



## Town of Angier

[www.angier.org](http://www.angier.org)

Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager

Veronica Hardaway  
Town Clerk

### BOARD OF COMMISSIONERS WORKSHOP

June 21, 2022

6:30pm

**Pledge of Allegiance**

**Invocation**

**Approval of Agenda**

#### **Business Items:**

1. Public Hearing regarding the FY2022-2023 General & Utility Fund Budgets
  - a. Action-Adoption of the Budget Ordinance
2. Authorize the Harnett & Wake County Revenue Administrator to Levy and Collect Taxes for the Town of Angier
  - a. Resolution #15-2022 – Harnett County
  - b. Resolution #16-2022 – Wake County
3. Budget Amendment #13 – pertains to the General Fund, Municipal Building Fund, Booster Club Fund, Water & Sewer Fund, and the Pump Station #1 & Force Main Fund.
4. Offer & Acceptance of American Rescue Plan Funding from the State Fiscal Recovery Fund in the amount of \$400,000
  - a. Resolution #17-2022 – to accept (ARP) funding in the amount of \$400,000 for the Stormwater Capacity Project
5. Library Consolidation Plan Agreement
  - a. Consideration and approval of the Library Consolidation Agreement with Harnett County
6. Police Department Proposed Ordinance Violations for Enforcement
  - a. Consideration and approval of proposed Police Department Ordinance Violations

***Closed Session pursuant to NCGS 143-318.11 (a)(5) – to discuss price and other material terms of a contract or proposed contract***



**Budget Ordinance**  
**For**  
**Fiscal Year 2022-2023**

**BE IT ORDAINED** by the Board of Commissioners of the Town of Angier, Harnett County, North Carolina in accordance with G.S. 159-13 of the North Carolina General Statutes that:

**Section 1:** The following amounts are hereby appropriated in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Governing Body</b>	\$ 72,762
<b>Administration</b>	587,439
<b>Finance</b>	341,674
<b>Police</b>	1,945,782
<b>Planning &amp; Inspections</b>	874,467
<b>Streets &amp; Sanitation</b>	864,532
<b>Parks &amp; Recreating</b>	478,073
<b>Library</b>	188,757
<b>Depot</b>	21,000
<b>Debt Service</b>	122,226
<b>Inter-Fund Transfers</b>	<u>1,004,800</u>
 <b>TOTAL</b>	 \$ 6,501,512

**Section 2:** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Ad Valorem Taxes, Current and Prior Years</b>	\$ 3,056,600
<b>DMV Tax Collection</b>	267,068
<b>Payment in Lieu of Taxes</b>	0
<b>Tax Penalties and Interest</b>	8,000
<b>Local Option Sales Tax</b>	1,325,000
<b>Vehicle Licenses</b>	19,500
<b>Solid Waste Disposal Tax</b>	3,500
<b>Franchise Taxes</b>	250,000
<b>Investment Earnings</b>	3,000
<b>Permits and Fees</b>	21,000
<b>ABC Revenues/Beer and Wine Taxes</b>	145,000
<b>Fund Balance Appropriated</b>	586,106
<b>Other General Revenue</b>	<u>824,738</u>
 <b>TOTAL</b>	 \$ 6,501,512

**Section 3:** The following is hereby appropriated in the General Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>General Capital Reserve Transfers Out</b>	<b>\$ 1,866,873</b>
<b>TOTAL</b>	<b>1,866,873</b>

**Section 4:** It is estimated that the following revenues will be available in the General Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Town Hall/Police Building</b>	<b>\$ 1,540,323</b>
<b>Parks &amp; Recreation Development Fees</b>	<b>103,300</b>
<b>Transfer from General Fund - Junny/Willow Sidewalk Project</b>	<b>223,250</b>
<b>TOTAL</b>	<b>\$ 1,866,873</b>

**Section 5:** The following is hereby appropriated in the Water and Sewer Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Water</b>	<b>\$ 1,349,455</b>
<b>Sewer</b>	<b>886,834</b>
<b>Smith Drive Pump Station</b>	<b>579,000</b>
<b>Lagoon</b>	<b>70,510</b>
<b>Inter-Fund Transfer</b>	<b>25,000</b>
<b>Debt Service</b>	<b>461,406</b>
<b>TOTAL</b>	<b>\$ 3,372,205</b>

**Section 6:** It is estimated that the following revenues will be available in the Water and Sewer Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Water Sales</b>	<b>\$ 1,296,453</b>
<b>Sewer Sales</b>	<b>1,308,803</b>
<b>Investment Earnings</b>	<b>5,949</b>
<b>Water/Sewer Regulatory Fees</b>	<b>334,000</b>
<b>Antenna Rental Revenue</b>	<b>31,500</b>
<b>Transfer from Water/Sewer Capital Reserve</b>	<b>0</b>
<b>Fund Balance Appropriated</b>	<b>140,000</b>
<b>Other Water/Sewer Revenues</b>	<b>255,500</b>
<b>TOTAL</b>	<b>\$ 3,372,205</b>

**Section 7:** The following is hereby appropriated in the Water and Sewer Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Transfer to Pump Station #1 &amp; #6 Capital Project</b>	<b>\$ 75,000</b>
<b>Transfer to Harnett County WWTP Expansion</b>	<b>200,885</b>
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<b>TOTAL</b>	<b>\$ 275,885</b>

**Section 8:** It is estimated that the following revenues will be available in the Water and Sewer Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Transfer from Water &amp; Sewer Operating Fund</b>	<b>\$ 275,885</b>
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<b>TOTAL</b>	<b>\$ 275,885</b>

**Section 9:** The following is hereby appropriated in the System Development Fee (Buy-In Method) Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>System Development Fee (Buy-In Method) Transfers Out</b>	<b>\$ 269,000</b>
	<hr/>
<b>TOTAL</b>	<b>269,000</b>

**Section 10:** It is estimated that the following revenues will be available in the System Development Fee (Buy-In Method) Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>SDF (Water Buy-In Method)</b>	<b>\$ 68,000</b>
<b>Interest on Investments</b>	<b>0</b>
<b>SDF (Sewer Buy-In Method)</b>	<b>201,000</b>
	<hr/>
<b>TOTAL</b>	<b>\$ 269,000</b>



**Section 11:** The following is hereby appropriated in the System Development Fee (Incremental Cost Method) Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>System Development Fee (Incremental Cost Method) Transfers Out</b>	<b>\$ 2,050</b>
<b>TOTAL</b>	<b>2,050</b>

**Section 12:** It is estimated that the following revenues will be available in the System Development Fee (Incremental Cost Method) Capital Reserve Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>SDF (Water Incremental Cost Method)</b>	<b>\$ 2,050</b>
<b>TOTAL</b>	<b>\$ 2,050</b>

**Section 13:** The following is hereby appropriated in the NC DEQ Water Line Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Professional Fees (Engineering)</b>	<b>\$ 2,276</b>
<b>Capital Outlay (Construction)</b>	<b>115,000</b>
<b>TOTAL</b>	<b>\$ 117,276</b>

**Section 14:** It is estimated that the following revenues will be available in the NC DEQ Water Line Capital Project for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>NC Department of Environmental Quality</b>	<b>\$ 117,276</b>
<b>Interest Earned</b>	<b>0</b>
<b>TOTAL</b>	<b>\$ 117,276</b>

**Section 15:** The following is hereby appropriated in the Pump Station Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Pump Station #6</b>	<b>\$1,453,937</b>
<b>Pump Station #1 &amp; Force Main</b>	<b>2,422,346</b>
<b>TOTAL</b>	<b>\$ 3,876,283</b>

**Section 16:** It is estimated that the following revenues will be available in the Pump Station Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Loan Proceeds</b>	<b>\$ 3,241,083</b>
<b>Transfer from Water &amp; Sewer Fund</b>	<b>635,200</b>
<b>TOTAL</b>	<b>\$ 3,876,283</b>

**Section 17:** The following is hereby appropriated in the American Rescue Plan & CARES Act Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>American Rescue Plan Act Department</b>	\$ 1,725,747
<b>Cares Act Department</b>	<u>88,310</u>
<b>TOTAL</b>	\$ 1,814,057

**Section 18:** It is estimated that the following revenues will be available in the American Rescue Plan & CARES Act Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>American Rescue Plan Act Distribution</b>	\$ 1,725,747
<b>Cares Act Distribution</b>	<u>88,310</u>
<b>TOTAL</b>	\$ 1,814,057

**Section 19:** The following is hereby appropriated in the Powell Bill Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Powell Bill</b>	<u>158,142</u>
<b>TOTAL</b>	158,142

**Section 20:** It is estimated that the following revenues will be available in the Powell Bill Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>State Street Aid</b>	\$ 138,642
<b>Vehicle Licenses</b>	19,500
<b>Investment Earnings</b>	0
<b>Fund Balance Appropriated</b>	<u>0</u>
<b>TOTAL</b>	\$ 158,142

**Section 21:** The following is hereby appropriated in the HWY 210 Sidewalk Extension Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Engineering</b>	\$ 3,413
<b>Construction</b>	<u>1,386,489</u>
<b>TOTAL</b>	\$ 1,389,902

**Section 22:** It is estimated that the following revenues will be available in the HWY 210 Sidewalk Extension Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>NC Department of Transportation</b>	\$ 585,394
<b>Transfer from General Fund</b>	<u>804,508</u>
<b>TOTAL</b>	\$ 1,389,902

**Section 23:** The following is hereby appropriated in the South West Drainage Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>NC DEQ Disbursement</b>	<b>\$ 423,025</b>
<b>Mobilization</b>	<b>21,151</b>
<b>Erosion Control</b>	<b>42,303</b>
<b>Traffic Control</b>	<b>31,727</b>
<b>Utility Conflicts</b>	<b>84,605</b>
<b>Construction Contingency</b>	<b>63,454</b>
<b>Design, Permitting, Survey, Const. SVCs</b>	<b>101,526</b>
<b>GEOTECH, Structural Eng., &amp; Real Estate</b>	<b>31,727</b>
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<b>TOTAL</b>	<b>\$ 799,518</b>

**Section 24:** It is estimated that the following revenues will be available in the South West Drainage Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>NC Department of Environmental Quality Distribution</b>	<b>\$ 315,245</b>
<b>Transfer from General Fund</b>	<b>484,273</b>
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<b>TOTAL</b>	<b>\$ 799,518</b>

**Section 25:** The following is hereby appropriated in the Angier Elementary Drainage Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Construction</b>	<b>\$ 14,907</b>
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<b>TOTAL</b>	<b>\$ 14,907</b>

**Section 26:** It is estimated that the following revenues will be available in the Angier Elementary Drainage Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Harnett County Board of Education</b>	<b>\$ 14,907</b>
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<b>TOTAL</b>	<b>\$ 14,907</b>

**Section 27:** The following is hereby appropriated in the Municipal Building Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Transfer from General Fund</b>	<b>\$ 319,590</b>
<b>Transfer from General Capital Reserve Fund</b>	<b>693,855</b>
<b>TOTAL</b>	<b>1,013,445</b>

**Section 28:** It is estimated that the following revenues will be available in the Municipal Building Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Preconstruction</b>	<b>\$ 84,577</b>
<b>Architectural</b>	<b>928,868</b>
<b>TOTAL</b>	<b>\$ 1,013,445</b>

**Section 29:** The following is hereby appropriated in the Booster Club Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Booster Club Proceeds</b>	<b>\$ 2,000</b>
<b>TOTAL</b>	<b>\$ 2,000</b>

**Section 30:** It is estimated that the following revenues will be available in the Booster Club Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Printing &amp; Publishing</b>	<b>\$ 2,000</b>
<b>TOTAL</b>	<b>\$ 2,000</b>

**Section 31:** The following is hereby appropriated in the Junny Road & Willow Street Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Transfer from General Fund</b>	<b>\$ 125,000</b>
<b>TOTAL</b>	<b>\$ 125,000</b>

**Section 32:** It is estimated that the following revenues will be available in the Junny Road & Willow Street Capital Project Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Construction</b>	<b>\$ 125,000</b>
<b>TOTAL</b>	<b>\$ 125,000</b>



**Section 33:** The following is hereby appropriated in the Asset Forfeiture Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>Unauthorized Substance Tax Distribution</b>	<b>\$ 1,290</b>
<b>Federal Equitable Sharing Distribution</b>	<b>28,710</b>
<b>TOTAL</b>	<b>\$ 30,000</b>

**Section 34:** It is estimated that the following revenues will be available in the Asset Forfeiture Fund for the fiscal year beginning July 1, 2022, and ending June 30, 2023:

<b>UST Department</b>	<b>\$ 1,290</b>
<b>FES Department</b>	<b>28,710</b>
<b>TOTAL</b>	<b>\$ 30,000</b>

**Section #35:** All fees appearing on the Fiscal Year 2022 – 2023 Rate and Fee Schedule as set forth in Attachment A shall be adopted by the Board and is to be in effect during the Fiscal Year 2022-2023 and is on record in the Clerk's office.

