

Town of Boiling Springs

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AGENDA

TOWN OF BOILING SPRINGS BOARD OF COMMISSIONERS

November 6, 2012

7 p.m., Town Hall

1. **Call to Order – Max J. Hamrick, Mayor** -

2. **Approval of Minutes** 3
October 2, 2012 Regular Meeting

3. **Recognition of Citizens Present** -

4. **Regular Business** 5
 - Consider Amendments to Solid Waste Chapter (p. 6)
 - Consider Civil Emergencies Chapter (p. 28)
 - Routine Budget Amendment (p. 31)
 - Consider Forming Facilities Sub Committee

5. **Staff Reports** 32

6. **Commissioners' Reports/Comments** 33

7. **Mayor's Report/Comments** 33

It is the desire of the Board to allow all citizens an opportunity to speak and to conduct business in an open, professional, and productive manner. Persons not specifically listed on the agenda but wishing to speak must register with the Town Clerk prior to the start of the meeting. These persons will be recognized by the Mayor during the "Recognition of Citizens Present" portion of the meeting. A maximum of three (3) minutes will be allowed unless otherwise approved by a majority of the Board. Groups are urged to choose one spokesperson. If you require additional time, you may ask to be placed on the agenda for the next regularly scheduled meeting of the Board. This policy was adopted in an effort to allow the Board members adequate notice of business to come before it as well as time to familiarize themselves with an issue.

Town of Boiling Springs
Board of Commissioners
October 2, 2012
Regular Meeting Minutes

The Board of Commissioners of the Town of Boiling Springs met October 2, 2012 at the Boiling Springs Town Hall. Present were: Mayor Max J. Hamrick; Commissioners William Elliott, Darlene Gravett, John Glenn, James Beason, and Cliff Hamrick. Staff members present: Town Manager Tom Hart, Town Clerk Kimberly Greene, Finance Officer Rhonda Allen, Public Works Director Mike Gibert, and Police Chief Randy Page, Officer Anthony Fields, and Officer Josh Beason.

Others Present: Jim Blalock, Tony Hambright, and Pat Litton.

AGENDA ITEM I

Call to Order - Max J. Hamrick, Mayor

AGENDA ITEM II

Recognition of Citizens Present

Mayor Hamrick recognized Mr. Tony Hambright a former resident of Woodcreek Apartments. Mr. Hambright shared his account of how his identity had been stolen.

AGENDA ITEM III

Approval of Minutes

Commissioner Elliott made the motion to approve minutes of the September 4, 2012 regular meeting as previously mailed. Commissioner Gravett seconded and the vote was unanimous.

AGENDA ITEM IV

Regular Business

Make Appointments to TDA Board

Commissioner Beason made the motion to reappoint Shelley Bell and Barbara Greene to the Tourism Development Authority (TDA) their terms expiring 10/31/2015. Commissioner Hamrick seconded and the vote was unanimous.

Consider Bids for Street Resurfacing

Mr. Hart reported two (2) streets were removed from the Town's Street Maintenance Schedule. Bethel Avenue was removed due to upcoming water and sewer improvements. Creekside Drive was also removed. There are a few problem areas that will only require spot repairs. The streets to be resurfaced in Homestead Acres are Sir Gregory Drive, Lara Lee Lane, Albertville Lane, Lindsey Lee Lane, Leanna Court, and Marcus Drive. The streets in the High Point Subdivision are Michael Court, Patricia Court, Roberts Court, Dennis Court, and Austin Drive.

The bid results were as follows:

Asphalt Paving of Shelby, Inc.	\$219,000
Harrison Construction Company	\$242,350
Rogers Group, Inc.	\$262,450
Stott Paving, Inc.	\$269,275

Commissioner Hamrick made the motion to accept the low bid of \$219,000 from Asphalt Paving of Shelby, Inc. Commissioner Elliott seconded and the vote was unanimous.

Review Proposed Solid Waste Chapter Amendment

Mr. Hart reported the Chapter 52 revision of the Town Code was for Board feedback. After review from the Town Attorney, Mr. Hart will present a finalized version to the Board in November for adoption. The Board also discussed the recycling program. A copy of the amendment is on file in the office of the Clerk.

AGENDA ITEM V

Staff Reports

Randy Page, Police Chief, reported the following:

Chief Page reported Mr. Hambright has been in contact with the Police Department since 1999.

The Chief also reported Gardner-Webb University Police Chief Barry Johnson inquired about having a flashing light installed at Gardner-Webb University's crosswalk on South Main Street.

Chief Page invited the Board to the Police Department to see the improvements made to the entrance of the building.

Mike Gibert, Public Works Director, reported the following:

Water Department

Mike Gibert reported after repairs and repainting the water tank back online and operating with no problems.

Wastewater Department

The B&W Pump Station is online and operational.

No infiltration issues have occurred at the Lyman Street Pump Station.

Mr. Gibert and Mr. Hart will meet with the Mayor Alton Beal of the Town of Lattimore on October 4, 2012 to further discuss the Wastewater Collection and Treatment Agreement.

Solid Waste Department

Town employees delivered over 800 roll-out recycle carts during the last two weeks.

Rhonda Allen, Finance Officer, reported the following:

The Town received the semi-annual allocation of Powell Bill funds from the N.C. Department of Transportation on October 1, 2012.

Kimberly Greene, Town Clerk, reported the following:

The Christmas Parade will be held on November 25, 2012 at 3:00 p.m. The Board discussed naming a Grand Marshal.

Tom Hart, Town Manager, reported the following:

FEMA is requiring a more current InterLocal agreement with Cleveland County to provide Building Inspection Services for Boiling Springs in order for the Town to participate in the National Flood Insurance Program. The current agreement was adopted on May 7, 1985. Commissioner Glenn made the motion to approve the Cleveland County and Town of Boiling Springs Interlocal Agreement to enforce the Building Code within the corporate limits and extra-territorial jurisdiction of the Town. Commissioner Beason seconded and the vote was unanimous. A copy of the Agreement is on file in the office of the Clerk.

Mr. Hart updated the Board on the Boiling Springs Crossroads Festival. The name was recommended by committee members Lynn and Jane Sarratt. The festival date is May 4, 2013.

AGENDA ITEM VI

Commissioner's Report/Comments

Commissioner Elliott inquired about collecting fees for lawn cutting at foreclosed homes.

