 61 arrived and investigated. A broken sprinkler was found spraying water
 - Sprinkler company was called to fix the issue
 - 6 personnel (2 FF, 2 D/O, 2 Support)
2. 2/2/2025 – 10:30 AM – Stroke
 - 100 W Main St, Mayodan
 - Station 60 assisted RCEMS with Stroke
 - Station 60 personnel arrived on scene and started a stroke assessment
 - RCEMS arrived and assumed all patient care.
 - 3 Personnel (2 EMT, 1 EMC)
3. 2/2/2026 – 1:14 AM – Diabetic Problem
 - 1209 W Madison St. Mayodan
 - Station 60 responded to assist RCEMS. Squad 68 arrived on scene.
 - Personnel gathered vitals and info until RCEMS arrival
 - 4 Personnel (3 EMT, 1 Support)
4. 2/2/2026 – 8:07 PM – Breathing Problem
 - 306 Whitbeck Dr. Mayodan
 - Station 60 responded to assist RCEMS on a Breathing Problem
 - Personnel arrived to find RCEMS on scene. Personnel assisted as needed.
 - 3 Personnel (2 EMT, 1 EMC)

5. 2/3/2025 – 9:36 PM – Falls
 - 501 N Ayersville Rd, Mayodan
 - Station 60 was dispatched to assist RCEMS on a Falls
 - Squad 68 arrived on scene with RCEMS. The patient was loaded into the transport unit and transported
 - 3 Personnel (2 EMT, 1EMC)
6. 2/3/2026 – 1:35 PM – Lift Assist
 - 7930 NC 704, Mayodan
 - Station 60 dispatched to assist RCEMS with a lift assist
 - Station 60 personnel assisted the patient from her home to the transport unit waiting at the road. Snow and ice were covering the road. Used Squad 68 4x4
 - 4 Personnel (2 EMT, 2 EMC)
7. 2/3/2026 – 6:10 PM – Structure Fire
 - 209 N 5th Ave, Mayodan
 - Responded to possible structure fire
 - Station 60 personnel arrived on scene to find light smoke in residence.
 - Personnel investigated and found a overloaded drop cord smoldering
 - 7 Personnel (1 FF, 2 D/O, 4 Support)
8. 2/4/2025 – 8:29 PM – Chest Pain
 - 1204 Virginia St, Mayodan
 - Responded to assist Rockingham County EMS with Chest Pain
 - Station 60 personnel arrived on scene. EMS assumed all patient care while fire department personnel remained on scene to assist with patient until cleared by RCEMS
 - 4 Personnel (2 EMT, 2 EMC)
9. 2/5/2026 – 6:20 PM – Breathing Problem
 - 7871 NC 704, Madison
 - Station 60 Responded to assist RCEMS.
 - Arrived on scene with RCEMS. Station 60 personnel assisted as needed.
 - 3 Personnel (2 EMT, 1 EMC)
10. 2/5/2026 – 6:45 PM – Breathing Problem
 - 6711 NC 135, Mayodan
 - Assist RCEMS with a Breathing Problem
 - Squad 68 was Cancelled En-route
 - 4 Personnel (3 EMT, 1 EMC)
11. 2/6/2026 – 1:36 PM – Sick Person/Lift Assist
 - 7930 NC 704, Madison
 - Responded to assist Rockingham County EMS with a Lift Assist
 - Squad 68 arrived to bring patient from home to the transport unit at the road
 - 3 Personnel (2 EMT, 1 EMC)
12. 2/7/2026 – 9:45 AM – Service Call
 - 519 Odell Rd, Mayodan