**Section #36:** The Town Manager (Budget Officer), or his or her designee, is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A. The Budget Officer shall be authorized to complete intra-departmental appropriations.
- B. The Budget Officer shall be authorized to execute inter-departmental appropriations, within the same Fund, not to exceed 10 percent of the appropriated funds for the department whose allocation is reduced.
- C. The Budget Officer shall be authorized to execute inter-fund transfers in emergency situations.
- D. The Budget Officer may reallocate and reclassify Town positions and expenditures as necessary in order to more effectively address budget and service level needs.
- E. The Budget Officer shall be authorized to make inter-fund loans for a period of not more than ninety (90) days.
- F. Pursuant to G.S 159-15, the aforementioned within sub-section A, B, C, and D will be presented within the consent agenda to the Board at the following regular Board meeting.

**Section #37:** The Town of Angier Board of Commissioners desires for the Town to maintain necessary reserve that can provide cash flow for mitigating periods of delayed, declining revenues, used for emergencies, or unforeseen expenditures. The Town desires to maintain adequate working capital and to maintain a good credit rating in order to obtain favorable financing rates on debt issuances. The Town's Fund Balance Policy for the General Fund, Attachment B, shall be adopted by the Board and is to be in effect during the Fiscal Year 2022-2023 and is on record in the Clerk's office.

**Section #38:** The following is the salary schedule for the Town of Angier's Board of Commissioners for the fiscal year beginning July 1, 2022 and ending June 30, 2023:

Mayor	\$ 7,245.26 July 1
Commissioner	\$ 5,929.00 July 1

**Section #39:** The Town Board of Commissioners has retained the services of outside legal counsel at a monthly flat rate of \$3,750 to represent the Town in legal matters which extend beyond the normal boundaries of staff counsel.

**Section #40:** The Town Board of Commissioners has authorized in the Fiscal Year 2022-2023 Budget to include a Town contribution to the 401K Retirement Plan of 5% of a regular employee's salary. The Town shall contribute 5% of sworn law enforcement officer's salary, regardless of employee contribution as required by G.S. 143-166.50(e).

**Section #41:** The Board of Commissioners has authorized in the Fiscal Year 2022-2023 Budget to include the following cost sharing for group health insurance based on an employee's full time equivalency. At the time of this adoption, the following costs are estimates only. These figures will be adjusted when the Town receives the final costs from the insurance company.

Health Insurance Plan	Total Cost	Town Share	Employee Share
Individual	\$ 598.35	\$ 598.35	\$ .00
Employee/Spouse	\$ 1,615.53	\$ 598.35	\$ 1,017.18
Employee/Child(ren)	\$ 1,048.33	\$ 598.35	\$ 449.98
Family	\$ 2,065.49	\$ 598.35	\$ 1,467.14

**Section #42:** The Town Board of Commissioners has authorized the Fiscal Year 2022-2023 Salary Grade Table to include a 4% cost of living increase effective July 1, 2022.

**Section #43:** The power of approval of contracts and authorizations of settlements for liability claims is hereby reserved by the Town of Angier Board of Commissioners.

**Section #44:** There is hereby levied a tax at the rate of forty nine cents (49¢) per one hundred dollars (\$100) valuation of property listed as ad valorem taxes as of January 1, 2022, for the purpose of raising revenue listed as 2022 Tax Revenue in the Town of Angier General Fund. The rate of tax, for the purpose of taxation, is based upon Harnett County estimated assessed property valuation of \$524,235,012, a projected levy of \$2,568,752 and for Wake County an estimated assessed property valuation of \$111,503,208 and a projected levy of \$546,366; all of which based on an estimated collection rate of 99.70%.

**Section #45:** Operating funds encumbered by the Town as of June 30, 2022, are hereby appropriated to this budget.

**Section #46:** The Board of Commissioners of the Town of Angier hereby authorize, empower, and command the Harnett County Tax Administrator and the Wake County Tax Administrator to levy, bill, and collect taxes on the Town's behalf in accordance with the respective standing agreements.

**Section #47:** Reimbursement for use of privately owned vehicles by Town employees for official Town business will be made in accordance with the latest Standard Mileage Rate as set forth by the Internal Revenue Service. For the fiscal year beginning July 1, 2022 and ending June 30, 2023, mileage will be reimbursed at a rate of 58.5 cents per mile.

**Section #48:** Copies of this Budget Ordinance shall be furnished to the Town Manager, Clerk to the Board and to the Finance Officer to be kept by them for their direction in the disbursement of funds.

**Adopted this 21<sup>st</sup> day of June, 2022.**

Town of Angier Board of Commissioners

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Robert K. Smith, Mayor

ATTEST:

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Veronica Hardaway, Town Clerk





## Town of Angier

Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager

**Resolution No.:** R015-2022  
**Date Submitted:** June 21, 2022  
**Date Adopted:** June 21, 2022

### **RESOLUTION AUTHORIZING THE HARNETT COUNTY REVENUE ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF ANGIER**

**BE IT RESOLVED** by the Town Board of the Town of Angier, North Carolina as follows:

The Harnett County Revenue Administrator is hereby authorized, empowered, and commanded to levy and collect taxes set forth in the tax records filed in the Office of the Harnett County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth.

This Resolution bestows the Harnett County Revenue Administrator with full and sufficient authority to levy and collect any real or personal taxes on behalf of the Town of Angier, North Carolina.

*Adopted by the Angier Board of Commissioners on this the 21<sup>st</sup> day of June, 2022.*

ATTEST:

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Robert K. Smith, Mayor

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Veronica Hardaway, Town Clerk





## Town of Angier

Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager

**Resolution No.:** R016-2022  
**Date Submitted:** June 21, 2022  
**Date Adopted:** June 21, 2022

### **RESOLUTION AUTHORIZING THE WAKE COUNTY REVENUE ADMINISTRATOR TO LEVY AND COLLECT PROPERTY TAXES FOR THE TOWN OF ANGIER**

**BE IT RESOLVED** by the Town Board of the Town of Angier, North Carolina as follows:

The Wake County Revenue Administrator is hereby authorized, empowered, and commanded to levy and collect taxes set forth in the tax records filed in the Office of the Wake County Revenue Administrator in the amounts and from the taxpayers likewise therein set forth.

This Resolution bestows the Wake County Revenue Administrator with full and sufficient authority to levy and collect any real or personal taxes on behalf of the Town of Angier, North Carolina.

*Adopted by the Angier Board of Commissioners on this the 21<sup>st</sup> day of June, 2022.*

ATTEST:

\_\_\_\_\_  
Robert K. Smith, Mayor

\_\_\_\_\_  
Veronica Hardaway, Town Clerk



## Board of Commissioners Agenda Report

55 N Broad Street W.  
PO Box 278  
Angier, NC 27501  
[www.angier.org](http://www.angier.org)

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**MEETING DATE:** June 21, 2022  
**PREPARED BY:** Hans Kalwitz  
**ISSUE:** Budget Amendment #13  
**CONSIDERED:**  
**DEPARTMENT:** Finance

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### **SUMMARY OF ISSUE:**

This budget amendment pertains to the General Fund, Municipal Building Fund, Booster Club Fund, Water & Sewer Fund, and the Pump Station #1 & Force Main Fund.

The General Fund has received \$352,929 beyond anticipation. A bit of this revenue pertains to the Library grant and donation revenue lines; resulting in respective Library expenditure line increases in allowable spending. Much of the additional revenue will be appropriated to expenditure lines that may have potential overages.

For cash flow purpose, the Municipal Building Fund will receive a transfer from the General Fund. This is surety regarding our audit and may be transferred back to the General Fund during FY 2023.

The Booster Club Fund is, in essence, an intra-departmental amendment, whereby a re-appropriation from one expenditure line to another will take place to cover the purchase of football helmets.

The Water & Sewer Fund has received \$194,707 beyond anticipation and will be appropriated among expenditure lines that may, after forecasting out, exceed allowable spending.

The Pump Station #1 & Force Main Fund has an amendment to simply cover forecasted overages.

### **FINANCIAL IMPACT:**

This budget amendment will acknowledge revenue to be appropriated to respective expenditure lines within the General Fund, Municipal Building Fund, Water & Sewer Fund, and the Pump Station #1 & Force Main Fund; \$352,929, \$103,558, and 194,707 respectively.

**RECOMMENDATION:** N/A

### **REQUESTED MOTION:**

Motion to adopt Budget Amendment #13.

### **REVIEWED BY TOWN MANAGER:**

This has been reviewed by the Town Manager.

**Attachments:** Budget Amendment #13





## Town of Angier

### Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

General Fund (10 Fund)				
General Fund Revenue	Line Item	Budget	Change	Amended Budget
TAX PENALTIES & INTEREST	10-3010-2000	8,000	↑ 656	8,656
2019 TAX REVENUE	10-3010-2019	162	↑ 266	428
2020 TAX REVENUE	10-3010-2020	8,046	↑ 398	8,444
2022 TAX REVENUE	10-3010-2022	-	↑ 48,574	48,574
LOCAL OPTION SALES TAX	10-3010-3005	1,286,242	↑ 66,946	1,353,188
SOLID WASTE DISPOSAL TAX	10-3010-3020	3,500	↑ 575	4,075
ABC REVENUE	10-3010-3025	100,000	↑ 9,927	109,927
MOTOR FUEL TAX REFUND	10-3010-3030	9,000	↑ 1,840	10,840
ANTENNA RENTAL	10-3010-3060	11,561	↑ 5,825	17,386
ABC REVENUE - POLICE	10-3010-5110	13,000	↑ 877	13,877
SRO CHARTER SCHOOL GRANT	10-3010-5130	49,500	↑ 24,750	74,250
INSURANCE PROCEEDS	10-3010-5145	26,125	↑ 1,250	27,375
ABC ALCOHOL EDUCATION PROC	10-3010-5160	5,060	↑ 7,582	12,642
BUILDING PERMITS	10-3010-5400	157,249	↑ 111,723	268,972
PLANNING FEES & PERMITS	10-3010-5405	20,057	↑ 21,068	41,125
MHP COMPLIANCE INSPECTIONS	10-3010-5415	1,500	↑ 1,416	2,916
CODE ENFORCEMENT FEES	10-3010-5420	10,987	↑ 1,225	12,212
COMMUNITY DEVELOPMENT SA	10-3010-5455	760	↑ 50	810
PUBLIC WORKS RE-INSPECTION F	10-3010-5620	1,600	↑ 275	1,875
HARNETT COUNTY RECREATION	10-3010-6200	29,000	↑ 109	29,109
LATE FEES/RECREATION	10-3010-6205	670	↑ 580	1,250
BASEBALL/SOFTBALL	10-3010-6220	15,000	↑ 6,955	21,955
BASKETBALL	10-3010-6225	8,385	↑ 100	8,485
SOCCER	10-3010-6235	9,705	↑ 10,010	19,715
LIBRARY REVENUES	10-3010-6300	2,500	↑ 2,313	4,813
ABC REVENUE - LIBRARY	10-3010-6305	12,500	↑ 14,249	26,749
LIBRARY GRANT	10-3010-6310	2,281	↑ 2,517	4,798
LIBRARY DONATIONS	10-3010-6381	7,300	↑ 7,873	15,173
DEPOT REVENUES	10-3010-6400	8,294	↑ 3,000	11,294
<b>Total Revenue Budget</b>		<b>6,843,286</b>	<b>352,929</b>	<b>7,196,215</b>



## *Town of Angier*

### Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Administration Department	Line Item	Budget	Change	Amended Budget
ELECTED OFFICIALS SALARIES	10-4200-1000	29,809	↑ 225	30,034
SALARIES-FULL-TIME	10-4200-1050	450,239	↑ 32,000	482,239
FICA	10-4200-2000	35,999	↑ 3,600	39,599
RETIREMENT CONTRIBUTION	10-4200-2050	48,427	↑ 3,500	51,927
GROUP INSURANCE	10-4200-2250	50,015	↑ 19,000	69,015
BUILDING MAINTENANCE	10-4200-3250	6,500	↑ 2,557	9,057
EQUIPMENT MAINTENANCE	10-4200-3300	-	↑ 109	109
MISCELLANEOUS	10-4200-3990	-	↑ 1,298	1,298
PROFESSIONAL SERVICES	10-4200-4450	75,000	↑ 8,000	83,000
PROPERTY LIABILITY INSURANCE	10-4200-4550	81,360	↑ 1,000	82,360
LEASE AGREEMENTS	10-4200-6000	6,000	↑ 1,000	7,000
<b>Total Budget Expenditures for Dept 4200</b>		<b>1,080,137</b>	<b>72,289</b>	<b>1,152,426</b>
Police Department	Line Item	Budget	Change	Amended Budget
SALARIES-PART-TIME	10-5100-1100	19,436	↑ 10,000	29,436
TRAINING MUNITIONS	10-5100-3060	39,503	↑ 1,500	41,003
OFFICE SUPPLIES	10-5100-3150	800	↑ 100	900
FUEL	10-5100-4200	20,000	↑ 20,000	40,000
CONTRACT SERVICES	10-5100-4500	50,130	↑ 7,000	57,130
DRUG SCREENING	10-5100-4700	700	↑ 200	900
ABC ALCOHOL EDUCATION PROC	10-5100-5060	5,060	↑ 7,582	12,642
ENTERPRISE LEASE AGREEMENT	10-5100-6050	66,032	↑ 31,634	97,666
<b>Total Budget Expenditures for Dept 5100</b>		<b>1,776,757</b>	<b>78,016</b>	<b>1,854,773</b>