Commissioner Glenn reported the owner of Varsity Square Apartments contacted him regarding a water leak that affected two of the apartments.

AGENDA ITEM VII

Mayor's Report/Comments

There being no further business to come before the Board, Mayor Hamrick declared the meeting adjourned at 8:15 p.m.

Max J. Hamrick, Mayor

Kimberly Greene, Town Clerk

Meeting Date: November 6, 2012

Subject: Regular Business

- **Consider Amendments to Solid Waste Chapter (p. 6)**

Included are amendments to Chapter 52 Solid Waste. Some minor revisions have been made since the last copy was provided to the Board, none of which change the spirit of any provisions. The attorney has reviewed the document and it is ready for adoption.

- **Consider Civil Emergencies Ordinance (p. 28)**

The General Statutes relating to civil emergencies were changed October 1st causing many municipalities to reexamine their parallel local ordinances. Formally declaring a state of emergency is the essential first step in becoming eligible for state and federal reimbursements after a disaster. In fact, expenses the town incurs prior to formally declaring a state of emergency may not be eligible for reimbursement. The power to declare a state of emergency belongs to the Board but is almost always delegated to the Mayor. Best practice is to delegate this authority to the Mayor and have pre-written proclamation templates available to be signed on the spot. The proposed ordinance delegates the authority to declare a state of emergency to the Mayor and allows the imposition of restrictions that are permitted under state law (i.e. evacuation, curfew, etc.). The ordinance allows for these restrictions but does not mandate them; each state of emergency would have its own set of restrictions or no restrictions at all.

- **Budget Amendment (p. 31)**

The town received \$2,500 in community funding from Walmart. The proposed budget amendment amends the annual budget to reflect this unaccounted for revenue.

- **Consider Forming a Facilities Sub-Committee**

As you are all aware, a new town hall has been a project on the horizon for years. We are coming to a point where we will need to appropriate funding to improve the existing building or seriously look at new construction. I would like to form a group of Commissioners to look into some of the town's options on a detailed level that I don't think would conducive to a normal Board Meeting. I would like to tour the existing building to discuss some of the buildings deficiencies. I would then like to compare a comprehensive renovation with new construction both conventional and prefabricated. I don't think that the option of a prefabricated building has been discussed in the past but the technology has progressed a great deal to where the buildings are hard to distinguish from conventional construction and offer a per square foot cost that is about half that of conventional construction.

**ORDINANCE AMENDING CHAPTER 52 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 121106.01**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 6th day of November, 2012,

Part 1. That Chapter 52 "Solid Waste" is hereby amended to read as follows:

~~**52.01 APPLICABILITY.**~~

~~This chapter shall apply to all solid waste generated within the corporate limits of the town. It shall further apply to all persons residing, parking, passing through or visiting within the corporate limits of the town.~~

~~(Ord., passed 9-3-91)~~

~~**52.02 DEFINITIONS.**~~

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

~~**BULK WASTE.** Large items of solid waste such as household appliances, furniture, automobiles or parts thereof, large auto parts, trees, branches, stumps, and other oversize waste, the large size of which precludes or complicates its handling by normal solid waste collection, processing or disposal methods,~~

~~**COLLECTION.** The act of removing solid waste from a point of generation to a disposal site.~~

~~**COMMERCIAL SOLID WASTE.** Solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing commercial activities.~~

~~**COMMERCIAL BUILDING AND DEMOLITION WASTE.** That solid waste including building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations. These materials include but are not limited to excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or packaging thereof.~~

~~1994 S-1~~

~~**GARBAGE.** All putrescible solid waste, including animal offal and carcasses, and recognizable byproducts, but excluding sewage and human waste.~~

~~**INDUSTRIAL SOLID WASTE.** Solid waste generated by industrial processes and manufacturing.~~

~~**PUTRESCIBLE.** Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisance from odors and gases, such as kitchen wastes, offal and carcasses.~~

~~**REFUSE.** All nonputrescible solid waste.~~

~~**RESIDENTIAL SOLID WASTE.** Solid waste generated by residents of a household other than those solid wastes defined in this section.~~

~~**SCRAP TIRE.** A tire which is no longer suitable for its original, intended purpose because of wear, damage or defect.~~

~~**SOLID WASTE.** Garbage, refuse, rubbish, trash and other discarded solid material, including solid waste generated by residences, businesses, industrial, commercial, agricultural and institutional operations and also from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.~~

~~**TIRE.** A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or farm machine.~~

~~**YARD WASTE.** Tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from natural growth of trees, shrubbery, weeds, plants and grass.
(Ord., passed 9-3-91)~~

~~**52.03 COUNTY CODE ADOPTED.**~~

~~The full text of Articles I, II and III of Chapter XI: Waste Management of the Cleveland County Code of Ordinances is hereby adopted and incorporated into this code of ordinances as if fully set out herein.
(Ord. 001003.1, passed 10-3-00)~~

REFUSE COLLECTION

~~**52.20 BURNING OR BURYING.**~~

~~It shall be unlawful to burn or set fire to or bury any garbage as defined herein for the purpose of disposal. Further it shall be unlawful to burn any refuse as defined in 52.02 for the purpose of disposal unless the following conditions are met:~~

~~(A) All burning shall be by permit only.~~

~~2003-S-7 Repl.~~

~~(B) Burning permits shall be issued by the Town Volunteer Fire Department and shall only be good for two days beyond the date of issuance.~~

~~(C) Burning permits may be denied or cancelled by the Fire Chief due to changing weather conditions, undue safety hazards or health nuisances caused as a result of fire.~~

~~(D) Burning shall be accomplished between the hours of 6 a.m. and 6 p.m.~~

~~(E) All refuse burning shall be within the property of origin, except where otherwise permitted by the Fire Chief in consultation with the Town Administrator. Refuse burning may not be accomplished within the street right-of-way.~~

~~(F) No drainage ditches or natural drainways shall be blocked by the burning of refuse.~~

~~(G) Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold prior to collection.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

~~**52.21 SOLID WASTE FROM OUTSIDE SOURCES PROHIBITED.**~~

~~It shall be unlawful for any person, firm or other organization to deposit any solid waste generated outside the corporate limits of the town on or in any location such as a street right of way where it would be collected by the town sanitation service.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