- Assist Station 130 on a tree down.
 - Cancelled En-route
 - 7 Personnel (2 FF, 2 D/O, 3 Support)
13. 2/7/2026 – 7:47 PM – Structure Fire
- 307 Shale Rd, Madison
 - Assisted Station 50 on a possible Structure Fire
 - Engine 63 proceeded and arrived on scene and staged. Cancelled due to no fire
 - 7 Personnel (1 FF, 2 D/O, 4 Support)
14. 2/7/2026 – 9:57 PM – Transportation Accident
- NC 135/Cedar Mt Road. Mayodan
 - Responded to possible transportation accident
 - Engine 61 and MPD arrived on scene to investigate. No accident found!
 - 4 Personnel (2 FF, 2 Support)
15. 2/8/2026 – 1:45 PM – Breathing Problem
- 208 W Main St, Stoneville
 - Responded to assist RCEMS on a Breathing Problem
 - Dispatched to wrong address. Call was in Stoneville. Squad 68 Cleared the scene
 - 2 Personnel (2 EMT)
16. 2/8/2026 – 7:07 AM – Chest Pain
- 108 N 13th Ave. Mayodan
 - Station 60 responded to assist RCEMS
 - Station 60 personnel arrived on scene with RCEMS. Squad 68 assisted as needed
 - 2 Personnel (1 EMT, 1 EMC)
17. 2/8/2025 – 6:43 PM – Transportation Accident
- Cardinal Rd, Mayodan NC
 - Engine 61 Responded to a transportation accident at 704/Cardinal Rd
 - Arrived on scene assessed patients for injuries, secured the scene, and controlled traffic
 - 6 Personnel (2 FF, 1 D/O, 3 Support)
18. 2/8/2026 – 6:51 PM – Electrical Hazard
- Ziglar Rd/NC 704 Madison
 - Responded to a possible power line down
 - Squad 68 arrived on scene and investigated. No line downed line was found
 - 7 Personnel (2 FF, 2 D/O, 3 Support)
19. 2/9/2026 – 5:12 PM – Lift Assist
- 135 Amos LN, Madison
 - Station 60 assisted RCEMS with Lift Assist
 - Personnel assisted patient from home to transport unit
 - 5 Personnel (2 EMT, 3 EMC)
20. 2/9/2026 – 6:58 PM – Breathing Problem
- 501 N Ayersville Rd, Mayodan
 - Responded to assist RCEMS with a breathing problem

- Units arrived on scene and patient stated she did not call 911. Units cleared
 - 2 Personnel (1 EMT, 1 EMC)
21. 2/10/2026 – 6:44 AM – Unconscious
- 6970 NC 135 Mayodan
 - Responded to assist RCEMS on Unconscious
 - Squad 68 arrived on scene. RCEMS notified Squad 68 to cancel
 - 2 Personnel (1 EMT, 1 EMC)
22. 2/10/2026 – 3:30 PM – Seizure
- 207 N 10th, Mayodan
 - Assisted RCEMS on a Seizure
 - Station 60 personnel arrived on scene and gathered vitals. Packaged for transport.
 - 4 Personnel (2 EMT, 2 EMC)
23. 2/10/2026– 3:47 PM – Transportation Accident
- 6431 NC 135, Mayodan
 - Responded to possible Transportation Accident called in by iPhone Crash Det
 - Engine 61 arrived in area. No accident found
 - 5 Personnel (1 FF, 1 D/O 3 Support)
24. 2/10/2026 – 4:41 PM – Service Call
- 6800 NC 704, Madsion
 - Responded to fluid in the roadway
 - Engine 61 arrived and cleaned fluid out of the roadway
 - 3 Personnel (1 FF, 2 Support)
25. 2/11/2025 – 8:54 AM – Chest Pain
- 1207 Virginia St, Mayodan
 - Responded to assist RCEMS on Chest Pain
 - Personnel assisted as needed and packaged patient for transport
 - 2 Personnel (1 EMT. 1 EMC)
26. 2/11/2026 – 1:15 PM – Falls
- 6711 NC 135, Mayodan
 - Responded to assist RCEMS with a Fall
 - Squad 68 arrived on scene and assisted as needed
 - 2 personnel (1 EMT, 1EMC)
27. 2/12/2026 – 10:37 AM– Service call lift assist
- 501 N Ayersville Rd, Mayodan
 - Station 60 personnel assisted RCEMS with a lift assist
 - 3 Personnel (2 EMT 1 EMC)
28. 2/12/2026 – 3:01 PM – Service call lift assist
- 501 N Ayersville Rd, Mayodan
 - Responded to assist RCEMS on a Lift Assist
 - Squad 68 arrived and personnel assisted patient from ambulance to inside the residence
 - 2 personnel (1 EMT, 1 EMC)