# *Town of Angier*

## Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Streets & Sanitation Dept.	Line Item	Budget	Change	Amended Budget
SALARIES-FULL TIME	10-5600-1050	60,853	↑ 5,000	65,853
FICA	10-5600-2000	4,729	↑ 350	5,079
RETIREMENT	10-5600-2050	6,977	↑ 500	7,477
SUPPLEMENTAL RETIREMENT	10-5600-2100	3,092	↑ 300	3,392
ENTERPRISE LEASE AGREEMENT	10-5600-6050	30,000	↑ 31,634	61,634
<b>Total Budget Expenditures for Dept 5600</b>		<b>1,139,660</b>	<b>37,784</b>	<b>1,177,444</b>
Parks & Recreation Dept.	Line Item	Budget	Change	Amended Budget
TROPHIES	10-6200-3205	3,000	↑ 500	3,500
BUILDING MAINTENANCE	10-6200-3250	5,292	↑ 1,000	6,292
DUES & SUBSCRIPTIONS	10-6200-4350	85	↑ 300	385
LEASE AGREEMENTS	10-6200-6000	500	↑ 300	800
<b>Total Budget Expenditures for Dept 6200</b>		<b>461,052</b>	<b>2,100</b>	<b>463,152</b>
Library Department	Line Item	Budget	Change	Amended Budget
MATERIALS & SUPPLIES	10-6300-3200	6,251	↑ 1,000	7,251
BUILDING MAINTENANCE	10-6300-3250	7,251	↑ 1,250	8,501
DONATIONS	10-6300-3810	7,300	↑ 45	7,345
SPECIAL EVENTS	10-6300-4915	6,000	↓ (1,000)	5,000
LIBRARY GRANT	10-6300-5500	2,281	↑ 10,345	12,626
<b>Total Budget Expenditures for Dept 6300</b>		<b>241,155</b>	<b>11,640</b>	<b>252,795</b>
Depot Department	Line Item	Budget	Change	Amended Budget
BUILDING MAINTENANCE	10-6400-3250	2,000	↑ 1,000	3,000
<b>Total Budget Expenditures for Dept 6400</b>		<b>81,099</b>	<b>1,000</b>	<b>82,099</b>
Inter-Fund Transfers Dept.	Line Item	Budget	Change	Amended Budget
TRANSFER TO ANGIER ELEMENT.	10-8700-6315	-	↑ 46,542	46,542
T/F to Municipal Building Fund	10-8700-8210	319,590	↑ 103,558	423,148
<b>Total Budget Expenditures for Dept 8700</b>		<b>1,372,790</b>	<b>150,100</b>	<b>1,522,890</b>



## *Town of Angier*

### Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Municipal Building Capital Project Fund					
MB CPF Revenue		Line Item	Budget	Change	Amended Budget
T/F FROM GENERAL FUND		16-3016-8210	319,590	↑ 103,558	423,148
Total Revenue Budget			1,013,445	103,558	1,117,003
MB CPF Expenditures		Line Item	Budget	Change	Amended Budget
MISCELLANEOUS		16-4225-3990	170,758	↓ (170,758)	-
PROFESSIONAL SERVICES		16-4225-4450	56,755	↑ 90,050	146,805
SCHEMATIC DESIGN		16-4225-5205	138,771	↓ (27,235)	111,536
CONSTRUCTION DOCUMENTS		16-4225-5215	277,542	↑ 337,153	614,695
BIDDING & NEGOTIATION		16-4225-5220	34,693	↑ 13,119	47,812
CONTRACT ADMINISTRATION		16-4225-5225	138,771	↓ (138,771)	-
Total Budget Expenditures for Dept 4225			928,868	103,558	1,032,426





## *Town of Angier*

### Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Booster Club Fund					
Booster Club Expenditures	Line Item	Budget		Change	Amended Budget
PROFESSIONAL SERVICES	18-6200-4450	10,000	↓	(5,961)	4,039
CAPITAL OUTLAY	18-6200-5000	17,052	↑	5,961	23,013
<b>Total Budget Expenditures for Dept 5600</b>		44,585		-	44,585

Water & Sewer Fund					
Water & Sewer Revenue	Line Item	Budget		Change	Amended Budget
ACTIVATION FEE	30-3030-3040	17,500	↑	18,220	35,720
LATE FEES / RECONNECTIONS	30-3030-3045	70,000	↑	37,850	107,850
INTEREST ON INVESTMENTS	30-3030-3050	-	↑	1,000	1,000
RETURNED CHECK FEES	30-3030-3055	-	↑	1,050	1,050
METER TAMPERING FEE	30-3030-3065	-	↑	265	265
MISCELLANEOUS REVENUE	30-3030-3999	-	↑	53,629	53,629
WATER REGULATORY FEES	30-3030-8115	100,000	↑	30,490	130,490
IRRIGATION TAP FEES	30-3030-8120	-	↑	12,875	12,875
WATER METER REVENUE	30-3030-8125	60,000	↑	17,292	77,292
SEWER REGULATORY FEES	30-3030-8315	191,106	↑	22,036	213,142
<b>Total Revenue Budget</b>		4,359,153		194,707	4,553,860



# *Town of Angier*

## Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Water Department	Line Item	Budget		Change	Amended Budget
POSTAGE	30-8100-3100	8,000	↑	6,778	14,778
CONTRACT SERVICES	30-8100-4500	47,157	↑	14,150	61,307
ENTERPRISE LEASE AGREEMENT	30-8100-6050	20,000	↑	64,412	84,412
<b>Total Budget Expenditures for Dept 8100</b>		1,787,019		85,340	1,872,359
Sewer Department	Line Item	Budget		Change	Amended Budget
POSTAGE	30-8300-3100	9,000	↑	1,500	10,500
CHEMICALS	30-8300-3215	15,000	↑	1,000	16,000
BUILDING MAINTENANCE	30-8300-3250	6,400	↓	(1,000)	5,400
MAINTENANCE & REPAIR-SYSTEMS	30-8300-3400	14,000	↓	(3,106)	10,894
UTILITIES-GAS	30-8300-4150	3,000	↑	2,261	5,261
PRINTING & PUBLISHING	30-8300-4250	500	↑	488	988
DUES & SUBSCRIPTIONS	30-8300-4350	2,500	↑	700	3,200
CLEAN SEWER OUTFALL EXPENSES	30-8300-4385	5,000	↓	(5,000)	-
PROFESSIONAL SERVICES	30-8300-4450	17,500	↑	87,100	104,600
CONTRACT SERVICES	30-8300-4500	55,870	↑	13,919	69,789
LITIGATION SETTLEMENT	30-8300-4990	300,000	↑	1	300,001
CAPITAL OUTLAY	30-8300-5000	242,053	↑	18,632	260,685
LINE	30-8300-5625	25,000	↓	(21,050)	3,950
ENTERPRISE LEASE AGREEMENT	30-8300-6050	20,000	↑	55,621	75,621
<b>Total Budget Expenditures for Dept 8300</b>		1,222,762		151,066	1,373,828
Lagoon Department	Line Item	Budget		Change	Amended Budget
CHEMICALS	30-8500-3215	15,000	↑	1,000	16,000
BUILDING MAINTENANCE	30-8500-3250	5,000	↓	(1,000)	4,000
<b>Total Budget Expenditures for Dept 8500</b>		71,943		-	71,943





# Town of Angier

## Board Approved Budget Amendment # 13

Be it hereby ordained by the Town Council of the Town of Angier that the following amendments be made to the Budget Ordinance adopted on the 15<sup>th</sup> day of June, 2021 (as well as subsequent amendments) as follows:

Debt SVC Obligation Dept.	Line Item	Budget	Change	Amended Budget
PRINCIPAL (BB&T - WATER TANK)	30-8600-7025	97,527	↑ 16,443	113,970
INTEREST (BB&T - WATER TANK)	30-8600-7030	33,548	↓ (16,434)	17,114
INTEREST (TRUIST - REFUNDING)	30-8600-7050	46,107	↓ (26,008)	20,099
DEBT SERVICE RESERVE	30-8600-7075	15,700	↓ (15,700)	-
<b>Total Budget Expenditures for Dept 8500</b>		71,943	(41,699)	30,244

Pump Station #1 & Force Main Fund				
Pump Station #6 Department	Line Item	Budget	Change	Amended Budget
MISCELLANEOUS	38-8305-3990	-	↑ 5,371	5,371
PROFESSIONAL SERVICES	38-8305-4450	59,110	↑ 42,324	101,434
CAPITAL OUTLAY - CONSTRUCTION	38-8305-5000	1,257,727	↓ (47,695)	1,210,032
<b>Total Budget Expenditures for Dept 8305</b>		1,453,937	-	1,453,937

  

Pump Station #1 & Force Main	Line Item	Budget	Change	Amended Budget
PROFESSIONAL SERVICES	38-8310-4450	-	↑ 1,756	1,756
CONTINGENCY	38-8310-8300	173,070	↓ (1,756)	171,314
<b>Total Budget Expenditures for Dept 8310</b>		2,422,346	-	2,422,346

Motion to adopt FY 2022 Board Approved Budget Amendment #13

Amended this the 21<sup>st</sup> day of June, 2022

Robert K. Smith, Mayor

Attest:

Veronica Hardaway, Town Clerk



## Town of Angier

Robert K. Smith  
Mayor

Gerry Vincent  
Town Manager

**Resolution No.:** R017-2022

**Date Submitted:** June 21, 2022

**Date Adopted:** June 21, 2022

### RESOLUTION BY GOVERNING BODY OF RECIPIENT

**WHEREAS**, the Town of Angier has received an earmark for the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$400,000 to perform work detailed in the submitted application, and

**WHEREAS**, the Town of Angier intends to perform said project in accordance with the agreed scope of work,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ANGIER:**

That the Town of Angier does hereby accept the American Rescue Plan Grant offer of \$400,000.

That the Town of Angier does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Gerald D. Vincent, Town Manager, and successors so titles, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

*Adopted by the Angier Board of Commissioners on this the 21<sup>st</sup> day of June, 2022.*

ATTEST:

\_\_\_\_\_  
Robert K. Smith, Mayor

\_\_\_\_\_  
Veronica Hardaway, Town Clerk

\_\_\_\_\_  
Gerald D. Vincent, Town Manager





## Board of Commissioners Agenda Report

55 N Broad Street W.  
PO Box 278  
Angier, NC 27501  
www.angier.org

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**MEETING DATE:** June 21, 2022  
**PREPARED BY:** Gerry Vincent, Town Manager ICMA-CM *GV*  
**ISSUE:** Library Consolidation Plan Agreement-Harnett County  
**CONSIDERED:**  
**DEPARTMENT:** Administration

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**SUMMARY OF ISSUE:** In early May, I met with the County Manager to discuss the draft agreement. Under II. Operation # H. Facilities, all buildings, grounds, and other facilities used by the library will remain the property of Angier; the lease rent will be \$0 (free), based on the County's acknowledgement that any renovation of the existing facility will be considered by the County.

Under III. Employees #D. Vacation Leave, it was agreed upon that Angier would pay the outstanding vacation leave for employees to the County so that the employees would maintain their balance for planned vacations in 2022, however, because it is considered a liability, the County would request Angier to pay out any and all outstanding leave balances, and the County will honor planned vacations in 2022.

The draft agreement is under review by the Town Attorney.

**FINANCIAL IMPACT:** The financial impact is listed on page 5, IV Finances: Division of Expenditures Schedule. For FY23, Angier will contribute 2/3 of its total budget (Library Department), FY24, Angier will contribute 1/3, and FY25, Angier will contribute \$0.

**RECOMMENDATION:** I recommend approval of the of the consolidation plan, as it is typical for a library to be operated under a county government operation for services.