~~**52.22 PRECOLLECTION PRACTICES.**~~

~~(A) All garbage and refuse as defined in ' 52.02 shall have the liquid drained therefrom before it is placed in a container for collection. Further, all garbage or refuse shall be secured in an approved container. Each occupant or other person responsible for every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or grips and shall include a tight fitting cover made of the same material as the container. All containers shall be watertight and shall be of a size that can be conveniently handled by collectors. No container shall exceed 32 gallons in capacity and shall not measure over 22 inches in diameter nor more than 30 inches in height. All containers shall be kept in a reasonably clean manner.~~

~~(B) Containers shall be placed adjacent to the street or sidewalk on the scheduled days of collection. Containers shall be removed from their positions adjacent to the street or sidewalk after the contents have been emptied on that same day.~~

~~(C) It shall be unlawful for any person to damage, displace or otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

~~2001-S-6~~

~~**52.23 ACCUMULATION OF SOLID WASTE.**~~

~~All garbage and refuse shall be collected and placed in containers as required by this chapter and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required by this chapter.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

~~2001-S-6~~

~~**52.24 COLLECTION SCHEDULE.**~~

~~A collection schedule shall be kept on file in the office of the Town Clerk. This schedule will be set by the Town Board upon a recommendation from the Town Administrator and based on the current needs of the town. Any alteration in the collection schedule will be accompanied by a publication of the new schedule in a newspaper having general circulation in the town at least ten days prior to taking effect.~~

~~(Ord., passed 9-3-91)~~

~~'52.25 REMOVAL OF DEAD ANIMALS.~~

~~Dead animals will be removed from any premises by the town upon proper notice to the town. Residents making a request for dead animal pickup on their premises or property shall be required to pay the cost of disposal at the County Sanitary Landfill. The town will remove dead animals from streets or roads with no charge to the person notifying the town. Dead animals shall not be placed in the same container or be mixed with garbage or refuse. The town will only pick up those dead animals which can easily be handled by sanitation crews and equipment.
(Ord., passed 9-3-91)~~

~~'52.26 TRANSPORTATION OF SOLID WASTE BY PRIVATE CITIZENS.~~

~~(A) No person shall collect, handle or transport over or along any of the streets, alleys or other public ways in the town any solid waste without first having obtained a franchise therefor from the town.~~

~~(B) No person shall transport over or along any of the streets, alleys or other public ways in the town any solid waste without providing the proper netting or secure means to prevent such waste from being spread onto the street or adjacent property.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

~~'52.27 SPECIAL OR BULK COLLECTIONS REGULATED.~~

~~(A) Any property owner or resident desiring special bulk collection of loose matter not in closed containers or tied in bundles may request a special collection.~~

~~(B) No bulk or special collection shall be made from vacant lots. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently completed.~~

~~(C) All refuse, lumber, debris or other bulk waste, remaining both as a result of the repair of any existing buildings or of the erection and completion of any new buildings, shall not be collected by the town and shall be removed by the property owner within 30 days after completion of the work.~~

~~(D) Material to be collected as a special collection shall be placed in orderly piles and so located that such refuse can easily be loaded on trucks for disposal.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99
1994 S-1~~

~~'52.28 YARD WASTE COLLECTION.~~

~~(A) The town shall provide collection service for yard waste as defined in ' 52.07. Yard waste which exceeds a manageable size and cannot be readily handled by collection personnel and equipment shall be considered bulk waste and shall not be collected by the town.~~

~~(B) Yard waste shall be placed adjacent to a public street for collection. It shall be piled in an orderly manner or tied in bundles so that proper collection can be accomplished by collection personnel.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.99~~

RESIDENTIAL COLLECTION

~~'52.40 APPLICABILITY.~~

~~This subchapter shall apply to all solid waste generated by residential units within the corporate limits.~~

~~(Ord., passed 9-3-91)~~

~~52.41 MATERIALS THE TOWN WILL NOT COLLECT.~~

~~The town will not collect or dispose of the following items.~~

~~(A) Used passenger cars, buses, trucks or any vehicle designed to be self-propelled or pulled.~~

~~(B) Tires or scrap tires.~~

~~(C) Any highly flammable, combustible, poisonous, radioactive or explosive material which could present a hazard to the health or safety of the public, collection personnel and equipment.~~

~~(D) Refuse resulting from home building, demolition, land clearing or building improvements.~~

~~(E) Cardboard boxes and shipping cartons will not be collected unless they are broken down, flattened and bundled to prevent scattering.~~

~~(F) Batteries of any type.~~

~~(Ord., passed 9-3-91)~~

~~52.42 COLLECTION REQUIRED; SOLID WASTE FEES.~~

~~(A) All residences of the Town shall be provided solid waste collection services as set forth in this~~

~~chapter and shall be subject to solid waste collection fees as adopted by Board of~~

~~Commissioners, regardless of whether such services are accepted by the owner or occupant of~~

~~said residence. A fee for the pick up and disposal of solid waste shall be charged to each~~

~~party within the Town that receives solid waste collection services and maintains a utilities service account.~~

~~(B) Residential curbside collections services will be provided once a week, on a day designated~~

~~by the Public Works Director or his designee. The day of collection may change due to~~

~~holidays or other special circumstances.~~

~~(C) The Town shall provide one rollout cart per residence of a size and type to be determined by~~

~~the Board. If an additional cart is requested it shall incur an additional fee.~~

~~(D) Institutional residential units shall be exempt from this section.~~

~~(Ord. passed 1-05-10)~~

COMMERCIAL AND INDUSTRIAL COLLECTION

~~52.55 APPLICABILITY.~~

~~This subchapter shall apply to all solid waste generated by commercial and industrial units within the corporate limits.~~

~~(Ord., passed 9-3-91)~~

~~52.56 COLLECTION PRACTICES.~~

~~No person shall place or cause to be placed any loose refuse or garbage on the ground or allow it to accumulate beside buildings. All commercial or industrial~~

~~establishments shall use either bulk containers or other approved containers for storage and disposal.~~

~~(Ord., passed 9-3-91) Penalty, see '52.99~~

~~**52.57 COLLECTION SCHEDULE.**~~

~~Commercial and industrial collection will be in accordance with a schedule approved by the Town Board of Commissioners and filed in the office of the Town Clerk. All commercial or industrial customers will be required to file a collection request application indicating the number of collections which will be necessary during a given period. Any alteration in the collection schedule will be accompanied by publication of the new schedule in a newspaper having general circulation in the town at least ten days prior to taking effect.~~

