

GENERAL PROVISIONS OF THE CODE

The provisions in the following chapters and sections shall constitute and be designated "THE CODE OF THE TOWN OF HARMONY" and may be cited.

It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and the declaration by a court of competent jurisdiction that any section, paragraph, sentence, clause or phrase is unconstitutional shall not affect any remaining section, paragraphs, sentences, clauses, or phrases.

The repeal of an ordinance, or its expiration, shall not affect any right accrued, any offence committed, any penalty or punishment or any proceeding commenced before the repeal took effect or the ordinance expired.

Whenever in this code or in any ordinances of the Town, any act is prohibited or made or declared to be unlawful, where no specific penalty is provided therefore, the violation of the provision of the code shall be punished by a fine, not to exceed one hundred (\$100.00) dollars for each separate violation. Each day any violation of the code or of any ordinance shall continue shall constitute a separate offense.

CHAPTER 2 - ADMINISTRATION

ARTICLE 1 - BOARD OF ALDERMEN

SECTION 2.1 - Elected Officials

The Governing Body shall consist of a Mayor and a Board of Aldermen of four members, who shall be elected at large, in accordance with the applicable provisions of the Town Charter

SECTION 2.2 - Power over Employees

The Board shall have power to prescribe the duties, fix the compensation, bonds, administer oaths and cause the removal and fill vacancies of any and all employees.

SECTION 2.3 - Regular Meetings

There shall be a regular meeting of the Board, held at Town Hall at 7:00 p.m. on the first Monday of each month.

SECTION 2.4 - Adjourned Meetings

If a quorum shall fail to attend any regular or special meeting of the Board, or if for any reason such meeting shall fail to complete transaction of the business before the meeting, said meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present. A quorum shall consist of three (3) members of the governing body.

SECTION 2.5 - Order of Business

The order of business at all regular meeting shall be as follows:

- Reading of minutes of last meeting
- Correction, if any, made in same
- Reports of Committees
- Unfinished business
- Reading any communication by the Clerk
- New business

If the Board directs any matter to be the special business of a future meeting, the same shall have precedence over all other business at such meeting.

No proposition shall be entertained by the Mayor until it has been seconded, and every proposition shall, when required by the Mayor or any member, be reduced to writing.

SECTION 2.6 - Rules of Procedure

The procedure of the Board shall be governed by Robert's Rules of Order, except as otherwise provided by ordinance

SECTION 2.7 - Previous Questions

The previous question may be called at any time by a majority of the members present. The "ayes" and "nays" may be called for by any member.

SECTION 2.8 - Motions have Precedence

When a question is under consideration, no motion shall be received, except as follows:

- To lie on the table
- To postpone to a time certain
- To postpone indefinitely
- To refer to a Committee
- To amend
- To strike out or insert
- To divide

Motions for any of these purposes shall have precedence in the order named.

SECTION 2.9 - Motion to Adjourn

A motion to adjourn shall always be in order and shall be decided without debate.

SECTION 2.10 - Committees Appointed by Mayor

All Committees shall, unless otherwise ordered, be appointed by the Mayor. All reports of Committees shall be written or verbal, and Committeemen shall receive such compensation for extra and special service as the Board may designate.

SECTION 2.11 - Election

Regular municipal elections shall be held in the Town bi-annually in odd-numbered years, and shall be conducted in accordance with state law governing municipal elections. The mayor and members of the town council shall be elected by the bipartisan election and runoff election method.

At each regular municipal election in the town, a mayor shall be elected for a term of two (2) years by and from the qualified voters of the city voting at large.

At each regular municipal election in the town, there shall be elected four (4) members to the town council, to serve for terms of two (2) years each.

SECTION 2.12 - Resignation of Members

If any vacancy should occur in the office of mayor or aldermen in the town, the town council, before filling the vacancy, shall give public notice of the same in some newspaper published in the county at least fifteen (15) days before the date fixed for the filling of such vacancy. After giving this notice, the council may then proceed to fill the vacancy in accordance with state law. Resignation of any member of the Board shall be in writing.

SECTION 2.13 - Aldermen: Compensation of

The Aldermen shall be paid at the rate of \$100.00 per meeting attended. The Mayor shall receive \$150.00 per meeting attended. Mayor or Aldermen may be paid \$35.00 for any special meetings attended. Also either may be paid \$10.00 an hour for all other work done.

SECTION 2.14 - Mayor Pro Tempore

In accordance with state law, the town council shall appoint one of its members as mayor pro tempore to exercise the functions of mayor whenever the mayor is absent or unable for any reason to discharge the duties of his office.

SECTION 2.15 - Disqualifications

If any member of the Board shall move his residence from the Town, his office shall at once be declared vacant, and shall be filled at by Sec. 2.12

SECTION 2.16 - Duties of Mayor

Mayor shall preside at meeting of the town council, but he shall vote only when there is equal division upon any question before the council. He shall vote in no other case except where otherwise authorized by law, and may not vote to break a tie vote in which he participated.

ARTICLE 2 - ORDINANCES

SECTION 2.17 - Every Ordinance to be in Force; When

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

SECTION 2.18 - Ordinances Confined to one Subject

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.

SECTION 2.19 - Ordinances: Official Copy

The Code, which shall at all times be kept up to date by the Town Clerk, shall be the official Code of the Town.