**REQUESTED MOTION:** I recommend adopting the agreement.

**REVIEWED BY TOWN MANAGER:** *Gerry Vincent*

**Attachments:** *Library Consolidation Plan Agreement*



NORTH CAROLINA  
HARNETT COUNTY

LIBRARY CONSOLIDATION AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of July, 2022, by and between the County of Harnett, a body politic, organized and existing under the laws of the State of North Carolina (hereinafter referred to as "County"), and the Town of Angier, the Town of Coats, the City of Dunn, and the Town of Erwin, all municipal corporations, organized and existing under the laws of the State of North Carolina (hereinafter referred to collectively as "Municipalities" or individually as "Municipality").

WITNESSETH

WHEREAS, the Parties have established, operate, and support independent public library systems pursuant to N.C.G.S §153A-263; and

WHEREAS, the Parties recognize the operational efficiencies that can be realized by consolidating its respective library systems into a single county-wide library system; and

WHEREAS, the Parties desire to transfer library ownership, functions and operations to the County pursuant to N.C.G.S. §153A-270.

NOW, THEREFORE, in consideration of the premises set forth herein, and intending to be legally bound, and for other consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

**I. Purpose**

This Agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdictions of the aforementioned government bodies through their collaborative and collective efforts under the authority of the North Carolina General Statutes 153A-270 and North Carolina General Statutes 160A, Article 20, Part 1.

By defining the financial, property, and operational appropriations and supervision of the Harnett County Public Library System, this Agreement will replace the November 17, 2014 Interlocal Library Agreement signed by Harnett County Public Library and the Municipalities.

## **II. Operation**

- A. County shall assume ownership, control, responsibility, and oversight of the operation of the municipal libraries, creating a single County-wide library system.
- B. In consideration for assuming ownership, responsibility, and oversight of the municipal libraries, the County will have the freedom to operate the library system as it deems necessary.
- C. County shall be responsible for providing appropriate levels of programming, operation hours, and library collections as determined by the library system director in consultation with the branch manager.
- D. **Library Collections, Books, Reference Material and Other Materials.** Municipalities shall transfer ownership of its library collections, books, reference material, and all other materials to the County upon the effective date of this Agreement. The County shall use transferred collections, books, reference material, and all other material for library purposes for its remaining useful life. The County reserves the right to add to the collections and remove materials from circulation as they reach the end of their useful life.
- E. **Furniture.** Ownership of all furniture associated with the operation of the library, including but not limited to shelving, desks, chairs, carts, and book returns shall be transferred to the Harnett County Library System.



F. **Contracts.** Municipalities shall work with the County to assign Agreements and Contracts, where assignable, that were entered into by the Municipality for the benefit of the municipal library.

G. **Information Technology Hardware and Software.** Ownership of all Information Technology hardware, software, services, and any licenses obtained and purchased by a Municipality shall be retained by the Municipality. County will be responsible for providing IT hardware and any necessary software, services, and licenses to the branches for operation within the Harnett County Library System.

H. **Facilities.** All buildings, grounds, or other facilities used by library branches will remain the property of the municipalities. A lease between the municipality and the County will be entered into for an initial period to continue the operation of the transferred library at the same location. The lease between the Municipalities and the County shall be rent free with the County paying for the utilities used. Buildings in which the leased library shares space with other entities, the County will be responsible for its pro-rata share of the utilities based on square footage. Renewal of leases beyond the initial term will be considered and voted on by both boards. Decisions regarding new facilities for the operation of the branch library, renovations of existing facilities, or relocations must be approved by the governing boards of the County and the Municipality in which the library is located in.

### III. Employees

Upon transferring ownership and operation of the municipal library, municipal library employees will become County employees, subject to the County Personnel Ordinance and all rights, duties, and obligations contained therein.



- A. **Salaries.** Any municipal library employee that becomes a County employee will be brought on as a Harnett County employee at the appropriate grade within the Harnett County Salary Grading System to which their position is allocated. If the employee's municipal salary is above or within the salary range of the grade in which the employee position falls, then the employee will maintain the salary with the County. Any employee who is brought on as a County employee whose salary is below the position grade minimum will receive a salary equal to the grade minimum salary.
- B. **Credit for Prior Municipal Service in Employee Leave Accrual.** All municipal employees who transition to full-time 40 hour workweek County employees will accumulate leave at a rate that takes into account their years of service with the Municipality they are transferring employment from in addition to North Carolina counties, and North Carolina governmental agencies.
- C. **Transfer of Municipal Sick Leave to County.** All full-time employees transitioning from municipal employment to County employment may transfer sick leave from the Municipality they are transferring from to the County, in accordance with the Harnett County Personnel Ordinance.
- D. **Prohibition on Transfer of Vacation Leave.** Municipal library employees' vacation leave balances shall not transfer from Municipality to the County. All employees who accrue vacation leave during their employment with each Municipality shall be paid for remaining balances of vacation leave by the employing Municipality in accordance with each Municipality's vacation leave policy and or ordinance prior to becoming County employees.

- E. **Probationary Period.** All employees that transition from municipal employment to County employment will undergo a probationary period of a continuous period of 6 months, as outlined in the Harnett County Personnel Ordinance.

#### **IV. Finances: Division of Expenditures Schedule**

Funding of the municipal library's operating budget will transition from Municipality to County over a period of three years with each party being responsible for its portion of the budget as follows:

- A. County will be responsible for setting an operating budget for each Library branch at the beginning of Year 1.
- B. In Year 1, the Municipality will pay the lesser of two-thirds (2/3) of the County's library budget for the branch located within the Municipality or the total amount of the Municipality's library budget for the year preceding Year 1.
- C. In the event Municipal and County library consolidation does not take effect until after the start of the fiscal year, Municipality will pay a prorated portion of the lesser of two-thirds (2/3) of the County's library budget for the branch located within the Municipality or the total amount of the Municipality's library budget for the year preceding Year 1.
- D. In Year 2, the Municipality will pay the lesser of one-third (1/3) of the County's library budget for the branch located within the Municipality or the total amount of the Municipality's library budget for the year preceding Year 1.
- E. In Year 3, the County will assume full responsibility for funding and operating the budget for all branch libraries within the Harnett County Public Library System.



F. County and each Municipality shall work in coordination and cooperation with one another to ensure that the branch libraries are funded as part of the normal budgeting processes within each entity's respective organization.

#### V. Library Board of Trustees

- A. The Harnett County Public Library Board of Trustees shall be the sole advisory board for the Harnett County Public Library System.
- B. Municipalities shall disband its Municipality library advisory boards upon transfer of library operations to County.
- C. **Operation.** Harnett County Public Library Board of Trustees shall operate in accordance with the Harnett County Public Library Board of Trustees bylaws and exercise all powers and duties enumerated therein.
- D. **Membership.** Selection and membership to Harnett County Public Library Board of Trustees shall be carried out in accordance with the Harnett County Public Library Board of Trustees bylaws.

#### VI. Insurance Coverage and Indemnification

##### A. Insurance Coverage

1. The Municipalities shall maintain and pay for insurance coverage in sufficient enough amounts to insure against damage or loss of the Municipality owned building(s) in which the branch library will operate and any Municipality owned contents contained therein.
2. The County shall maintain and pay for insurance coverage for the County owned Library buildings and its contents, contents of branch libraries, general liability and worker's compensation insurance coverage for the County Library System staff, accident

Deleted: adequate

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Deleted: adequate



insurance coverage for patrons, and the coverage for vehicles used to provide service. In addition, the County Library System will also maintain flood insurance on contents in libraries, if necessary.

**B. Indemnification.** To the extent permitted by law, each party will mutually indemnify and hold harmless the other parties, their officers, agents, and employees from and against all loss, cost, damage, expense and liability caused by negligent acts or omissions resulting in bodily injury, including death and disease to any person or damage or destruction to property, real or personal arising directly or indirectly from said negligent acts or omissions.

**Deleted:** accident or other occurrence

**Deleted:** operations, products, or services rendered or purchased under this Agreement

## **VII. Terms of Agreement and Amendment**

- A. This Agreement is effective on July 1, 2022 and may be amended from time to time upon the mutual written consent of all the parties.
- B. Recommendations for amendments shall be forwarded to each of the parties in writing with a thirty-day period for consideration given. The recommendations shall state the date the thirty-day period commences and ends. If any party to this Agreement has not taken specific action regarding the recommendation within sixty-days of the end date of the thirty-day period the recommended amendment shall be considered approved by that Board or entity.
- C. Disagreements related to this Agreement shall be resolved first by a committee of appointed representatives consisting of at least one employee from each of the governmental units involved in the disagreement and then by their legal counsel if necessary.

## **VIII. Termination**

- A. This Agreement may be terminated by either the Municipality or the County. Under no circumstance does termination by or with one Municipality terminate the Agreement between the other Municipalities and the County.
- B. Notice of Termination shall be provided at least six (6) months prior to the commencement of the next fiscal year. Such termination and transfer of operations will occur at the conclusion of the fiscal year in which the notice of termination was received.
- C. In the event that this Agreement is terminated by the County all personnel, materials, books, and collections originally provided by the Municipality or purchased during the first two years of this Agreement, utilities, assignable contracts entered into for the benefit of the branch library located within the Municipality, and other non-information technology goods and services will revert back to the Municipality in which the branch is located. Information technology goods and services will remain the property of the County. Materials, including but not limited to books, collections, or reference materials, purchased for use in the branch library in third year or later of this Agreement will remain the property of the County and may be made available for Municipality purchase at replacement cost.
- D. In the event that the Municipality in which the branch is located terminates this Agreement, all personnel, materials, collections, and books originally provided by the Municipality or acquired during the first two years of this Agreement, utilities, assignable contracts entered into for the benefit of the branch library located within the Municipality, and other non-information technology goods and services will revert back to the Municipality in which the branch is located. Information technology goods and services will remain the property of the County. Materials, including but not limited to books,

Deleted: .



collections, and reference materials, purchased by the County for use in the branch library in the third year or later shall remain the property of the County and may be made available to Municipalities for purchase at replacement cost.

- C. In the event of termination, any endowments made for the use of the specific library branch that is being terminated shall be transferred to the Municipality for use in accordance with the terms of the endowment.

#### **IX. Integration of Understandings**

This Agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous additions, deletions, subsequent renewal, deletion, or other amendment hereto shall have any force or affect unless embodied herein in writing signed by the Parties.

#### **X. Controlling Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina. The North Carolina State Courts located in Harnett County, North Carolina shall have jurisdiction to hear any dispute under this Agreement and any legal or equitable proceedings by any party must be filed in Harnett County, North Carolina.

#### **XI. Superseding**

This Agreement supersedes all prior agreements between Municipality and County relating to the operations of County and Municipality libraries, including any Interlocal Library Agreements, which are hereby terminated upon execution of this Agreement.

#### **XII. Notices**

All notices or other communications which all be made pursuant hereto shall be in writing and shall be deemed to be given and received when (a) hand delivered to the address stated below, (b)



three (3) days after being mailed to the address stated below, postage prepaid by certified or registered mail of the United States, return receipt requested to the addresses set forth below. Any party to this Agreement may change its designated person or designated address at any time and from time to time by giving notice of such change to the other Parties in the manner set forth above.

**County**

County of Harnett  
455 McKinney Parkway (physical)  
PO Box 759 (mail)  
Lillington, NC 27526  
Attn: County Manager

With a copy to:

County of Harnett  
455 McKinney Parkway (physical)  
PO Box 238 (mail)  
Lillington, NC 27526  
Attn: Senior Staff Attorney

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

COUNTY OF HARNETT

BY: \_\_\_\_\_  
Lewis W. Weatherspoon, Chairman, County Board of Commissioners

ATTEST:  
\_\_\_\_\_  
Melissa Capps, Clerk to the Board of Commissioners

This instrument has been pre-audited in the manner required by the Local Government Budget & Fiscal Control Act.

\_\_\_\_\_  
Kimberly Honeycutt, Finance Officer  
County of Harnett

\_\_\_\_\_  
BY: \_\_\_\_\_  
\_\_\_\_\_

ATTEST:  
\_\_\_\_\_  
\_\_\_\_\_

This instrument has been pre-audited in the manner required by the Local Government Budget & Fiscal Control Act.  
\_\_\_\_\_  
\_\_\_\_\_

DRAFT

Code of Ordinance violations that the Town of Angier can and should enforce. Listed on the Code and Ordinance Violation Notice ticket book are listed below:

- Illegally parked vehicles – on street or property.
  - A revision has been set on the existing ordinance to include wrong-way parking (parking facing oncoming traffic. This is found on the last page of the ordinance to be adopted)
- Animal complaints
  - Prohibited by town ordinances
  - Cruelty
  - Running at large
  - Defecation on other's property
  - Or unlicensed
- Trash
  - Open burning inside the town limits
  - Improper disposal (illegal dumping)
- High grass or weeds
  - (Code enforcement officer)
- Littering
- Noise
  - General
  - Vehicular
  - Animal
- Disorderly Conduct
- Trespassing
  - Loitering

All the violations listed above can accrue a civil penalty set by the Town Board of Commissioners. Highlighted in this document are sample civil penalties that other town assess to violators.