~~(Ord., passed 9-3-91)~~

~~**52.58 MATERIALS THE TOWN WILL NOT COLLECT.**~~

~~(A) The town will not collect or dispose of the following items:~~

~~(1) Used passenger cars, buses, trucks or any vehicle designated to self-propelled or pulled.~~

~~(2) Tires or scrap tires.~~

~~(3) Any highly flammable, combustible, poisonous, radioactive or explosive material which could present a hazard to the health or safety of the public, collection personnel and equipment.~~

~~(4) Refuse resulting from construction, demolition, landscape or building improvements.~~

~~1994 S-1~~

~~(5) Machinery or scrap metal of any kind.~~

~~(B) Cardboard shipping cartons and boxes shall not be collected unless they are broken down, flattened and bundled to prevent scattering.~~

~~(Ord., passed 9-3-91) Penalty, see '52.99~~

~~**52.59 PRIVATE COLLECTION.**~~

~~Any commercial or industrial establishment may choose to contract with any private solid waste collection contractor provided that the establishment and collection contractor comply with all other sections of this chapter. Private solid waste collection services are required to obtain a franchise agreement from the town prior to collection of any commercial, industrial, institutional or other solid waste within the corporate limits of the town. Commercial and industrial establishments may be required to provide proof periodically of such a contract. Solid waste haulers will periodically be required to provide the town with a current listing of all commercial and industrial customers within the corporate limits.~~

~~(Ord., passed 9-3-91) Penalty, see '52.99~~

~~**52.60 INDUSTRIAL SOLID WASTE.**~~

~~Industrial solid waste shall be collected provided that the establishment is in compliance with all other sections of this chapter.~~

~~(Ord., passed 9-3-91)~~

~~**52.61 COLLECTION REQUIRED; SOLID WASTE FEES.**~~

~~All businesses located within the corporate limits of the town shall be subject to the applicable solid waste fee as set from time to time by the Town Board of~~

~~Commissioners. Collection by town sanitation crews is required for all businesses within the corporate limits unless the business has contracted with an approved private solid waste hauler. In order for the town's solid waste fee to be waived a business may be required to provide proof of such a contract with a private hauler. (Ord., passed 9-3-91) Penalty, see 52.99~~

CHAPTER 52: SOLID WASTE

General Provisions

52.001 GENERAL

(A) This chapter shall regulate all solid waste generated within the corporate limits of the town or transported through town on any street or public way. It shall further apply to all persons residing, parking, passing through or visiting within the corporate limits of the town.

(B) The Town may also regulate the collection of solid waste, particularly the precollection practices and prohibition of items, through administrative policy. Such policies shall be used to enhance not circumvent the regulations set forth in this chapter.

52.002 DEFINITIONS

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

BULK WASTE. Large items of solid waste such as household appliances, furniture, automobiles or parts thereof, large auto parts, trees, branches, stumps, and other oversize waste, the large size of which precludes or complicates its handling by normal solid waste collection, processing or disposal methods.

COLLECTION. The act of removing solid waste from a point of generation to a disposal site.

COMMERCIAL SOLID WASTE. Solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing commercial activities.

COMMERCIAL BUILDING AND DEMOLITION WASTE. That solid waste including building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations. These materials include but are not limited to excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or packaging thereof.

52.003 IMPROPER DISPOSAL

(A) No person shall throw, dump, drop or deposit, or cause to be thrown, dumped, dropped or deposited, whether intentional or not, on any street, avenue, alley, highway, sidewalk, park or other public place or on land vacant or occupied in the town not owned by the person in question, any waste including but not limited to refuse, yard waste, dead animals, glass, or anything injurious to health.

(B) No person shall burn any solid waste defined herein for the purpose of disposal unless the following conditions are met:

1. Burning shall be by permit only
2. Permits shall be issued by the local Fire Chief or his designee
3. Burning shall take place between 6 am and 6 pm
4. All refuse burning shall take place within the property of origin unless permit specifically allows otherwise
5. No drainage ditches or right of way shall be blocked by the burning
6. Ashes and cinders shall be collected and removed
7. Permits may be cancelled at any time due to weather, safety hazard, or nuisance by the Fire Chief or Town Manager or his designee

(C) No person shall bury any solid waste for the purposes of disposal except in a properly zoned and permitted commercial landfill.

52.004 IMPORTATION OF WASTE

It shall be unlawful for any person, firm or other organization to deposit any solid waste or yard waste generated outside the corporate limits of the town on or in any location such as a street right of way where it would be collected by the town or its agents.

52.005 COLLECTION SCHEDULES

(A) Collection schedules for the various types of waste described in this Chapter shall be kept on file in the office of the Town Clerk. These schedules will be set by the Director of Public Works or his designee based on the current needs of the town. Any permanent alteration to a schedule will be accompanied by a notice being sent to the owners of all affected properties. There shall be no expectation that the collection of the various types of waste collected by the town be collected from any given property on the same day or at the same time on a given day.

(B) Temporary alterations to the schedule may be made by the Town Manager or his designee because of holidays, weather, staff shortages, equipment failure, or any exigent circumstance. In such circumstances, any provisions of this Chapter regulating the times during which collection containers may be placed for collection shall be considered suspended.

GARBAGE. All putrescible solid waste, including animal offal and carcasses, and recognizable byproducts, but excluding sewage and human waste.

INDUSTRIAL SOLID WASTE. Solid waste generated by industrial processes and manufacturing.

LITTER. Solid waste that has been disposed of improperly, without consent, or in an illegal location.

PUTRESCIBLE. Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisance from odors and gases, such as kitchen wastes, offal and carcasses.

RECYCLABLES: Refuse that consists of commercially recyclable materials. Generally understood to include: aluminum, steel, and tin cans; glass containers; plastics; paper products, corrugated cardboard; any other materials that are designated as recyclable by current administrative policy.

REFUSE. All nonputrescible solid waste.

RESIDENTIAL SOLID WASTE. Solid waste generated by residents of a household other than those solid wastes defined in this section.

