

Town Code for Blowing Rock, North Carolina

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CHAPTER 3 - ADMINISTRATION

Article I - General Administration

Section 3-1 Mayor.

(A) The mayor is the ceremonial head of the town and shall, in addition:

- (1) Keep himself informed as to the town's business;
- (2) Preside over the meetings of the Board in accordance with Section 2-8 of this code;
- (3) Sign all contracts, franchises or paper writings authorized by the Board;
- (4) Vote to break a tie when there is an equal division of the Board upon any question;
- (5) Administer oaths as provided in Section 3-40 of this code; and
- (6) Perform any other duties conferred upon him by the Board pursuant to law.

Section 3-2 Mayor Pro Tempore.

At the organizational meeting the Board shall elect from among its members a mayor pro tempore, who shall serve at the pleasure of the Board and who shall, in case of absence or incapacitation of the mayor, perform all the duties of the mayor. A Board member serving as mayor pro tempore shall be considered a Board member for all purposes and shall be entitled to vote on all matters but may not, as presiding officer, vote to break a tie he helped to create.

Section 3-3 Town Manager.

(A) ***Appointment.*** The Board of Commissioners shall appoint an administrative officer whose title shall be Town Manager. The Town manager shall be appointed with regard to merit only and need not be a resident of the town at the time of the appointment. It is desirable that the Town Manager, upon appointment, be a resident within the corporate limits of the town, however the Town Manager shall be required to reside within the Blowing Rock Fire District, unless otherwise approved by the Board of Commissioners. The Mayor or any member of the Board of Commissioners shall not be eligible for appointment as Town Manager. *[Amended 3-10-15]*

(B) ***Combined Office; Term; Compensation.*** The office of Town Manager may be combined with any other town office and the manager shall perform the duties of such other offices as may be directed by the Board of Commissioners and shall receive such compensation as the board may by ordinance determine.

(C) ***Duties.*** The Town Manager shall perform the following duties:

- (1) He shall be the chief administrative officer of the town government responsible to the Mayor and Board of Commissioners for the performance of his duties. The Manager shall perform or supervise the performance of all administrative affairs of the town as he may be authorized and directed so to do by the Mayor and the Board of Commissioners.
- (2) He shall attend all regular and committee meetings of the Board of Commissioners. In addition, he shall attend all meetings of the town's appointed commissions when requested by the Mayor and the Board of Commissioners.

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- (3) He shall make investigations and reports concerning town government affairs for the Mayor and Board as they may direct and as the manager shall from time to time deem necessary.
- (4) He shall act as the town planner and oversee the zoning enforcement activities, and shall act as staff and advisor to the Blowing Rock Planning Board and Board of Adjustments.
- (5) He shall coordinate the activities of all departments and direct superintendents and other town employees in performance of their duties and functions as may be required.
- (6) He/She shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Board of Commissioners may adopt. *[Amended May 9, 1995]*
- (7) The Town Manager shall make routine and unscheduled visits to all departments, including the Water and Sewer operations, to determine their operating efficiency. In keeping with the administrative function of the position, a high level of civic involvement and interaction with the community, county, and state affairs is deemed appropriate, excluding any political involvement or campaigning that could compromise the professional non-partisan standards imposed on members of the International City Management Association as portrayed in the ICMA Code of Ethics.
- (8) He shall perform such other duties and functions as the Board of Commissioners may prescribe.

(D) ***Relationship With Other Departments.*** The superintendents or operating heads of the various town departments shall be directly responsible to the Town Manager, who in turn shall be directly responsible to the Mayor and Board of Commissioners. It is the intent of this section to establish a line of responsibility from the superintendent or operating department head through the Town Manager to the Mayor and Board of Commissioners. The Town Manager is responsible for maintaining fiscal control of the budgeted items of the various departments.

Section 3-4 Town Clerk.

(A) ***Appointment.*** The town clerk shall be appointed by the Town Manager and shall be supervised by the Town Manager in accordance with the procedures set forth in the Town Employee Handbook. *[Amended May 9, 1995]*

(B) ***Duties.*** The town clerk shall:

- (1) Give notice of meetings of the Board;
- (2) Keep a journal of the proceedings of the Board;
- (3) Have custody of the town seal;
- (4) Record in a book kept for the purpose all ordinances and resolutions;
- (5) Keep a book for recording all deeds made to the town
- (6) Be the custodian of all town records; and
- (7) Perform such other duties as are prescribed by law or by the town charter or by the Board.

Section 3-5 Town Attorney.