Listed below and hereafter are the highlighted sections of the aforementioned ordinances

#### Chapter 1 - GENERAL PROVISIONS

- Sec. 1-6. - General penalty; enforcement of ordinances; continuing violations.



(a) Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall be a class 3 misdemeanor and shall be fined not more than \$500.00 as provided by G.S. 14-4.

(b) Violations of any provision of this Code or any other town ordinance 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 period of time prescribed by the court after he has been cited for such violation.

- Sec. 4-11. - Potentially dangerous and dangerous dogs.

(b) Any owner found in violation of this section will be required to release the dog to the Harnett County Animal Services Department for euthanasia and will face a civil fine of \$400.00

- Sec. 4-13. - Enforcement, penalties and remedies.

(a) *Enforcement administration.* Primary responsibility for enforcing the provisions of this chapter is assigned to the Harnett County Animal Services Department. Municipal police departments will assist when needed.

(b) *Penalties and remedies.* Penalties and remedies shall be in accordance with the Harnett County Animal Services Ordinance.

- Sec. 7-123. - Parking restrictions for specific streets.

(b) There shall be no parking on the north side of McIver Street from Highway 55 east to Broad Street from the hours of 6:00 p.m. until 6:00 a.m., Monday through Sunday, seven days of the week. Towing shall be enforced.

- Sec. 7-124. - Penalty for violators.

Persons violating any provision of this article shall be subject to a civil penalty of \$5.00 for each violation within 24 hours of the issuance of written notice of any such violation. If such sum is not paid as required in this section, such violation shall be punishable as a misdemeanor.

- ARTICLE V. - FIRE PREVENTION
- Sec. 7-171. - State fire prevention code.

It shall be the duty of the county fire marshal's office to enforce the provisions

The fire prevention code is hereby adopted as reference as if it were copied herein fully.

- Sec. 7-176. - Enforcement by town officials.

Within said codes adopted by the ordinance from which this article is derived, when reference is made to the duties of a certain official named therein, that designated official of the town who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official in so far as enforcing the provisions of said code are concerned.

- Chapter 11 - OFFENSES AND MISCELLANEOUS PROVISIONS
- ARTICLE I. - IN GENERAL
- Sec. 11-1. - Discharge of guns, firearms, firecrackers, etc., regulated.

d) Violation of this section shall be punished by a class 1 misdemeanor or a civil penalty of \$100.00 pursuant to G.S. 160A-175, at the discretion of the charging officer. In determining whether the remedy sought against the offender is criminal or civil,

The fine for violation of this section, regardless of whether a civil or criminal remedy is sought, shall be \$100.00.

- Sec. 11-42. - Inspection; arrest authority of inspector.

A police officer or any other official designated by the town ordinance to make inspections under the licensing or regulating ordinance, or to enforce the same, shall have the right of entry of any premises showing evidence of a yard sale for the purpose of enforcement or inspection and may close the premises from such a sale, or authorize arrest of any individual who violates the provisions of this section.

Sec. 11-47. - Violation a misdemeanor.

Any person who shall violate any provision of this division shall be guilty of a misdemeanor.

- Sec. 11-65. - Violations.

(a) When a formal complaint has been received, any person found to be in violation of any portion of this division shall receive an oral order to cease or abate the noise immediately, or within a reasonable time period.

(b) During nighttime, or if a second violation occurs within 60 days, an oral order to cease or abate need not be issued prior to issuing a citation for violation of any portion of this division.

(c) If the order to cease or abate is not complied with, the person or persons responsible for the violation may be charged under this division and may be subject to a civil penalty of \$50.00.

- Sec. 11-104. - Violations; penalties.



(a) *Misdemeanor*. Notwithstanding any civil penalties which may be assessed under subsection (b) of this section, any person violating any of the provisions of this division may be found guilty of a class 3 misdemeanor under G.S. 14-4 and 160A-175. For a continuing violation, each day's violation shall be deemed to be a separate offense.

(b) *Civil penalties*. In addition to, and not in lieu of, the criminal penalties and other remedies provided by this division or by state law, a violation of any of the provisions of this division may also subject the offender to the civil penalties hereinafter set forth. The police department shall be authorized to issue a citation to such person, giving notice of the violation

The civil penalties for a violation of this division shall be as follows:

(1) First offense .....\$ 25.00

(2) Second offense ..... 50.00

(3) Third or subsequent offense ..... 100.00

(4) Fourth offense, suspension from skateboard park facility use.

• Sec. 7-127. - Manner of parking generally.

Where not otherwise indicated by this article and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches there from.

Here is the recommended amended language for the ordinance, based off language contained in the sample towns respective ordinances:

*Amended to say:*

No person shall stand or park in a roadway other than parallel with the edge of the roadway, except as provided in the following subsections:

(1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(2) It shall be unlawful for any driver operating a motor vehicle on a two-way street to drive the vehicle across the centerline of the street, whether the centerline is or is not marked by paint, and park the vehicle or leave it standing, parallel to the curb or street edge, facing on-coming traffic in any of the locations listed below:

Town of Angier Downtown District, that is the portion of W. Depot St. between N. Willow St. and S. Raleigh St., N. Broad St. E. between W. Depot St. and E. Williams St., and S. Broad St. E. between W. Depot St. and E. Lillington St.

Any person found in violation of this ordinance shall be guilty of an infraction.



The highlighted green section is the proposed amendment to the parking ordinance. A Code and Ordinance Citation booklet has also been provided for each Commissioner to look over and adjust as needed.

NOTE: The Town of Angier Board of Commissioners must vote on, not only the proposed amended parking violation adage, but also assessable fines for violations highlighted. They must also vote to adopt the Town Ordinances in its entirety so that the ordinances can be enforced by the Town of Angier Police Department or by the Town of Angier's Code Enforcement Officer with the assessable fines attached. The Town of Angier Board of Commissioners must also vote for a time frame for these fees per violation to be paid by.

To Whom it May Concern:

Contained herein are those provisions of the current Town of Angier municipal ordinances which are either implied or specifically listed as enforceable either criminally and/or by monetary penalty by employees of the Angier Police Department.

***Please note:*** An update received by the police department from the law office of Smith and Rogers in November 2021 stated that if a town wishes for an ordinance to carry the penalty of an infraction or a misdemeanor, it must specifically state this in the ordinance. Smith and Rogers advised sending any proposed new ordinance language to their office for review. Section 1-6 near the beginning of the list of town ordinances appears to imply a catch-all penalty regarding all ordinance violations. It is advisable to consult with Smith and Rogers regarding this to ensure this would be sufficient to comply with the new requirements.

Where applicable, the relevant penalty (fine, criminal misdemeanor, etc) has been highlighted for your convenience. Also, please note that many of these ordinances are also NC General Statutes, and thus can be redundant insofar as enforcement by law enforcement, as they already carry a penalty under the law.

Regarding the inclusion of Section 7 pertaining to the fire code, it is included in an effort to show enforcement of these violations falls to the fire marshal and is not the jurisdiction of the police department.

Finally, at the end of this packet please find the current language for Section 7-127, as well as recommended language to amend this ordinance so that it includes wrong-way parking.

## Chapter 1 - GENERAL PROVISIONS

- **Sec. 1-6. - General penalty; enforcement of ordinances; continuing violations.**

(a) Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall be a class 3 misdemeanor and shall be fined not more than \$500.00 as provided by G.S. 14-4.

(b) Violations of any provision of this Code or any other town ordinance 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 period of time prescribed by the court after he has been cited for such violation.

(c) Any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.

(d) Any provision of this Code or any other town ordinance 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 a provision 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. 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 movable 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 this Code or such 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 the 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.

(e) The provisions of this Code and any other town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section.

(f) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.

(Code 1975, § 1-6; Ord. of 2-13-2006)

**State Law reference**— Injunctions, G.S. 1A-1, Rule 65; liability of defendant for costs in criminal actions, G.S. 6-47, 6-48; enforcement of ordinances, G.S. 160A-175, 14-4.

- **Sec. 1-7. - Procedure when amending or adding to Code.**

Every ordinance introduced, if it proposes to amend or repeal any existing portion of the Code, shall show by proper reference the chapter, article and section proposed to be amended; or, if it proposes to add to the Code a new chapter, article or section, it shall indicate, with reference to the arrangement of this Code, the proper number of such chapter, article or section. In addition to such indication thereof as may be contained in the text of such proposed ordinance, such indication shall be shown in concise form above the ordinance.

(Code 1975, § 2-2)

## **Chapter 2 - ADMINISTRATION**

- **Sec. 2-51. - Ordinances to be proposed in writing; approval of form by town attorney.**

Every ordinance amending or repealing any ordinance, and every new ordinance, shall be proposed in writing, confined to one subject, excepting ordinances for

appropriations which shall be confined to the appropriations, and approved as to form by the town attorney.

- **Sec. 2-52. - Official copies.**

A true copy of any ordinance or resolution, which has been duly enacted by the town board, and has been signed by the clerk, and the official seal of the town has been attached thereto shall be known and recognized as the official copy.

**State Law reference**— True copies of ordinances, G.S. 160A-78.

## **Chapter 3 - ALCOHOLIC BEVERAGES**

- **Sec. 3-1. - Consumption and possession of malt beverages and unfortified wine in public places generally prohibited.**

(a) For purposes of this section, malt beverages and unfortified wine means malt beverages and unfortified wine as defined by Chapter 18B of the North Carolina General Statutes.

(b) It shall be unlawful for any person who is not an occupant of a motor vehicle to consume malt beverages or unfortified wine on any property owned, occupied, or controlled by the town, including, but not limited to, public streets, parks, and recreational areas, except as permitted by [section 3-2](#).

(c) It shall be unlawful for any person who is not an occupant of a motor vehicle to possess open containers of malt beverages or unfortified wine on any property owned, occupied, or controlled by the Town, including, but not limited to, public streets, parks, and recreational areas, except as permitted by [section 3-2](#).

(Ord. No. 015-2018, 5-14-2018)

**Editor's note**— Ord. No. 015-2018, adopted May 14, 2018, amended [§ 3-1](#) in its entirety to read as herein set out. Former [§ 3-1](#) pertained to similar subject matter and derived from Code 1975, § 2.1-1; and Code 1991, [§ 3-1](#).

**State Law reference**— Purchase, possession and consumption of malt beverages and unfortified wine, [G.S. 18B-300](#).

**§ 18B-300. Purchase, possession and consumption of malt beverages and unfortified wine.**

(a) Generally. - Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(a1) Consumption on Premises During Time of Permit Revocation or Suspension. - It shall be unlawful to consume or for a permittee or his agent or employee to allow the consumption of



malt beverages or unfortified wine on the premises of any business during the period of time that any on-premises permit issued to the business authorizing the sale and consumption of malt beverages or unfortified wine has been suspended or revoked by the Commission. The prohibition in this subsection does not apply to the premises upon which the business was located at the time the permit was suspended or revoked if the business ceases to operate in that location and the owner of the property is not the permittee, provided that the permittee is not engaged in any other business or other activity on the premises during the period of suspension or revocation.

(b) Consumption at Off-Premises Establishment. - It shall be unlawful to consume, or for a permittee to allow the consumption of, malt beverages or unfortified wine on any premises having only an off-premises permit for the kind of alcoholic beverage being consumed.

(c) Local Ordinance. - A city or county may by ordinance:

- (1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;
- (2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and
- (3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC law. (1939, c. 158, s. 503; 1971, c. 872, s. 1; 1973, c. 1452, ss. 1-3; 1977, c. 176, ss. 2, 3; c. 693; 1979, c. 19, s. 2; c. 445, s. 4; c. 893, s. 11; 1981, c. 412, s. 2; 1983, c. 435, s. 32; 1985, c. 141, s. 1; 1995, c. 144, s. 1; c. 366, s. 2; 2001-79, s. 1; 2013-392, s. 1.)

• **Sec. 3-2. - Possession and consumption of malt beverages and unfortified wine at town sponsored events.**

(a) For purposes of this section, malt beverages and unfortified wine means malt beverages and unfortified wine as defined by Chapter 18B of the North Carolina General Statutes.

(b) Possession and consumption of malt beverages and unfortified wine, as defined by Chapter 18B of the North Carolina General Statutes, is permitted within the boundaries and during the event hours of any public, town-sponsored event being conducted within a public street or other publicly owned area pursuant to a written permit issued by the town manager. This permit may also allow the sale, service, and distribution of malt beverages and unfortified wine on designated public streets and areas reserved for the event, subject to all applicable ABC regulations.



(c) Prior to the issuance of such a permit, the town manager must establish the boundaries of the event and temporarily close the streets within the boundaries.

(d) The town manager may impose reasonable requirements to ensure that the sale, distribution, service, possession, or consumption of malt beverages and unfortified wine does not extend beyond the boundaries of the function or celebration.