SECTION 2.20 - Ordinances; Adding to; Title

Any ordinance which is proposed to add to the existing Code a new chapter, article or section shall indicate, with reference to the arrangement of the 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, the same shall be shown in concise form above the ordinance.

SECTION 2.21 - Repeal or Ordainment of Chapter, Articles or Sections

Not more than one chapter, article or section of the Code shall be amended, repealed or ordained by any one ordinance, unless such chapters, articles or sections are consecutive.

ARTICLE 3 - OFFICERS AND EMPLOYEES

SECTION 2.22 - Chief Executive of Town

The Mayor shall be chief executive official of the Town and as such shall have the powers and duties conferred upon the office of mayor under the General Statutes of North Carolina.

SECTION 2.23 – Town Clerk and Financial Officer; Appointment

At the first meeting of the Board after their election and qualification, or as soon thereafter as possible, they shall appoint a Town Clerk and a Financial Officer. Before entering upon his duties, the Town Clerk and Financial Officer shall take and subscribe to the same oath as is required for members of the Board of Aldermen.

SECTION 2.24 - Offices of Town Clerk and Financial Officer

The Town Clerk and Financial Officer shall be appointed annually by the Board.

The Town Clerk shall:

All checks shall be signed by the Mayor and countersigned by the Town Clerk
The Town Clerk shall give receipts for all monies paid to him in his capacity as Town Clerk
Shall receive payments, post payments and keep an accurate account of all sewer customers
Perform all duties assigned to him in job description at time of hiring

The Financial Officer shall:

All checks shall be signed by the Mayor and countersigned by the Financial Officer
Keep true, accurate and just books of accounts of the dealing and transactions of the town, which books shall show at all times the true condition of the said town, its resources and liabilities and the disposition and use of the monies coming under the control of the town.

Disburse funds for the various purposes of the Town only when an appropriation for such purpose has been made in the annual budget and the disbursement is authorized by the Board.

Perform all duties assigned to him in job description at time of hiring

SECTION 2.25 - Tax Collector - Duties

All taxes are collected by Iredell County Tax Department for Town

ARTICLE 4 - PERSONNEL POLICIES AND REGULATIONS

SECTION 2.74 - Demotion and Dismissal

A permanent employee whose work is not satisfactory over a period of time shall be notified as to how his work is deficient and what he must do if his work is to be satisfactory. If, after suitable notice, the permanent employee continues to be negligent or fails to do work up to the standard of the classification held, he may be demoted or dismissed by the Mayor and Board.

SECTION 2.75 - Dismissal Because of Outside Employment

The work of the Town shall have precedence over the other occupational interests of employees. All outside employment for salary, wages, or commission and all self-employment must be reported to and approved by the Mayor and Board of Aldermen. Conflicting outside employment shall be grounds for dismissal.

ARTICLE 5 - BOARDS AND COMMISSIONS

SECTION 2.80 - Zoning Board

The Town Zoning Board shall consist of five (5) member appointed by the Mayor and Board of Aldermen. Members work under the Iredell County Zoning Board under an Inter local Agreement for Implementation and Enforcement of Zoning within the Town of Harmony adopted January 4, 2010.

Amended

August 27, 2013 - Disband Harmony Zoning Board of Adjustments (Harmony Planning Board) and allow the Harmony Town Council to act as the Zoning Board of Adjustments.

November 4, 2013 - Allow Town Mayor to act as Chairperson.

SECTION 2.81- Duties of Zoning Board

Three (3) members represents quorum. Rezoning, expansion of non-conforming use, special use permit, variance, and change in non-conforming use hearing

Section 2.82- Harmony Community Center Board

The board shall be made up of local citizens. They shall operate under the approval of the Mayor and the Board of Alderman

ARTICLE 6 - PURCHASING

SECTION 2.90 - Purchasing

Before any order is given for items to be paid by the Town or any purchase made by any Town employee a purchase order must first be obtained from the Financial Officer. Any town employee purchasing goods without a purchase order from the Financial Officer will be held responsible for the cost of same.

SECTION 2.91 - Disbursement of Funds

In accordance with the Local Government Budget and Fiscal Control Act, no bill or claim against the Town may be paid unless it has been approved by the officer or employee responsible for the function or agency to which the expense is charged. No check or draft of the Town shall be valid unless it bears on its face the certificate of the Financial Officer as follows:

"This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

ARTICLE 7 - EMERGENCIES

SECTION 2.95 - Signing Checks

Mayor Pro tempore may sign checks in the absent of Mayor.

SECTION 2.96 - State of Emergency

Town of Harmony is authorized to adopt ordinances imposing restrictions and prohibitions when they declare a local state of emergency. **(G.S. 166A-8, G.S. 14-288.12, and -288.13)** These restrictions and prohibitions may be on:

1. The movements of people in public places, including directing and compelling the evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction, to prescribe routes, modes of transportation, and destinations in connection with evacuation; and to control ingress and egress of a disaster area, and the movement of persons within the area;
2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate;
3. The possession, transportation, sale, purchase, and consumption of alcoholic beverages;
4. The possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; and
5. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency. **(G.S. 14-288.12(b))**

SECTION 2.97 - Delegate of Authority

A State of Emergency may be declared by the Town of Harmony, who may also delegate its declaration authority by ordinance to the mayor. **(G.S. 14-288.1(2), (6))**