SCRAP TIRE. A tire which is no longer suitable for its original, intended purpose because of wear, damage or defect.

SOLID WASTE. Garbage, refuse, rubbish, trash, recyclables and other discarded solid material, including solid waste generated by residences, businesses, industrial, commercial, agricultural and institutional operations and also from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants.

TIRE. A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or farm machine.

YARD WASTE. Tree limbs, leaves, shrubbery trimmings and cuttings and all other trimmings from natural growth of trees, shrubbery, weeds, plants and grass.

52.006 SOLID WASTE FEES

The Board upon recommendation from the Town Manager or his designee shall adopt regular fees for the collection of solid waste by the town or its agents. Generally, this chapter shall be understood to proscribe fees for the following services: curbside residential garbage collection, curbside residential recycling collection, residential yard waste collection, bulk item collection, and commercial and industrial garbage collection. Property owners will be billed a separate fee per container in the case of curbside collection. In accordance with N.C.G.S.-160A-314(b), Monthly payments made to the town for services and fees will first be applied to penalties and then to solid waste charges and finally to water and sewer charges. Payment of unpaid charges may be remedied in accordance with N.C.G.S.-160A-314(b), N.C.G.S. 1, Article 28, and N.C.G.S. 105A, Article 1.

52.007 TRANSPORT BY PRIVATE CITIZENS

(A) No person shall collect, handle, or transport over or along any streets or public ways in the town any solid waste that the town provides for the collection of without first having obtained a franchise therefore from the town.

(B) No person shall transport over or along any streets or public ways in the town any solid waste without providing the proper netting or secure means to prevent such waste from being spread onto the street or adjacent property.

52.008 PROHIBITED MATERIALS

The proceeding sections of this chapter may outline items prohibited with regards to the collection of a specific type of solid waste. The following items will be prohibited with regards to any type of collection by the town or its agents and may not be placed for collection.

(A) Highly combustible, flammable, poisonous, radioactive or explosive material

(B) Used cars, buses, motorcycles, or any self propelled vehicle

(C) Tires or scrap tires

(D) Batteries of any type or kind

(E) Machinery or scrap metal of any kind

(F) Waste resulting from construction, demolition, land clearing, or renovations and improvements.

(G) Any item that the town does not have the equipment with which to properly dispose of or does not have access to proper disposal methods.

(H) Any item that the County landfill will reject or impose a fine upon the town for the disposal thereof.

(I) Any item, the collection or transport of which, is deemed hazardous either to personnel or equipment by the Director of Public Works or his designee.

52.009 OWNERSHIP OF MATERIALS

(A) Upon placement of any solid waste at curbside for collection by the town or its agents in accordance with this Chapter such materials shall become the property of the town regardless of whether the actual collection of the items would be prohibited by this Chapter. Ownership of items and materials deemed uncollectable by this Chapter shall revert back to the owner of the property said items were generated on.

(B) It shall be a violation of this chapter for any person other than expressly authorized agents of the town acting in the course of their employment to collect or pick up any materials placed for collection.

52.010 SERVICE TO UNINCORPORATED AREAS

(A) With the approval of the Town Manger, the town may provide collection service to a property outside of the corporate limits of the town provided that all of the following conditions are met:

1. The property is charged the adopted fee for out of town customers.
2. Collection from the property does not present a unique challenge or safety hazard to the town or its agents.
2. The property lies along an existing collection route and is approximately adjacent to a property within the corporate limits. A collection route may be considered to only consist of one side of a particular street or public way or one area of a particular street.

52.020 ADOPTION OF COUNTY CODE

The full text of Articles I, II, and III of Chapter XI: Waste Management of the Cleveland County Code or Ordinances is hereby adopted and incorporated into this code of ordinances as if fully set out herin.

Enforcement

52.050 CODE ENFORCEMENT OFFICER

For the purpose of this Chapter the Town Manager or his designee shall serve as the Code Enforcement Officer of this Chapter.

52.051 PENALTIES & ABATEMENT

In addition to and separate and apart from the specific remedies set forth in this article, violations of any provision of this Chapter may be corrected or abated if conditions threaten public health, safety or welfare. Furthermore, any and all expenses incurred by the Town in the course of said abatement may be charged to the owner of the property on which the abated solid waste was generated. Furthermore, any person who violates any provision of this article shall be guilty of a misdemeanor and may be punished as provided in section 14-4 of the General Statutes for each separate violation with a fine of fifty dollars (\$50.00). Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

52.052 ABATEMENT NOTICE

(A)When abatement is deemed necessary, the Code Enforcement Officer shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this chapter. Service of such notice shall be by any one of the following methods:

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of 16 years and a member of the family of the owner;

(2) By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon. Notice to be sent by certified return receipt;

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by the methods described in

(B) If the owner of any property fails to comply with a notice given pursuant to this chapter, within ten days after the service of such notice the Code Enforcement Officer may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Curbside Residential Garbage Collection

52.100 GENERAL

This subchapter shall apply to all solid waste generated by residential units within the corporate limits of the town. This subchapter shall not apply to multi-family units or developments that are determined to require dumpster service.

52.101 PRECOLLECTION PRACTICES

(A) All garbage and refuse as defined in 52.002 shall have the liquid drained therefrom before it is placed in a container for collection. Putrescible waste must be bagged prior to placement in garbage containers.

(B) All garbage or refuse shall be secured in a container that is provided by the town or expressly approved by the Director of Public Works or his designee.

(C) Containers shall be placed adjacent to the street or sidewalk for collection. Containers must be unobstructed with 3 foot clearance in all directions. Containers shall be set out for collection no sooner than 8 hours prior to the day of collection and shall be removed from their position adjacent to the street or sidewalk after the contents has been emptied on that same day.

52.102 PROHIBITED ITEMS

The following items are expressly prohibited from collection:

(A) Any items prohibited from deposit at a landfill as dictated by N.C.G.S. 130A-309.10.

(B) Items generated by commercial activities.

Also see 52.008 for generally prohibited items and 52.105 for the collection of dead animals.

52.104 COLLECTION REQUIRED

(A) All garbage and refuse shall be collected and placed in containers as required by this chapter and it shall be unlawful for any person to permit garbage or refuse to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in the approved containers as required by this chapter. This section shall be interpreted as more stringent than the restriction defined in Chapter 94 of this Code.