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(A) ***Appointment.*** The town attorney shall be appointed by the Board and shall serve at its pleasure.

(B) ***Duties.*** The town attorney shall:

- (1) Represent the town in litigation;
- (2) Advise the mayor, Board, or any other officer of the town in regard to matters connected with the town's business;
- (3) Attend meetings of the Board when requested to do so;
- (4) Draw such deeds, contracts, bonds, notes and other legal papers as may be required for the proper conduct of the town's business;
- (5) Draw all ordinances granting franchises;
- (6) Approve all ordinances as to form before their introduction; and
- (7) Perform such additional duties as the Board may prescribe from time to time.

Section 3-6 Reserved.

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Article II - Finance

Section 3-7 Finance Officer.

(A) ***Appointment.*** Unless otherwise provided by the Board, the duties of town finance officer are hereby conferred upon the town clerk.

(B) ***Duties.*** The duties of the finance officer shall be to:

(1) Keep the town's accounts in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Local Government Commission;

(2) Disburse all funds of the town in strict compliance with the Local Government Budget and Fiscal Control Act, the budget ordinance, and each project ordinance, and pre-audit obligations and disbursements as required by the Local Government Budget and Fiscal Control Act;

(3) Prepare and file with the Board a statement of the financial condition of the town whenever requested to do so by the Board;

(4) Receive and deposit all monies accruing to the town and supervise the receipt and deposit of money by other duly authorized officers or employees;

(5) Maintain all records concerning the town's bonded debt, and determine the amount of money that will be required for debt service during each fiscal year, and maintain all sinking funds;

(6) Supervise the investment of the town's idle funds; and

(7) Perform such other duties as may be assigned to him by law, the budget officer, the Board, or by rules and regulations of the Local Government Commission.

Section 3-8 Budget Officer.

(A) ***Appointment.*** Unless otherwise provided by the Board, the duties of town budget officer are hereby conferred upon the town clerk.

(B) ***Duties.*** The budget officer shall perform those duties and responsibilities assigned to him by the Local Government Budget and Fiscal Control Act (Article III of G.S. 159).

Section 3-9 Tax Collector.

(A) ***Appointment.*** At its organizational meeting the Board shall appoint a tax collector to serve for a term of two years and until his successor has been appointed and qualified. The Board may remove the tax collector under the circumstances and in accordance with the procedure specified in G.S. 105-349(a). The tax collector shall not begin his duties until he has furnished a bond in accordance with G.S. 105-349(c), nor shall he continue collecting taxes after such bond has expired without renewal.

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(B) **Duties.** In addition to other duties and responsibilities provided by law, the tax collector shall:

- (1) Employ all lawful means to collect all property, dog license, privilege, and franchise taxes with which he is charged by the Board;
- (2) Perform such duties in connection with the preparation of the tax records and tax receipts as the Board may direct under the provisions of G.S. 105-319 and G.S. 105-320;
- (3) Keep adequate records of all collections he makes;
- (4) Account for all monies coming into his hands, in such form and detail as may be required by the finance officer;
- (5) Make settlement at the times required by G.S. 105-373 and at any other times the Board may require him to do so;
- (6) Submit to the Board at each of its regular meetings a report of the amount he has collected on each year's taxes with which he is charged, the amount remaining uncollected and the steps he is taking to encourage or enforce payment of uncollected taxes.
- (7) Send bills or notices of taxes due to taxpayers if instructed to do so by the Board; and
- (8) Visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the Board.

(C) **Deputy Tax Collector.** The Board may appoint one or more deputy tax collectors. The term of office, removal procedures, and bonding requirements of such deputy tax collector shall be identical to those of the tax collector.

(D) **Oath of Office.** The tax collector and any deputy tax collector appointed shall take and subscribe the following oath and file it with the town clerk:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as (deputy) tax collector of the Town of Blowing Rock and that I will not allow my actions as tax collector to be influenced by personal or political friendships or obligations, so help me God."

Signature

Sections 3-10 and 3-11 Reserved.

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Article III - Personnel

Section 3-12 Personnel Responsibilities of Board.

(A) The Board shall, by adopting and amending the annual budget, fix or approve the schedule of pay, expense allowances, fringe benefits, and all other compensation of all town employees.

(B) The Board may also adopt rules and regulations governing all aspects of the employment relationships between the town and its employees.

Section 3-13 Personnel Officer.

(A) Unless otherwise provided by the Board, the duties of personnel officer are hereby conferred upon the town clerk.