(Ord. No. 015-2018, 5-14-2018)

## **Chapter 4 - ANIMALS**

### **Sec. 4-2. - Establishment of bird sanctuary.**

(a) The area embraced within the corporate limits of the town and all land owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary.

(b) It shall be unlawful to intentionally trap, hunt, shoot, or otherwise kill, within a sanctuary hereby established, any native wild bird. It shall be lawful to trap birds or fowl specifically declared a nuisance by the town board when such birds or fowl are found to be congregating in such number in a particular locality that they constitute a nuisance or a menace to health or property.

**State Law reference—** Bird Sanctuary establishment, G.S. 160A-188

- **Sec. 4-3. - Hunting, killing, and trapping of animals.**

It shall be unlawful for any person to hunt or kill any animal within the territorial limits of the towns. Trapping may be done with permission from the Harnett County Animal Services Department. This section does not apply to the Police Departments or Harnett County Animal Services, or duly authorized agents when enforcing the provisions provided in this chapter.

(Ord. of 11-18-2013)

- **Sec. 4-4. - Keeping livestock and fowl.**

No person may keep within the town any livestock and/or fowl except in accordance with this section.

(a) It shall be unlawful for any person to maintain, keep, house or stable any: horse, mule, pony, cow, sheep, goat, swine or any other livestock including ducks, geese, turkeys, guineas within the corporate limits of the town.

(b) It shall be unlawful for any person to maintain, keep or house any cattle, goat, horse, swine, ducks, geese, turkeys, guineas or any other Livestock on a fenced lot with in the corporate limits of town.

(c) Any chickens kept within the corporate limits of the town must be contained by a fence, building or other enclosure that will ensure that the chickens will not run at large.

(d) Any fowl found running at large may be taken into possession and/or destroyed by Harnett County Animal Services anywhere within the corporate limits of the town.

(Ord. of 11-18-2013)

• **Sec. 4-5. - Number of chickens.**

(a) A maximum of six hens (*Gallus domesticus*) will be allowed per household.

(b) NO Roosters or other poultry breeds will be permitted.

(c) No free-ranging permitted. Hens must be kept in a chicken coop or enclosed runs at all times and are not permitted to roam freely on the Owner's lot.

(d) The location of the coop and in closed run must be in the rear of the Owner's lot as determined by the line projected along the rear of the dwelling to each sideline and be 20 feet away from the adjoining Lots.

(e) The coop and enclosed run must be a minimum of ten feet in length and ten feet in width and a maximum of 16 feet in length and 16 feet in width.

(f) Coop design should provide ample ventilation to avoid odors and be made predator proof.

(g) All manure and wood shavings from the coop must be disposed of properly by removing off-site by the owner or professional removal service.

(h) Prior to beginning construction, a land use application shall be submitted and approved by the zoning administrator, for all coop and run designs.

(i) The code enforcement officer, and its designees, has the right to enter onto the property for the purpose of inspecting the coop and run to ensure compliance with these requirements. The home owner will be notified no less than three days prior to the inspection date and has the right to be present during the inspection

(j) Owners who are determined to be in violation may be allowed to correct the violation(s) and/or be subject to a fine, as per the town's code. Daily penalties will be



assessed in the event that the violation(s) continue. The town may revoke this privilege if an owner has had three or more violations during one calendar year.

(Ord. of 11-18-2013)

- **Sec. 4-6. - Number of dogs.**

It shall be unlawful for any person to keep on any lot or premises within the corporate limits more than three dogs. This limitation shall not apply to dogs less than four months of age. Any person wanting to keep more than three dogs will apply to the town for a license to operate a dog kennel. Prior to the issuing of such license it shall be determined that the kennel would be in compliance with all town and state regulations.

(Ord. of 11-18-2013)

- **Sec. 4-7. - Number of cats.**

It shall be unlawful for any person to keep on any lot or premises within the corporate limits more than three cats. This limitation shall not apply to cats less than four months of age.

(Ord. of 11-18-2013)

- **Sec. 4-8. - Confinement and running at large.**

(a) No person owning or having possession, charge, custody or control of any animal may cause, permit or allow the animal to stray or in any manner to run at large upon any public street, sidewalk or other public property or to stray, run at large or otherwise trespass upon the private property of another.

(b) It shall be unlawful for the owner of any animal to allow such animal to be at large on any town property.

(c) It shall be unlawful for any person owning, harboring, keeping or in charge of any animal to fail or refuse to remove feces deposited by the animal on any street, sidewalk, park or other publicly owned property.

(d) It shall be unlawful for the owner of any animal to fail or refuse to remove feces deposited by the animal on any private property.

(Ord. of 11-18-2013)

- **Sec. 4-9. - Possession of animals and strays.**



(a) It shall be unlawful for any person in the town knowingly and intentionally, unless with consent of the owner, to harbor, feed and keep in their possession by confinement or otherwise allow to remain on their property any animal which does not belong to them unless they notify Harnett County Animal Services within 48 hours from the time such animal came into his possession.

(b) Any person who feeds a stray animal and/or allows the animal to stay on their property for at least two days will be considered the legally responsible for such animal and any violations caused by the animal.

(c) It shall be unlawful for any person to refuse to surrender any such stray animal to the police department or Harnett County Animal Services or person duly authorized upon demand.

(d) The purpose of this section is to aid in rabies control and to prevent the intentional or unintentional possession of pets belonging to other persons.

(Ord. of 11-18-2013)

- **Sec. 4-11. - Potentially dangerous and dangerous dogs.**

(a) It shall be unlawful for a citizen to keep a dog within the corporate limits of the town a dog that has been deemed potentially dangerous or Dangerous by Harnett County Animal Services.

(b) Any owner found in violation of this section will be required to release the dog to the Harnett County Animal Services Department for euthanasia and will face a civil fine of \$400.00.

(Ord. of 11-18-2013)

- **Sec. 4-13. - Enforcement, penalties and remedies.**

(a) *Enforcement administration.* Primary responsibility for enforcing the provisions of this chapter is assigned to the Harnett County Animal Services Department. Municipal police departments will assist when needed.

(b) *Penalties and remedies.* Penalties and remedies shall be in accordance with the Harnett County Animal Services Ordinance.

(Ord. of 11-18-2013)

## **Chapter 7 – PUBLIC SAFETY**

- **Sec. 7-80. - Penalty for violations.**

Any person violating any provisions of this division shall, upon conviction, be punished in accordance with [section 1-6](#) unless otherwise stated. (NOTE: Section 7 pertains to motor vehicle ordinances)

- **Sec. 7-90. - Obedience of traffic control devices.**

The driver of any vehicle shall obey the directions of any official traffic control device placed in accordance with the provisions of state law, this chapter and other ordinances of the town, unless otherwise directed by a police officer, subject to the exceptions granted by this chapter to the driver of an authorized emergency vehicle.

- **Sec. 7-93. - Signs required for enforcement of certain provisions.**

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 an ordinarily observant person.

- **Sec. 7-100. - Squealing of tires.**

It shall be unlawful for any person to operate an automobile or other motor vehicles in the town by suddenly starting the movement of any such vehicle in such a manner as to cause scratching-off or screeching of tires resulting in noise and damage to pavement or other surfaces.

- **Sec. 7-101. - Horns; mufflers.**

(a) It shall be unlawful for any person to unnecessarily blow the horn or other audible signal device of a motor vehicle in such a manner as to disturb the peace and tranquility of the citizens and people in the vicinity. Such horn or other device shall be used only as a reasonable warning, without any unreasonably loud or harsh sound.

(b) It shall be unlawful for any person to operate a motor vehicle in the town without a device attached and in operation sufficient to muffle the sounds of the exhaust and noises incident to such operation. Such device shall be of the type installed at the time of manufacture, in good working order and in constant operation.

- **Sec. 7-102. - Driving through funeral procession.**

No vehicle shall be driven through a funeral procession, except authorized emergency vehicles when responding to calls.

- **Sec. 7-103. - Persons riding to stay inside vehicle.**



No person when riding shall allow any part of his body to protrude beyond the limit of the vehicle in which he is riding, except to give such signals as are required by law.

- **Sec. 7-104. - Carrying passengers on bicycles, motorcycles.**

No operator of a motorcycle or bicycle, when upon a street, shall carry any person upon the handlebars, frame or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

- **Sec. 7-105. - Bicycle helmets required.**

(a) Every person under the age of 16 years operating a bicycle on a public right-of-way shall wear a protective helmet on his head. Such helmet should be fitted to the size of the operator and shall meet or exceed the standards for bicycle helmet use and wear as set by the American National Standards Institute (ANSI), or subsequent standards, or the Snell Memorial Foundation, or subsequent standards.

(b) No parent or guardian of any juvenile bicycle operator shall knowingly allow a violation of this section by allowing a minor to ride without a helmet as stated in subsection (a) of this section.

(c) Written notice and/or educational material will be provided to any individual violating this section.

**State Law reference**— Operation of bicycles, G.S. 20-171.1 et seq.

- **Sec. 7-106. - Speed limitations generally.**

(a) Unless otherwise provided under the provisions of subsection (b) of this section, no person shall drive a vehicle on any street of the town in excess of the following speeds:

(1) In any business district, 20 miles per hour;

(2) In any residential district, 35 miles per hour.

(b) When signs have been erected giving notice that a particular speed limit is applicable to a certain street or portion of street as adopted by the board of commissioners, no persons shall operate a vehicle in excess of such speed limit.

- **Sec. 7-120. - Rule of evidence for enforcement of parking regulations.**

When signs are erected or painted on streets giving notice thereof, no person shall at any time, except in emergencies, park any vehicle within the area designated as no



parking zones. The chief of police shall direct the erection of signs at locations designated as no parking zones.

- **Sec. 7-121. - No parking zones.**

There shall be no parking in front of any fire hydrant, driveway, in traffic lane, or on sidewalk within the municipality or at any location designated as no parking zones.

- **Sec. 7-122. - Stopping in streets prohibited; exceptions.**

No person shall stop a vehicle in any street except for the purpose of parking as prescribed in this article, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian or by some emergency. In any case covered by these exceptions such vehicle shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.

- **Sec. 7-123. - Parking restrictions for specific streets.**

(a) Where parking restriction signs have been erected giving notice that certain streets or portions of streets are subject to certain restrictions or limitations on the parking of vehicles, no person shall park any vehicle on such streets or portions of streets except in conformity with the directions of such sign.

(b) There shall be no parking on the north side of McIver Street from Highway 55 east to Broad Street from the hours of 6:00 p.m. until 6:00 a.m., Monday through Sunday, seven days of the week. Towing shall be enforced.

- **Sec. 7-124. - Penalty for violators.**

Persons violating any provision of this article shall be subject to a civil penalty of \$5.00 for each violation within 24 hours of the issuance of written notice of any such violation. If such sum is not paid as required in this section, such violation shall be punishable as a misdemeanor.

- **Sec. 7-125. - Obstructing traffic generally.**

No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.

- **Sec. 7-126. - Warning devices on service vehicles.**

No person shall permit or cause to permit any construction, service or maintenance vehicles to stand or to be parked within the right-of-way of public roads and street of the town in such a manner as to obstruct, impede or interfere with the normal traffic use on said streets; provided that such vehicles may be temporarily used outside of the rights-of-way or on a necessary portion thereof, facing in the same direction as the flow of traffic; provided, further, that the vehicle is equipped with the industry standard flashing equipment and signals that shall be displayed as long as such vehicle is being so used.

- **Sec. 7-127. - Manner of parking generally.**

Where not otherwise indicated by this article and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches there from.

- **Sec. 7-128. - Illegal parking.**

No person shall stand or park a vehicle upon any thoroughfare street within the town limits and extraterritorial jurisdiction. Parking shall be allowed on residential street where not otherwise prohibited by a sign erected by the town. Further, it shall be unlawful to park any vehicle on the public streets or public vehicular area (such as a parking lot, whether public or private) for the purposes of:

(1) Displaying it for sale.

(2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(3) Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicle.

(4) Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another.

(5) Storage of any commercial vehicle for more than 24 hours.

- **Sec. 7-129. - Advertising.**

No person shall stand or park a vehicle on any street for the primary purpose of advertising.

- **Sec. 7-130. - Stopping, standing or parking prohibited in certain places.**



No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On the sidewalk.
- (2) Within 15 feet of an intersection or in front of a private driveway.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.
- (5) On either side of any street approaching a railroad underpass, or overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (7) Upon any bridge or other elevated structure.
- (8) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, or any public building, or a fire hydrant or a fire station.
- (9) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (10) Within 25 feet from the intersection of curblines or if none, then within 15 feet of the intersection of property lines at an intersection of highways or streets.
- (11) Upon any area designated as a fire lane in any public vehicular area, street, highway or roadway or in any shopping center, unless the parking is temporary for the purpose of loading or unloading supplies or merchandise and the vehicle is not left unattended.
- (12) In any area than those designated by lines indicating parking spaces in town-owned parking lots.
- (13) In a space designated in conformance with G.S. 20-37.6(d) for handicapped or visually impaired persons, when the vehicle does not display the distinguishing license plate or placard as required by state statute.
- (14) In a manner so as to obstruct a curb ramp or curb cut for handicapped persons, as provided for by the state building code or as designated in G.S. 136-014.14.