29. 2/14/2026 – 1:12 AM– Alarm Commercial
 - 130 Shakey Rd, Mayodan
 - Responded to a commercial alarm
 - Engine 61 arrived on scene and investigated. No fire, the pull station was activated due to prank
 - 3 Personnel (2 FF, 1 D/O,)
30. 2/15/2026 – 2:24 PM – Chest Pain
 - 204 N 9th Ave, Mayodan
 - Responded to assist RCEMS with a Chest Pain.
 - Arrived on scene assisted EMS as needed. Packaged patient for transport
 - Station 60 units arrived on scene and confirmed no fire false alarm cooking incident
 - 3 Personnel (1 EMT, 2 EMC)
31. 2/15/2026 – 3:22 PM – Transportation Accident
 - NC 704/Cardinal Rd, Mayodan
 - Responded to a Transportation Accident
 - Engine 61 arrived on scene. Personnel investigated and cleared debris from the roadway.
 - 6 Personnel (2 FF, 1 D/O, 2 support)
32. 2/16/2026 – 11:55 AM – Sick Person/Lift Assist
 - 304 Whitbeck Dr. Mayodan
 - Responded to assist RCEMS with a lift assist on a sick person
 - Arrived on scene and assisted with packaging and loading patient
 - 2 Personnel (1 EMT. 1 EMC)
33. 2/16/2026 – 1:41 PM – Structure Fire/Outside Fire
 - 402 S 6th Ave. Mayodan
 - Engine 61 arrived on scene to find dog lot/dog house and wood debris on fire
 - Fire was extinguished by personnel. Minor heat damage to vinyl siding on home
 - 8 Personnel (1 FF, 2 D/O 5 Support)
34. 2/16/2026 – 5:46 PM – Allergies
 - 6820 NC 135, Mayodan
 - Responded to assist Rockingham County EMS with Allergies
 - Canceled En-Route
 - 3 personnel (2 EMT, 1 EMC)
35. 2/17/2026– 7:30 AM – Alarm Residential
 - 419 Cassandra Road, Madison
 - Responded to assist Station 50 on a Residential Alarm
 - Chief 50 canceled all mutual aid due to false alarm
 - 3 personnel (1 FF, 1 D/O 1 support)
36. 2/17/2026 – 11:34 AM – Hemorrhage
 - 303 Whitbeck Dr, Mayodan
 - Assist RCEMS with a Hemorrhage. Squad 68 arrived on scene and assisted as needed
 - 3 Personnel (2 EMT, 1 EMC)

37. 2/17/2026 – 12:42 PM – Outside Fire
- 109 Turner Rd, Mayodan
 - Responded to a outside fire called in by Mayodan PD
 - Fire was out upon arrival. Personnel investigated and Water was sprayed around area to make sure all embers were extinguished
 - 6 Personnel (2 FF, 2 D/O, 2 Support)
38. 2/18/2026 – 7:21 PM – Chest Pain
- 501 N Ayersville Rd, Mayodan
 - Responded to assist Rockingham County EMS with a Chest Pain
 - Squad 68 personnel assisted as needed and packaged patient for transport
 - 3 Personnel (1 EMT, 2 EMC)
39. 2/19/2026 – 3:38 AM – Breathing Problem
- 6970 NC 135, Mayodan
 - Responded to assist EMS with a Breathing Problem
 - Squad 68 arrived on scene and assisted as needed and packaged patient for transport
 - 3 Personnel (1 EMT, 1 EMC)
40. 2/19/2026 – 9:02 AM – Transportation Accident
- 6711 NC 135, Mayodan
 - Engine 61 and Brush 67 proceeded and was cancelled En-Route by EMS
 - 4 personnel (4 FF)
41. 2/19/2026 – 3:49 PM – Chest Pain
- 501 N Ayersville Rd, Mayodan
 - Responded to assist Rockingham County EMS with Chest Pain
 - RCEMS assumed all patient care. Station 60 personnel assisted packaging the patient and loading into transport unit.
 - 2 Personnel (1 EMT, 1 EMC)
42. 2/19/2026 – 8:32 PM – Chest Pain
- 1204 Virginia St, Mayodan
 - Responded to assist Rockingham County EMS with Chest Pain
 - Station 60 personnel assisted RCEMS as needed and packaged patient for transport.
 - 2 Personnel (1 EMT 1 EMC)
43. 2/20/2026 – 9:30 AM – Service Call Tree Down
- Janet Rd, Stoneville
 - Responded to assist Station 130 with a tree in the roadway
 - Brush 67 proceeded and arrived on scene. Tree was removed from roadway
 - 3 personnel (2 FF, 1 Support)
44. 2/20/2026 – 11:54 AM – Breathing Problem
- 153 Sunshine Dr, Madison
 - Responded to assist RCEMS
 - Squad 68 proceeded and arrived on scene. Personnel gathered vitals and information until RCEMS arrival