(B) The personnel officer shall be responsible for administering any pay plan adopted by the Board, recommending to the Board the creation of new positions or the modification of the duties of existing positions and generally administering all town policies and board directives concerning personnel.

Sections 3-14 and 3-15 Reserved.

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Article IV - Public Safety

Section 3-16 Police Department.

(A) The police department shall consist of a chief of police and as many other police officers as may be provided for from time to time by the Board.

(B) As provided in Article 13 of Chapter 160A of the General Statutes, police officers shall:

(1) Take, subscribe and file with the clerk the oath of office prescribed by Article VI, Section 7 of the North Carolina Constitution;

(2) Have all the powers invested in law enforcement officers by statute or common law within the corporate limits of the town and within one mile thereof and on all property owned or leased by the town.

Section 3-17 Fire Department.

Fire fighting services are provided to the town by the Blowing Rock Volunteer Fire Department.

Sections 3-18 and 3-19 Reserved.

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Article V - Planning and Regulation of Development

Section 3-20. Building Inspections Department.

(A) There shall be a building inspections department which shall have the authority and responsibility to enforce the North Carolina State Building Code. The Building Inspections Department shall have the authority and shall follow the procedures set forth in Article 11 of NCGS 160D and Chapter 1 of the North Carolina State Building Code. From time to time the Board may make arrangements to have the functions of the Building Inspections Department performed by other than town employees, as provided in NCGS 160D-1105.

(B) In addition to the authority granted to the Building Inspections Department in subsection (A) above, the Building Inspections Department shall have the authority to enforce the provisions for swimming pools, spas, and hot tubs contained in Appendix D of Volume VII of the North Carolina State Building Code (One and Two Family Dwellings), which are hereby adopted by the Town of Blowing Rock. [Amended August 12, 1997]

Section 3-21. Permit Fees.

The Board shall establish and may revise from time to time a schedule of fees for the issuance of permits under the North Carolina State Building Code. This schedule of fees shall be maintained by and shall be available for public inspection in the Building Inspections Department. A copy of this schedule shall also be available in the office of the Town Clerk.

Section 3-22. Condemnation of Unsafe Buildings.

Buildings that appear to the Inspections Department to be especially unsafe may be condemned and the owners thereof required to take corrective action pursuant to the provisions of NCGS 160D-1119 through 160D-1125. In addition, the town may summarily abate any situation found to be dangerous or prejudicial to the public health or safety, under the authority of G.S. 160A-193 and in accordance with the procedures set forth in Chapter 11 of this code.

Section 3-23. Planning Board, Board of Adjustment, Appearance Commission.

The planning board, board of adjustment, and appearance commission are established in Chapter 16 of this code.

Sections 3-24 and 3-25 Reserved.

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Article VI - Public Works and Utilities

Section 3-26 Public Works Department.

(A) The public works department shall consist of a public works director and as many other personnel as the Board may authorize from time to time.

(B) The public works department shall have such duties and responsibilities related to streets, water and sewer lines, and other public works as the Board may assign.

Section 3-27 Water and Sewer Department.

(A) The water and sewer department shall consist of a water and sewer superintendent and as many other personnel as the Board may authorize from time to time.

(B) The water and sewer department shall operate and maintain the town water plant and the sewage treatment works and shall perform any related duties assigned to it by the Board.

Sections 3-28 and 3-29 Reserved.

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Article VII - Recreation

Section 3-30 Parks and Recreation Department.

(A) The parks and recreation department shall consist of a parks and recreation director appointed by the Board and as many other employees as the Board may authorize.

(B) The parks and recreation department shall be responsible for conducting the various recreational programs and activities run by the town and for maintaining the town's parks and recreational facilities.

[Amended May 9, 1995]

Sections 3-31 through 3-39 Reserved.

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Article VIII - Miscellaneous

Section 3-40 Oaths and Bonds of Officers and Employees.

(A) All officers and employees appointed by the Board shall serve at the pleasure of the Board except as otherwise provided by law, and shall receive for their services such compensation as may be established annually in the budget ordinance.

(B) The Board shall prescribe the required bond for each officer or employee that it deems necessary to be bonded, and no such officer or employee may begin the duties of his office until the required bond has been obtained.

(C) All town officers shall take the following oath before beginning their duties:

"I, _____, do solemnly swear (affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith and that I will faithfully discharge the duties of my office as _____, so help me God."

(D) This oath may be administered by the mayor or by any other official authorized to administer oaths by G.S. 11-7.1, and shall be subscribed and filed with the town clerk.