(15) In any area upon a public street which has been clearly marked as a bicycle travel lane.

**State Law reference**— Similar provisions, G.S. 20-162.

- **Sec. 7-131. - Parking prohibited in designated places at all times.**

When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets or portions of streets.

- **Sec. 7-132. - Lights on parked vehicles.**

The displaying of lights upon a vehicle, when lawfully parked at night upon a street in accordance with this chapter, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon such street.

**State Law reference**— Authority for above section, G.S. 20-134.

- **Sec. 7-133. - 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 to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

- **Sec. 7-134. - Parking of oversized vehicles and trailers prohibited.**

(a) It shall be unlawful for any person to park any vehicle or trailer greater than two axles or any trailer not affixed to a vehicle on the streets within the corporate limits of the town at any time except for the duration of the following activities:

(1) When actively engaged in loading or unloading;

(2) Temporary parking for emergency services to a vehicle or trailer to repair a mechanical breakdown;

(3) Temporary parking at a construction site during the period of active construction.

(b) This section shall not apply to any mass transit buses or to school buses, when the school buses are parked in conformity with permits issued by the police department.

- **Sec. 7-135. - Parks and recreation facilities.**



It shall be unlawful for any vehicle to park on any roadway or in any designated parking space within a town park or recreation facility except for specific use of the park or facility. Parking at all town parks and recreation facilities shall be for parks and recreation patrons only. Violation of this section shall be a misdemeanor and vehicles in violation will be issued a citation and/or may be towed at vehicle owner's expense.

- **Sec. 7-136. - Operation of unlicensed motorized vehicles prohibited.**

It shall be unlawful to operate a motorized vehicle on the town streets or thoroughfares unless said vehicle is a properly license motor vehicle. The use of go-carts, scooters, and golf carts is hereby prohibited. Violation of this section shall be either in the form of a civil penalty or a misdemeanor and vehicles in violation will be issued a citation and/or may be towed at the owner's expense.

- **ARTICLE IV. - REMOVAL AND DISPOSITION OF ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES<sup>[6]</sup>**

*Footnotes:*

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*State Law reference— Abandoned and derelict motor vehicles, G.S. 20-137.6 et seq.; removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303.*

- **Sec. 7-151. - Administration.**

The town manager shall designate the departments or persons responsible for the administration and enforcement of this article. Currently, the police department and the planning department 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 planning and/or police department shall be responsible for administering the removal 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 tow 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 the town police department and fire department in enforcing other laws, or in otherwise carrying out their duties.

- **ARTICLE V. - FIRE PREVENTION**
- **Sec. 7-171. - State fire prevention code.**

It shall be the duty of the county fire marshal's office to enforce the provisions of the state fire prevention code, and to make all necessary inspections to determine whether or not the provisions of the code are being complied with. The fire prevention code is hereby adopted as reference as if it were copied herein fully.

**State Law reference**— State building code including fire code mandatory throughout the state, G.S. 143-138(e).

- **Sec. 7-172. - Burning trash within corporate limits prohibited.**

No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, on or in the street, sidewalk, alley, lot or yard within the corporate limits. This is mandated by the NCDENR Division of Air Quality.

- **Sec. 7-173. - Burning of trash in extraterritorial jurisdiction.**

Trash or rubbish shall not be burned on any private lot in the extraterritorial jurisdiction except within a safely constructed enclosure made of wire mesh or in a similar safety device. This is mandated by the NCDENR Division of Air Quality.

- **Sec. 7-174. - Use of fire hydrants.**

It shall be unlawful for any person other than an authorized town employee or authorized fire official to withdraw, or cause to be withdrawn, water from any fire hydrant within the town limits.

- **Sec. 7-175. - Interference with fire alarm system.**

No person shall interfere carelessly or willfully with the town fire alarm system or injure the poles, wires, boxes or other apparatus connected therewith.

- **Sec. 7-176. - Enforcement by town officials.**

Within said codes adopted by the ordinance from which this article is derived, when reference is made to the duties of a certain official named therein, that designated official of the town who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official in so far as enforcing the provisions of said code are concerned.



**State Law reference**— Required standards and certificates for code enforcement officials, G.S. 143-151.13.

## **ARTICLE VI. - CIVIL EMERGENCIES**

### **Footnotes:**

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*Federal law reference—Emergency Planning and Community Right to Know Act of 1986, 42 USC 11011—11050; comprehensive emergency response plans, 42 USC 11003; federal preparedness assistance funding for state and local governments dependent upon compliance with National Incident Management System, HSPD-5 [Homeland Security Presidential Directive 5, Management of Domestic Incidents].*

**State Law reference**— Riots and civil disorders, G.S. 14-288.1 et seq.; local states of emergency, G.S. 14-288.12; ordinances relating to public safety, welfare and peace, G.S. 160A-174.

- **Sec. 7-204. - Same—Proclamation; imposition of curfew.**

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 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 more effectively to protect the lives, safety and property of people within the town, to define and impose a curfew applicable to all persons within the jurisdiction of the town.

(Code 1975, § 5-2; Code 1991, § 6-4)

- **Sec. 7-205. - Limitation of and exemptions from curfew.**

The mayor is hereby authorized and empowered to limit the application of a curfew imposed pursuant to this chapter to any area specifically designated and described within the corporate limits of the town and to specific hours of the day or night; and to exempt from the curfew policemen, firefighters, doctors, nurses 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.

(Code 1975, § 5-3; Code 1991, § 6-5)

- **Sec. 7-206. - Prohibited acts during state of emergency.**

During the existence of a proclaimed state of emergency, when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew:

(1) To be or travel upon any public street, alley or roadway or upon public property, unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself his family or some member thereof.

(2) To possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.

(3) To sell beer, wines or intoxicating beverages of any kind or to possess or consume beer, wines or intoxicating beverages off one's own premises.

(4) To sell gasoline or any other similar petroleum products or any other inflammable substances, except as expressly authorized by the provisions of the curfew imposed.

(Code 1975, § 5-4; Code 1991, § 6-6)

- **Chapter 11 - OFFENSES AND MISCELLANEOUS PROVISIONS**

- **ARTICLE I. - IN GENERAL**

- **Sec. 11-1. - Discharge of guns, firearms, firecrackers, etc., regulated.**

(a) No person shall fire or otherwise discharge any type of gun, firearm, firecracker, cannon cracker, pistol, or other explosive within the town limits, unless:

(1) When lawfully used in defense of person or property or pursuant to lawful directions of law enforcement officers; or

(2) The fireworks are those which are permitted under applicable state statute at the time, in which case they may be discharged.

(b) This section shall not prohibit the discharge of nonexplosive firearms such as BB guns, pellet guns, air rifles, crossbows, and bows and arrows, only by persons over the age of 16 years and provided that there is a minimum of 200 feet from the point of discharge to the nearest adjacent property line.

(c) Law enforcement officers performing official duties are exempt from the provisions of this section.

(d) Violation of this section shall be punished by a class 1 misdemeanor or a civil penalty of \$100.00 pursuant to G.S. 160A-175, at the discretion of the charging officer. In determining whether the remedy sought against the offender is criminal or civil, the officer shall take into the following considerations:



(1) The extent to which the violation creates an unsafe situation for either the offender, adjacent landowners, or the public in general, and the severity of that unsafe situation;

(2) The responsiveness of the offender to voluntarily comply with the requirement of this section; and

(3) The amount and nature of previous violations of this section.

The fine for violation of this section, regardless of whether a civil or criminal remedy is sought, shall be \$100.00. Each offense shall constitute a separate and continuing violation and shall be a distinct offense.

- **Sec. 11-2. - Possession or consumption of alcoholic beverages on town property and at athletic events.**

It shall be unlawful for any person to possess, consume or make any public display of any liquor or malt beverage on any property owned or controlled by the town or at any athletic contest or athletic event within the town.

(Ord. No. O-2008-04, § 11-2, 5-12-2008)

- **Sec. 11-4. - Injuring property of town.**

It shall be unlawful for any person to injure, deface or in any way to interfere with any of the public property of the town, or under its jurisdiction and control, and this section shall be construed to embrace the town hall, the water and sewerage system, the fire department, the town parks and places of amusement, and all other property, whether enumerated in this section or not, including pavements, curbs and gutters.

(Ord. No. O-2008-04, § 11-4, 5-12-2008)

- **Sec. 11-5. - Writing or drawing obscene words or pictures on streets or walls of buildings.**

It shall be unlawful to do any obscene act in any public place, or to write obscene language or to make obscene markings or drawings on any wall of any public or private building, or upon the streets or sidewalks.

(Ord. No. O-2008-04, § 11-5, 5-12-2008)

- **Sec. 11-6. - Littering.**

It shall be unlawful for any person to litter on any public street, right-of-way, alley, park or other public place within the corporate limits of the town.

(Ord. No. O-2008-04, § 11-6, 5-12-2008)

- **Sec. 11-7. - Injuring trees or shrubbery along street or sidewalk.**

It shall be unlawful for any person to cut, injure or mutilate any shade tree, ornamental tree or shrubbery on any sidewalk or street within the town; except that the town manager may grant a permit in writing, when necessary, to interested persons to prune such shade trees, ornamental trees and shrubbery for the proper protection of such trees and shrubbery in order that they may be properly maintained.

(Ord. No. O-2008-04, § 11-7, 5-12-2008)

- **Sec. 11-8. - Entering town lake prohibited.**

It shall be unlawful for any person to go in or on the waters of the town lake.

- **Sec. 11-11. - Loitering.**

(a) For the purpose of this section, the term "public place" means any area generally accessible to the public for common usage and access, including any street, sidewalk, bridge, alley or alleyway, plaza, park, playground, driveway, parking lot or transportation facility, the doorways and entranceways, stairway, hall, courtyard, passage way or common area to any building which fronts on any of those places, or a motor vehicle located at any of those places, or any property owned by the town.

(b) It shall be unlawful for any person to remain or wander about in a public place in a manner and under the circumstances manifesting the intent to engage in a violation of any subdivision of the North Carolina Controlled Substances Act, G.S. 90-5. Such circumstances shall include:

(1) Repeatedly beckoning to, stopping, or attempting to stop passersby, or repeatedly attempting to engage passersby in conversation;

(2) Repeatedly stopping or attempting to stop motor vehicles;

(3) Repeatedly interfering with the free passage of other persons;

(4) Behaving in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is engaged in an unlawful drug-related activity;

(5) Repeatedly passing to or receiving from passersby, whether on foot or in a vehicle, or to or from a courier, money or objects;

(6) Taking flight upon the approach or appearance of a law enforcement officer; or



(7) Loitering at a location frequented by persons who use, possess, or sell drugs.

(Ord. No. O-2008-04, § 11-11, 5-12-2008)

- **Sec. 11-42. - Inspection; arrest authority of inspector.**

A police officer or any other official designated by the town ordinance to make inspections under the licensing or regulating ordinance, or to enforce the same, shall have the right of entry of any premises showing evidence of a yard sale for the purpose of enforcement or inspection and may close the premises from such a sale, or authorize arrest of any individual who violates the provisions of this section.

(Ord. No. O-2008-04, § 11-42, 5-12-2008)

- **Sec. 11-47. - Violation a misdemeanor.**

Any person who shall violate any provision of this division shall be guilty of a misdemeanor.

### **DIVISION 3. – NOISE**

- **Sec. 11-62. - Loud and disturbing noises.**

(a) *General regulation.* It shall be unlawful to create, cause or allow the continuance of any unreasonably loud, disturbing, annoying or frightening noise, particularly during nighttime, which seriously interferes with neighboring residents' reasonable use of their properties. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual is prohibited.

(b) *Prohibited sounds or activities.* Such prohibited noises deemed unreasonably loud, disturbing, annoying or frightening may include, but are not limited to, the following:

(1) *Yelling, shouting, whistling or singing.* Yelling, shouting, whistling or singing on the public streets or private property at nighttime.

(2) *Noisy parties.* Unreasonably loud noise generated by the congregating of people (or those participating in any party or gathering of people), during nighttime.

(3) *Loading operations.* Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans or other similar objects during nighttime.

(4) *Repair of motor vehicles.* The repair, rebuilding or testing of any motor vehicle during nighttime.

(5) *Service stations.* 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 during nighttime.

(6) *Noisy businesses.* The conducting, operating or maintaining of any business or service establishment in the vicinity of any residential district so as to cause loud or offensive noises, music or other outdoor amplified sound to be emitted there from.