- 4 Personnel (3 EMT, 1 EMC)
45. 2/20/2026 – 3:08 PM – Commercial Alarm
- 6845 NC 135, Mayodan
 - Station 60 responded to a fire alarm at McMichael High School
 - Investigated and determined false alarm
 - 8 personnel (3 FF, 1 D/O 4 Support)
46. 2/21/2026 – 3:36 AM Fall/Lift Assist
- 105 E Jackson St. Mayodan
 - Station 60 responded to assist RCEMS with lift assist
 - Personnel assisted patient from the home to the transport unit
 - 3 Personnel (2 EMT, 1 EMC)
47. 2/22/2026 – 6:33 AM Commercial Alarm
- 805 Island Dr, Madison
 - Assisted Station 50 on a commercial alarm
 - Engine 61 was cancelled En-Route due to false alarm
 - 4 personnel (2 FF, 1 D/O, 1 Support)
48. 2/23/2026 – 9:10 AM – Unconscious
- 170 Cardwell Rd, Mayodan
 - Assisted RCEMS on an Unconscious
 - Squad 68 proceeded and arrived on scene to find RCEMS with the patient.
 - RCEMS cancelled Squad 68 upon arrival
 - 3 Personnel (3 EMT)
49. 2/23/2026 – 12:37 PM – Stroke/CVA
- 110 White Rd, Mayodan
 - Responded to assist RCEMS with a Stroke
 - Squad 68 arrived on scene with RCEMS. Squad 68 personnel assisted patient onto stretcher and into transport unit
 - 3 personnel (3 EMT)
50. 2/23/2026 – 3:19 PM – Alarm Commercial
- 3900 Hwy 311, Pine Hall
 - Assisted Station 37 with a Commercial Alarm
 - Engine 63 proceeded and was cancelled En-Route due to false alarm
 - 6 personnel (2 FF, 1 D/O, 3 Support)
51. 2/24/2026 – 2:05 PM – Stroke
- 1204 Virginia St, Mayodan
 - Assist RCEMS on a Stroke
 - Squad 68 responded and arrived. Personnel gathered vitals and info until EMS arrival
 - 1 personnel (1 EMT)

- 52. 2/25/2025 – 12:28 PM – Alarm Install
 - 155 River Rd, Mayodan
 - Responded to install 1 smoke alarm
 - 1 Personnel (1 FF)
- 53. 2/25/2026 – 2:01 PM – Alarm Commercial
 - 810 Cure Dr. Madison
 - Responded to assist Station 50 on Alarm
 - Cancelled En-Route due to false alarm
 - 5 personnel (1 FF, 1 D/O, 3 Support)
- 54. 2-25-2026 – 5:15 PM – Structure Fire
 - 212 Horner Johnson LN, Madison
 - Station 60 personnel responded to a possible Structure Fire
 - Units arrived on scene to find fire was extinguished by homeowner using a fire extinguisher. Fire personnel investigated and used a water extinguisher to extinguish a small area that was smoldering. RCFM investigated
 - 7 Personnel (3 FF, 2 D/O, 2 Support)
- 55. 2-27-2026 – 8:19 AM – Commercial Alarm
 - 203 W Hunter St. Madison
 - Station 60 assisted Station 50 on a commercial alarm
 - Mutual aid was cancelled En-Route due to false alarm
 - 5 personnel (1 FF, 2 D/O, 2 Support)
- 56. 2-28-2026 – 6:22 PM – Vehicle Fire
 - NC 135, Mayodan
 - Station 60 dispatched to a possible vehicle fire
 - Engine 61 arrived to find no vehicle fire. Personnel controlled traffic until vehicle removed
 - 5 personnel (2 FF, 2 D/O, 1 Support)

Drills and Training February 2026

Drills:

- 2/9/2026 – Mayday training
 - Discussed when and how to call Mayday
 - Used Entanglement prop to simulate entrapment situations
 - Led by C. Joyce
- 2/23/2026 – Blood Borne Pathogens and CPR
 - Held at Mayodan FD

- Discussed different Pathogens and how to prevent them
- Discussed and trained on CPR techniques
- Led by Brad Tucker