(B) All residential units located within the corporate limits of the town shall be subject to the applicable fee set by the Town Board regardless of utilization of the service. Collection by the town or its agents is required for all residential units within the corporate limits of the town.

(C) Recycling collection shall be considered a necessary component of garbage collection.

52.105 REMOVAL OF DEAD ANIMALS

Dead animals may be removed from any premises by the town upon proper notice to the town. The Town The Town may charge a property owner for the removal of dead animals from private property to recover costs incurred to properly dispose of the animal. The town will remove dead animals from streets or roads with no charge to the person notifying the town of said animal. The Town will only pick up those dead animals which can easily be handled by sanitation crews and equipment.

Curbside Residential Recycling Program

52.200 GENERAL

This Subchapter shall establish the voluntary sorting and collection of residentially generated recyclable solid waste. The establishment of voluntary recycling shall not be construed as negating 52.102 which expressly forbids the town or its agents from collecting certain recyclable materials as garbage.

52.201 PRECOLLECTION PRACTICES

(A) All recyclables as defined in 52.002 shall have the liquid drained therefrom before it is placed in a container for collection. Further, all recycling shall be secured in a container that is provided by the town or expressly approved by the Director of Public Works or his designee or his designee.

(B) Containers shall be placed adjacent to the street or sidewalk for collection. Containers must be unobstructed with 3 foot clearance in all directions. Containers shall be set out for collection no sooner than 6 hours prior to the day of collection and shall be removed from their position adjacent to the street or sidewalk after the contents has been emptied on that same day.

52.202 PROHIBITED ITEMS

Only items defined as recyclable in 52.002 or by subsequent administrative policy are eligible for collection under this section.

52.203 COLLECTION REQUIRED

All residential units located within the corporate limits of the town will pay the applicable fee set by the Town Board regardless of utilization of the service. Recycling service will be regarded as a necessary component of garbage collection services provided by the town.

Yard Waste Program

52.300 GENERAL

This subchapter shall establish a Yard Waste Program and apply to all yard waste defined in 52.002 generated by residential units within the corporate limits of the town. The collection of yard waste may further be regulated by an administrative policy. Yard waste collection will generally occur on a weekly basis although no specific day of collection shall be defined.

52.301 PRECOLLECTION PRACTICES

(A) All yard waste will be placed at the curb or edge of pavement for collection. Yard waste should be placed out for collection in a manner that minimizes impact on pedestrian and vehicle traffic, and does not block vehicular site visibility or affect the drainage of storm water.

52.302 PROHIBITED ITEMS

In addition, the following items are expressly prohibited from collection:

- (A) Any items that not defined as yard waste by this chapter
- (B) Yard waste generated off premises
- (C) Yard waste generated as the result of commercial activity (landscape services, tree removers, etc.)
- (D) Bagged items including leaves and grass clippings
- (E) Yard waste mixed with any other items especially items which could damage collection equipment
- (F) Limbs exceeding 4 inches in diameter or 10 feet in length
- (G) Tree stumps

Special or Bulk Collection

52.400 GENERAL

This subchapter shall apply to bulk items as defined in 52.002 generated by residential units within the corporate limits of the town. Bulk items generated by commercial or institutional activities including multi-family rental properties are not eligible for collection under this section. The collection of special or bulk items may further be regulated by an administrative policy.

52.401 PRECOLLECTION PRACTICES

(A) Any resident desiring special bulk collection of loose matter not enclosed in containers or tied in bundles may request a special collection.

(B) Materials to be collected must be placed in orderly piles and so located that such waste can be easily loaded onto trucks located on the street for disposal.

52.403 PROHIBITED ITEMS

The following items shall be prohibited:

(A) Waste generated or found on a vacant lot

(B) Appliances that contain hazardous fluids

Industrial and Commercial Collection

52.500 GENERAL

This subchapter shall apply to all solid waste generated by commercial, industrial, and institutional units within the corporate limits of the town. Collection from multi-family residential units or developments may be regulated under this subchapter if the Director of Public Works or his designee or his designee deems the development or unit will generate an amount of waste which could overwhelm curbside containers or curbside collection would be hazardous to town staff or equipment or residents.

52.501 PRECOLLECTION PRACTICES

(A) No person shall place or cause to be placed any loose refuse or garbage on the ground or allow it to accumulate beside buildings. All properties regulated by this subchapter shall use containers manufactured for the purpose of containing commercial or industrial waste or a container approved by the Director of Public Works or his designee.

(B) All containers shall be placed so as to not create a hazard to public health or safety. Containers must be placed on a surface deemed capable of supporting the containers weight and the weight of collection equipment. Containers shall not obstruct the flow of pedestrians and vehicles about the property particularly the movement of emergency vehicles.

(C) Containers must be maintained in manner that does not create a hazard to public health or safety. Container shall not be allowed to leak waste and must be covered to restrict items from being scattered by weather, animals, or other means.

52.502 FENCING REQUIRED

The Town Manager or his designee may require that waste containers be enclosed by fencing to prevent the scatter of materials potentially harmful to the public health, to prevent the spread of noxious odors or vapors, or to prevent access to the container to protect public health or safety. The required fencing shall:

(A) Exceed the height of the waste container by at least two feet.

(B) Provide an easily manipulated gate for ease of access.

(C) Consist of an 80 percent opaque material

52.503 PROHIBITED MATERIALS

See 52.008 for generally prohibited items.

52.504 PRIVATE COLLECTION

Any property regulated by this subchapter may choose to contract with any private solid waste collection contractor provided that the contractor has a franchise agreement to collect solid waste within the corporate limits of the town. The property owner may be required to periodically provide proof of such a contract and contractors may be required to periodically provide a listing of properties serviced within the corporate limits of the town. The use of a private contractor does not exclude the property from complying with any part of this chapter.

52.505 RESTRICTIONS ON INDUSTRIAL WASTE

Reserved

52.506 COLLECTION REQUIRED

All properties regulated by this subchapter shall be subject to the solid waste fees set by the Town Board. Collection of solid waste by the town or its agents is required unless a private contractor is used. When a private contractor is used the town's collection fee may be waived if the Director of Public Works or his designee or his designee determines the following conditions are met:

- (A) Proof of a contract with a private collection company is filed with the town.
- (B) The contract will provide the property with collection service that will effectively and safely remove solid wastes from the property. No private contract will be used to save money by under servicing a property or circumvent any other provision of this chapter.