(7) *Radios, audio equipment, televisions, electronic devices or musical instruments.* The playing of any radio, audio equipment, musical instrument, television, electronic device or any such device during nighttime as to annoy or disturb the quiet, comfort or repose of any person or persons in any dwelling, hotel or other type of residence.

(8) *Sirens.* The use of any gong or siren upon any vehicle other than police, fire or other emergency vehicle.

(9) *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.

(10) *Compressed air.* The use of any mechanical device operated by compressed air unless the noise created thereby is effectively muffled and reduced.

(11) *Construction.* The erection, excavation, demolition, alteration or repair of any building or lot in a residential or business district other than between the hours of 8:00 a.m. and 9:00 p.m., except in the case of urgent necessity in the interest of public safety and then only with a permit from the code enforcement office, which permit may be renewed for a period of three days or less while the emergency continues.

(12) *Schools, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning or court while the school, institution of learning or court 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 street is a school, court or hospital street.

(13) *Churches.* The creation of any excessive noise on any street adjacent to any church or worship center while services are being held, provided conspicuous signs are displayed in such streets adjacent to churches indicated that the street is a church street.

(14) *Bells, gongs.* The sounding of any bell or gong attached to any building or premises, other than those expressly exempted by this division, which disturbs the quiet or repose of persons in the vicinity thereof.

(Ord. No. O-2008-04, § 11-62, 5-12-2008)



- **Sec. 11-63. - Specific acts requiring a permit.**

(a) *Horns and signaling devices.* The intentional sounding of any horn or signaling device of a motor vehicle on any street or public place continuously or intermittently, except as a danger or emergency warning.

(b) *Engine noise.* Operating or permitting the operation of any motor vehicle, motorboat, motorcycle or any internal combustion engine not equipped with a muffler or other device in good working order so as to effectively prevent loud or explosive noises therefrom.

(c) *Overloaded vehicles.* The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(d) *Exterior loudspeakers.* Operating or permitting the operation of any mechanical device or loudspeaker, without a permit to do so, in a fixed or movable position exterior to any building or any motor vehicle.

(e) *Amplified sound.* The use or operation of any radio, loudspeaker, or any other instrument or sound amplifying device with a building or motor vehicle in a manner that disrupts or interferes with an individual's enjoyment of his property. The police chief, however, may permit musical programs, speeches or general entertainment as exception to this provision for limited time periods.

(f) *Power equipment.* Operating or permitting the operation of any power saw, sander, drill, grinder, leaf blower, lawn mower, or other garden equipment or tools of a similar nature outdoors during nighttime.

(g) *Explosives.* The use or firing of explosives, firearms, fireworks, or similar devices which create impulsive sounds.

(h) *Security alarms.* The sounding of a security alarm, for more than 20 minutes after law enforcement or emergency response personnel are notified.

(Ord. No. O-2008-04, § 11-63, 5-12-2008)

- **Sec. 11-64. - Exceptions.**

The following are exempt from the provisions of this division:

(1) *Construction.* Construction operations from 7:00 a.m. to 9:00 p.m. on weekdays or weekends for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; providing all equipment is operated in accordance with manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.

(2) *Community noises.* Noises of safety signals, warning devices, emergency pressure relieve valves and all church bells, including simulated church bells.

(3) *Emergency noises.* Noises resulting from any authorized emergency vehicle when responding to any emergency call or acting in time of emergency.

(4) *Permit issued.* Any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the town department of public safety in accordance with the above. Regulations of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained in this division.

(5) *Street fairs.* Unamplified and amplified sound at street fairs conducted by the town.

(6) *Aircraft.* All noises coming from the normal operations of properly equipped aircraft.

(7) *Truck and vehicles.* All noises coming from normal operation of motor vehicles properly equipped with the manufacturer's standard mufflers and noise-reducing equipment.

(8) *Celebrations.* Noise from lawful fireworks and noisemakers on holidays, religious ceremonies and town festivals.

(9) *Lawn care.* Lawnmowers, agricultural equipment and landscape maintenance equipment used between the hours of 7:00 a.m. and 9:00 p.m. when operating with all the manufacturer's standard mufflers and noise-reducing equipment in use and proper operating condition.

(10) *Military ceremonies.* Musical accompaniment or firearm discharge related to military ceremonies.

(11) *Businesses.* Sound amplification equipment used in conjunction with telecommunications systems on business properties to notify employees of that business of incoming phone calls, providing that a permit has been issued by the town and that the subject property is located in the midst of a business district and is not in the hearing range of a residential, church or school property and providing that the sound system be used only between the hours of 7:00 a.m. and 11:00 p.m.

(12) *Emergency work.* Noise resulting from work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from imminent danger.

(13) *Public services.* Noises resulting from the provision of government services or from the provision of sanitation services.

(Ord. No. O-2008-04, § 11-64, 5-12-2008)



- **Sec. 11-65. - Violations.**

(a) When a formal complaint has been received, any person found to be in violation of any portion of this division shall receive an oral order to cease or abate the noise immediately, or within a reasonable time period.

(b) During nighttime, or if a second violation occurs within 60 days, an oral order to cease or abate need not be issued prior to issuing a citation for violation of any portion of this division.

(c) If the order to cease or abate is not complied with, the person or persons responsible for the violation may be charged under this division and may be subject to a civil penalty of \$50.00.

(Ord. No. O-2008-04, § 11-65, 5-12-2008)

## **DIVISION 4. - PARADES, PICKET LINES AND DEMONSTRATIONS**

- **Sec. 11-82. - Permit required.**

It shall be unlawful for any person to organize, conduct or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this division.

(Ord. No. O-2008-04, § 11-82, 5-12-2008)

- **Sec. 11-83. - Exceptions.**

This division shall not apply to:

(1) Funeral processions.

(2) A governmental agency acting within the scope of its functions.

(3) A group of ten or less.

(Ord. No. O-2008-04, § 11-83, 5-12-2008)

- **Sec. 11-84. - Requirements and issuance of permits.**

The chief of police or his designee shall issue permits as required in this division, and in the issuance thereof he shall:

(1) Require a written application for permit to be filed not less than 24 hours in advance of such parade, picket line, or group demonstration which application shall specify the time and place for the commencement of any such picket line and the time, place, route, and duration of any such parade or group demonstration.

(2) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate.

(3) Require that the application for a permit shall specify and the permit shall designate the person or persons in charge of the activity. Such person shall be required to accompany the parade, picket line, or group demonstration and shall carry such permit with him at that time. Such permit shall not be valid in the possession of any other person.

(Ord. No. O-2008-04, § 11-84, 5-12-2008)

- **Sec. 11-85. - Certain activities prohibited.**

The following acts or activities, when performed or undertaken in conjunction with or as a part of any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

(1) The carrying on or about the person any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights which by their use might constitute a deadly weapon;

(2) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

(Ord. No. O-2008-04, § 11-85, 5-12-2008)

- **Sec. 11-86. - Revocation of permit.**

The chief of police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

(1) The violation by any participant of [section 11-85](#);

(2) The failure to comply with the terms and conditions of the permit.

(Ord. No. O-2008-04, § 11-86, 5-12-2008)

## **DIVISION 5. - HAZARDOUS RECREATIONAL ACTIVITIES**

- **Sec. 11-101. - Rules and regulations—Skateboard Park.**



- (a) A participant shall at all times wear elbow pads, kneepads, and a safety helmet.
- (b) The town shall not be required to furnish any supervision of skateboarding activities, and a participant shall be at his or her own risk.
- (c) A participant shall be responsible for doing all of the following:
  - (1) Acting within the limits of his or her ability and the purpose and design of the equipment used;
  - (2) Maintaining control of his or her ability and the purpose and design of the equipment used; and
  - (3) Refraining from acting in any manner that may cause or contribute to death or injury of himself or herself or other persons.
- (d) No person may consume any food or drink in the designated skating area at a skateboard park.
- (e) No person may possess or consume any alcoholic beverages or controlled substances at a skateboard park.
- (f) No person may consume tobacco products at a skateboard park.
- (g) No person may use, wear, possess, or display any lewd, indecent, or obscene gear, clothing, items, publications, or other materials at a skateboard park.
- (h) No person shall use, attempt to use, or enter the premises of a skateboard park except during regular stated or advertised hours of operation.
- (i) The recreation department shall be authorized to post such additional rules as the department determines appropriate.

(Ord. No. O-2008-04, § 11-101, 5-12-2008; Ord. No. O-2010-04, § 2), 8-3-2010)

**Editor's note**— Ord. No. O-2010-04, § 2), adopted Aug. 3, 2010, amended [§ 11-101](#) title to read as herein set out. Former [§ 11-101](#) title pertained to similar subject matter.

• **Sec. 11-102. - Waiver and helmet decal required.**

- (a) A participant, prior to using the skateboard park for the first time, shall be required to sign a waiver of liability on a form furnished by the town or the recreation department. In the event the participant is under 18 years of age, the waiver shall be signed by a parent or legal guardian. The waiver shall apply to each and every use of the skateboard park thereafter by the participant; provided that the town may, in its

discretion, periodically require that a new waiver of liability be signed. The participant shall be required to present a copy of the waiver to provide proof of membership when using the skateboard park facility. The participant will also be furnished a helmet decal at the time of registration must be displayed in a conspicuous place on their helmet prior to use of the skateboard park facility.

(b) The recreation department shall be authorized to post such additional rules as the Department determines is appropriate.

(Ord. No. O-2008-04, § 11-101, 5-12-2008)

- **Sec. 11-103. - Enforcement.**

(a) The police department shall be responsible for enforcement of the provisions of this division.

(b) It shall be unlawful for any person to interfere with, hinder, or harass the employees, agents, contractors, or authorized representatives of the recreation department or the town in the performance of their duties as prescribed by this division.

(Ord. No. O-2008-04, § 11-103, 5-12-2008)

- **Sec. 11-104. - Violations; penalties.**

(a) *Misdemeanor.* Notwithstanding any civil penalties which may be assessed under subsection (b) of this section, any person violating any of the provisions of this division may be found guilty of a class 3 misdemeanor under G.S. 14-4 and 160A-175. For a continuing violation, each day's violation shall be deemed to be a separate offense.

(b) *Civil penalties.* In addition to, and not in lieu of, the criminal penalties and other remedies provided by this division or by state law, a violation of any of the provisions of this division may also subject the offender to the civil penalties hereinafter set forth. The police department shall be authorized to issue a citation to such person, giving notice of the violation. Citations so issued may be delivered in person or mailed by registered or certified mail to the person charged if such person cannot otherwise be readily located. The civil penalty set forth in the citation must be paid within seven days of receipt of the citation and shall be paid to the finance department. For purposes of this subsection (b), a citation is deemed received on the date it is delivered to the person charged, or, in the case of registered or certified mail, on the date the return receipt is signed. If the person charged fails to pay the civil penalty within the time prescribed, the town may recover said penalty by civil action in the nature of debt; or a criminal summons may be issued against such person charging a misdemeanor violation of this division under subsection (a) of this section, and upon conviction, such person shall in addition to the penalties prescribed for said misdemeanor violation of this division be punished as the court prescribes for failure to



pay the civil penalties imposed hereby; or the town may pursue both of said remedies, provided there shall only be one recovery for the civil penalty imposed. The civil penalties for a violation of this division shall be as follows:

(1) First offense .....\$ 25.00

(2) Second offense ..... 50.00

(3) Third or subsequent offense ..... 100.00

(4) Fourth offense, suspension from skateboard park facility use.

(c) *Equitable remedies.* This division may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction, including but not limited to injunctions and orders of abatement.

(d) *Cumulative remedies.* The remedies and penalties for violation of this division shall be cumulative, and the election of a remedy or enforcement of a penalty hereunder shall not preclude the election of any other remedy or enforcement of any other penalty which may be provided under this section or by law.

(Ord. No. O-2008-04, § 11-104, 5-12-2008)

- **Sec. 7-127. - Manner of parking generally.**

Where not otherwise indicated by this article and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches there from.

Here is the recommended amended language for the ordinance, based off language contained in the sample towns respective ordinances:

***Amended to say:***

No person shall stand or park in a roadway other than parallel with the edge of the roadway, except as provided in the following subsections:

- (1) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.
- (2) It shall be unlawful for any driver operating a motor vehicle on a two-way street to drive the vehicle across the centerline of the street, whether the centerline is or is not marked by paint, and park the vehicle or leave it standing, parallel to the curb or street edge, facing on-coming traffic in any of the locations listed below:

Town of Angier Downtown District, that is the portion of W. Depot St. between N. Willow St. and S. Raleigh St., N. Broad St. E. between W. Depot St. and E. Williams St., and S. Broad St. E. between W. Depot St. and E. Lillington St.

Any person found in violation of this ordinance shall be guilty of an infraction.