HEALTH AND SANITATION

52.70 52.600 PRESUMPTIONS.

(A) When litter is swept, thrown or deposited into, upon or along any public or private property in violation of this subchapter, the owner, occupant, tenant, lessee, proprietor or other person in charge thereof, after reasonable written notification, shall be presumed to have committed or consented to the commission of such an offense.

1994 S-1

(B) When litter is blown, scattered, spilled, thrown or deposited from a vehicle, the operator thereof shall be presumed to have committed such offense.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.71 52.601 DEPOSIT OF LITTER PROHIBITED.

It shall be unlawful for any person to sweep, throw, deposit, or to permit, allow, maintain or contribute to the sweeping, throwing or depositing of any litter into, upon or along a drain, gutter, street, sidewalk, alley, vacant or occupied lot, walk, parking lot, embankment, or upon public or private premises within the town. However, nothing in this section shall prevent the placing of litter in a designated location for removal by a specific solid waste service collector.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.72 52.602 DUTY OF PERSONS WITH RESPECT TO LITTER.

The owners, occupants and lessees of all property, jointly and severally, are required to remove all litter and place the same in proper containers. Vacant parcel lots, borders, parking lots, embankments, fences and walls shall be kept free of litter. Persons responsible for parking lots, shopping centers, convenience stores, drive-in restaurants and all other commercial and industrial establishments shall keep their respective properties free of litter.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.73 52.603 LITTER CONTAINERS.

Every owner, occupant, tenant and lessee using or occupying any commercial, institutional, or industrial building or property shall be obligated, jointly and severally, to provide adequate containers to hold the litter generated by operations on the premises. Specifically, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast-food restaurants, service stations and similar establishments, and shall likewise apply to commercial establishments, garages, schools, colleges and churches.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.74 52.604 DUTY TO ENSURE CLEANLINESS OF AREAS SURROUNDING BUSINESSES.

The proprietor and/or person in charge of every business and commercial establishment, in town, jointly and severally, are hereby required to keep the driveways, yards, parking lots and areas adjacent thereto and under their control clean at all times and to place litter and sweepings in a container to prevent rescattering.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.7552.605 PARKING LOT OWNERS TO PROVIDE CONTAINERS.

Every owner and every operator of a private or commercial parking lot shall provide adequate containers to hold the litter generated by the operations of such a parking lot.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051
1994 S-1

52.7652.606 LITTER STORAGE AREA TO BE KEPT CLEAN.

Every owner, occupant and lessee of a residence or building shall be jointly and severally required to maintain litter storage areas in a clean condition and to ensure that all litter is properly containerized.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.7752.607 CONSTRUCTION SITE TO BE MAINTAINED.

Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter generated by construction and related activities.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.7852.608 TRANSPORTING OF LITTER REGULATED.

(A) It shall be unlawful for any person to transport any litter or other cargo upon the public thoroughfares in the town if the same is of a character or substance which is likely to be deposited from the vehicle onto the public right-of-way, unless the same is secured by containers, tarpaulin, net or other device in such fashion as to effectively prevent such deposit on the public right-of-way.

(B) The duties and responsibilities herein imposed shall be applicable alike to the owner of a vehicle, the operator thereof, and the person from whose residence or business establishment the litter or other cargo originated.

(Ord., passed 9-3-91) Penalty, see ' 52.9952.051

52.79 NOTICE TO ABATE.

~~Whenever litter is found to exist within the town, the police department shall give written notice to the owner or occupant of the property upon which such litter exists or to the person causing, permitting, maintaining or continuing the litter.~~

~~(Ord., passed 9-3-91)~~

52.80 CONTENTS OF NOTICE TO ABATE.

~~The notice to abate the litter issued under the provisions of this subchapter shall contain the following:~~

~~(A) The location of the litter;~~

~~(B) A description of what constitutes the litter;~~

~~(C) A statement of facts necessary to abate the litter;~~

~~(D) An order to abate the litter;~~

~~(E) A statement that such person may request a hearing, within ten working days;~~

1994 S-1

~~(F) A statement that if the litter is not abated as directed and no request for a hearing is made within the prescribed time, the town may abate such litter and shall assess the cost thereof against such person.~~

~~(Ord., passed 9-3-91)~~

~~**52.81 ABATEMENT BY THE TOWN.**~~

~~Upon the failure of the person whom notice to abate the litter was served pursuant to the provisions of this subchapter, the town shall proceed to abate such litter and shall prepare a statement of costs incurred in the abatement thereof to be delivered to the property owner or other person responsible.~~

~~(Ord., passed 9-3-91)~~

~~**52.82 TOWN'S COST DECLARED LIEN.**~~

~~Any and all costs incurred by the town in the abatement of litter under the provisions of this subchapter shall constitute a lien against the property where such litter existed, which lien shall be filed with the tax collector and collected in the same manner as provided for the collection of ad valorem taxes. Such lien shall be notice to all persons from the time of its filing with the tax collector and shall bear interest at the legal rate thereafter until satisfied.~~

~~(Ord., passed 9-3-91)~~

SOLID WASTE OFFENSES

~~**52.9052.701 COMMERCIAL AND NONCOMMERCIAL HANDBILLS.**~~

~~No person shall throw or deposit any commercial or noncommercial handbills on vehicles, vacant or inhabited premises. Handbills may be distributed on premises that are inhabited, provided that there is no objection by the owner or occupant of the premises and the handbills are placed or deposited in a manner so as to prevent the handbills from blowing or drifting onto public or private property. Mailboxes may not be used for distribution of handbills except in accordance with federal postal laws and regulations.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.05152.99~~

~~**52.9152.702 ABANDONMENT OF REFRIGERATORS AND THE LIKE IN PLACES ACCESSIBLE TO CHILDREN.**~~

~~It shall be unlawful for any person to leave or permit to remain outside any residence, building or other structure or within any unoccupied or abandoned building, residence or other structure under his or her control in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator or other container which has an airtight door or lid, snaplock or other locking device which may not be released from the inside, without first removing such door or lid, snaplock or other locking device from such icebox, refrigerator or container.~~

~~(Ord., passed 9-3-91) Penalty, see ' 52.05152.99~~

~~1994 S-1~~

52.9252.703 NOTICE POSTING PROHIBITED.

No person shall post or fix any notice, poster or other paper or device intended to attract the attention of the public to any lamppost, public utility pole or tree on the public right-of-way of the town or upon any public structure or building except as may be authorized or required by law.

(Ord., passed 9-3-91) Penalty, see ' 52.05152.99

52.9352.704 FILLING LAND AND DUMPS WITH OFFENSIVE MATERIAL; BURYING MATERIALS.

It shall be unlawful for any person to fill any land or dump upon any vacant or occupied lot within the corporate limits, with any garbage, refuse, dead animals, decayed vegetable or animal matter, or any other offensive material, nor shall any such material be buried within the town but shall be disposed of as directed by a representative of the town and in accordance with state and federal regulations and law.

(Ord., passed 9-3-91) Penalty, see ' 52.05152.99

52.9452.705 CLEARING OF DEBRIS AFTER VEHICLE ACCIDENTS.

It shall be the responsibility of the towing company to clean up the highway or street after an accident involving a wrecked vehicle.

(Ord., passed 9-3-91) Penalty, see ' 52.05152.99

52.99 PENALTY.

~~Any person, firm, and the like found to be in violation of any section of this chapter shall be subject a fine of \$50 upon a finding by the Town Administrator in consultation with the Town Board of Commissioners.~~

~~(Ord., passed 9-3-91)~~

~~1994 S-1~~

Part 2. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 6th day of November, 2012.

ATTEST:

Kim Greene, Town Clerk

Max J. Hamrick, Mayor

**ORDINANCE CREATING CHAPTER 33 OF THE
TOWN OF BOILING SPRINGS CODE OF ORDINANCES
ORDINANCE NO. 121106.02**

BE IT ORDAINED by the Board of Commissioners of the Town of Boiling Springs, North Carolina assembled in Regular Session this 6th day of November, 2012,

Part 1. That Chapter 33 "Civil Emergencies" is hereby adopted to read as follows:

CHAPTER 33: CIVIL EMERGENCIES

33.01 STATE OF EMERGENCY DEEMED TO EXIST

A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency for any reason, the public safety is threatened and the public authorities of the town are unable, in the normal routine, to maintain public order or afford adequate protection for lives or property.

33.02 PROCLAMATION & RESTRICTIONS AUTHORIZED

(A) 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 or his designee is authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order to more effectively protect the lives and property of people within the town, to place in effect any or all of the restrictions hereinafter authorized in subsection (b) of this section. NCGS 166A-19.22 and NCGS 166A-19.21.

(B) During the existence of a proclaimed state of emergency the mayor may impose by proclamation any or all of the following restrictions within the jurisdictional limits of the Town:

- (1) Direct and compel voluntary or mandatory evacuations of threatened or stricken areas.
- (2) Prohibit or regulate travel upon any public street or roadway or upon any other public property.
- (3) Deny entry or reentry into threatened or stricken areas.
- (4) Prohibit or regulate by curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within town during specified periods of the day or night or both day and night.
- (5) Prohibit or regulate the participation in or carrying on of business activity, regulate the keeping open of places of business, entertainment, and public assembly or any place people may travel to or from.

(6) Prohibit or regulate the sale, purchase, transport, possession, storage, and use of gasoline and dangerous weapons and substances.

(7) Prohibit or regulate any demonstration, parade, march, vigil or participation thereon from taking place on any of the public ways or upon any public property.

(8) Any other restrictions regulating activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property.

33.03 LIMITATIONS & EXEMPTIONS AUTHORIZED

The Mayor is authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the limits of the town and to specific hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firefighters and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs of the people within the town.

33.04 EXTENSION, AMENDMENT, & REPEAL OF PROCLAMATION

Any proclamation may be extended, altered or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

33.05 AUTHORITY TO REQUEST ASSISTANCE AND MARTIAL LAW

If, in the sound discretion of the Mayor, it shall appear that the emergency is or that the threatened emergency is likely to be of such proportions that the means available to the town to maintain law and order are insufficient for such purpose, the mayor shall, promptly and by the most expeditious means of communication, inform the governor of the situation and request that such necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency, the mayor shall find that the civil courts having jurisdiction within the town are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other processes cannot be served or executed in the town, the mayor shall inform the governor of such findings and may recommend to the governor that a state of martial law be proclaimed to exist within the town.

33.06 TERMINATION OR RESTRICTIONS

The Mayor shall proclaim the end of such state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the Board of Commissioners.

33 .07 REQUIRED COMPLIANCE

During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter. Violations shall be punishable as a class 2 misdemeanor. NCGS 166A-19.31 & NCGS 14-288.20A.

Part 2. This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Boiling Springs, North Carolina.

ADOPTED this the 6th day of November, 2012.

ATTEST:

Kim Greene, Town Clerk

Max J. Hamrick, Mayor

**TOWN OF BOILING SPRINGS
BUDGET ORDINANCE AMENDMENT #121106.01**

WHEREAS, the Town Commission of the Town of Boiling Springs adopted a budget ordinance on June 5, 2012 which established revenues and authorized expenditures for fiscal year 2012-2013; and

WHEREAS, since the time of the adoption of said ordinance, it has become necessary to make certain changes in the Town's budget to allocate funds for the Wal-Mart Distribution recreation grant;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Commission of the Town of Boiling Springs that the budget ordinance as adopted on June 5, 2012 be and is hereby amended as follows:

<u>Section 1.</u>	Revenues	
		<u>Increase</u>
	Miscellaneous revenue	\$2,500
<u>Section 2.</u>	Expenditures	
		<u>Increase</u>
	Recreation departmental supplies	\$2,500

This the 6th day of November, 2012.

Max J. Hamrick, Mayor

ATTEST:

Kim Greene, Town Clerk

Meeting Date: November 6, 2012

Subject: Staff Reports

Police

Public Works

Finance

-First Quarter Fiscal Report (7-1 through 9-30)

Town Clerk

Town Attorney

Town Manager

Meeting Date: November 6, 2012
Subject: Commissioners' Reports

Commissioner Gravett

Commissioner Elliott

Commissioner Beason

Commissioner Glenn

Commissioner C. Hamrick

Meeting Date: November 6, 2012
Subject: Mayor's Report