

# BOARDS, COMMISSIONS, AND DEPARTMENTS

(Am. Ord. passed 6-14-05; Am. Ord. passed 4-4-06)

## **GENERAL PROVISIONS**

### **§32.01 DEPARMENTS ENUMERATED.**

The administrative organization of the town shall be divided into the following departments:

- (A) Police Department; and
- (B) Volunteer Fire Department

## **POLICE DEPARTMENT**

### **§32.15 DEPARTMENT ESTABLISHED; COMPOSITION.**

- (A) The Town Police Department is hereby created subject to the terms, authority, and conditions set out herein.
- (B) The Police Department of the town shall consist of a Police Chief and officers, patrol officers, and police officers of designated grades as the Town Board deems necessary.

#### ***Statutory reference:***

*Municipal law enforcement, see G.S. §§160A-281 et seq.*

### **§32.16 DUTIES OF POLICE OFFICERS.**

- (A) The Police Chief and the members of the Police Department shall have the duty of enforcing all the ordinances of the town and the laws of this state within the town, and other duties as may be prescribed by ordinance.
- (B) It shall be the duty of each member of the Police Department, upon information furnished him or her, or upon his or her knowledge of any violation of the ordiances of the town or any of the laws of this state, to secure proper warrants for the arrest and trial of any and all offenders against any ordinances or laws.

### **§32.17 HIRING AND DISCHARGE OR PERSONNEL.**

The Town Board shall have the duty of hiring persons as may be necessary to man the Police Department and to provide the town with adequate police protection, together with the duty of discharging Department members.

### **§32.18 CONDITIONS OF EMPLOYMENT; REQUIREMENTS.**

- (A) *Conditions.*
  - (1) Members of the Police Department shall be appointed by the Town Board after due examination by the Board, and based upon the results of the examination.
  - (2) An appointee shall serve six months' probation.

(B) *Requirements.* Every person appointed as a law enforcement officer shall:

- (1) Be a citizen of the United States;
- (2) Be at least 21 years of age;
- (3) Be of good moral character;
- (4) Be fingerprinted and a search made of local, state, and federal fingerprint files;
- (5) Not have been convicted of a felony or offense involving moral turpitude;
- (6) Have a high school diploma or its equivalent;
- (7) Pass an examination conducted by a physician accepted or designated by the town;
- (8) Be interviewed and approved by the Board or its designee;
- (9) Pass a pre-emptive drug test;
- (10) Pass any test required for state certifications; and
- (11) Be certified in accordance with state law.

***Statutory reference:***

*Local law enforcement officers; state certification, see G.S. §§17C-1 et seq.*

**§32.19 POLICE CHIEF; POWERS AND DUTIES.**

(A) *General supervision of the Board.* The Police Chief, subject to the general supervision of the Town Board, is held responsible for the discipline, good order, and proper conduct of the Department.

(B) *Specific duties.*

- (1) The Police Chief shall command the Department under his or her order, and is responsible for its discipline and efficiency. Further, the Police Chief shall recommend to the Board the reforms and changes in the Police Department which practical experience shows should be instituted. Periodically, the Chief may be required to submit

a statement of conduct of the affairs of the Department, and shall include therein any suggestions for improvement in the service or personnel of the Department.

(2) Additional, specific functions of the Police Chief are:

- (a) To issue to the Department under his or her command those orders and directives as may be necessary to preserve the public peace, prevent crime, arrest offenders, and protect public and private property and persons in the town;
- (b) To enforce the laws, ordinances, police regulations, and executive orders applicable to his or her jurisdiction;
- (c) To suspend from duty any members of the Department for incompetence, neglect of duty, immorality, drunkenness, drinking intoxicants when on duty, or who shall be found unfit for duty when called on emergency service, or who fail to obey orders given by proper authority, and in addition for any just or reasonable cause in the judgement of the Board; and
- (d) To require the proper submission and handling of the necessary and required reports.

**§32.20 MUTUAL AID ASSISTANCE.**

(A) The Police Chief is hereby authorized to enter into mutual assistance arrangements with other municipal and county enforcement agencies provided that the head of the requesting law enforcement agency requests assistance in writing.

(B) The Police Chief is hereby authorized to permit officers of the Police Department to work temporarily with officers of the requesting agencies including in an undercover capacity, and to this extent may lend equipment and supplies.

(C) While working with the requesting agency, a police officer shall have the same jurisdiction, pow-

ers, rights, privileges, and immunities as the officers of the requesting agency.

- (D) The Police Chief is hereby further authorized to request mutual aid assistance from other law enforcement agencies in accordance with those reasonable arrangements, terms, and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

**§32.21 AUXILIARY POLICE DIVISION.**

This is to acknowledge establishment, within the town police department, an auxiliary police division. Auxiliary police officers shall be comprised of volunteers, all of whom shall serve without compensation, and composed of as many members as may, from time to time, be determined by the Town's chief of police.

***VOLUNTEER FIRE DEPARTMENT***

**§32.30 DEPARTMENT ESTABLISHED.**

There is hereby created a department known as the Town Volunteer Fire Department, the object of which shall be the prevention and extinguishment of fire and the protection of life and property within the limits of the town.

**§32.31 RULES AND REGULATIONS.**

- (A) Each member of the Department shall be issued a badge designating his or her rank.
- (B) All motor equipment of the Department shall have the right-of-way over all other traffic when responding to an alarm.
- (C) Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car.

- (D) No person shall drive any vehicle over a fire hose except upon specific orders from the Fire Chief or other officer in charge where the hose is issued.

- (E) No person shall park any vehicle within 25 feet of the entrance to any fire station or other place where fire apparatus is stored, or within 15 feet of any fire hydrant or cistern.

- (F) No person shall maliciously turn in or cause to be turned in a false fire alarm.  
Penalty, see §10.99

**§32.32 ENFORCEMENT.**

- (A) All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this subchapter.
- (B) It is hereby made the special duty of the Police Chief and other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the Volunteer Fire Department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this subchapter.

***COMBINED PLANNING BOARD AND BOARD OF ADJUSTMENT***

**§32.45 ESTABLISHMENT.**

There is hereby established a board to be known as the Cooleemee Planning Board whose jurisdiction shall include the area within the territorial jurisdiction of the Town of Cooleemee pursuant to N.C.G.S. 160A-361 and 160A-362, to perform the functions and duties prescribed in this article.

**§32.46 COMPOSITION AND TERM OF OFFICE.**

The Town Planning Board/Board of Adjustment shall consist of seven (7) regular members. The Seven (7) regular members shall reside within the corporate limits of the Town of Cooleemee and shall be appointed by the Town Commissioners. Members shall hold no other public office or position under Town government. Three (3) of the initial members of the board shall be appointed for three (3) year terms, three (3) members for two (2) year terms, and one (1) member shall serve for a one (1) year term. Their successors shall be appointed for full terms of three (3) years each. In the case of a vacancy occurring during a term, the Town Commissioners shall appoint a replacement for the unexpired portion of the term.

In cases where the Town establishes Extraterritorial Jurisdictional (ETJ) authority over a given area as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. 160A-360(b), the Town shall allow for a individual residing within the ETJ area to be appointed to act as a regular Board member in accordance with G.S. 160A-360. ETJ members to the Planning Board/Board of Adjustment shall be appointed by the board of county commissioners in accordance with North Carolina General Statutes.

The individual(s) appointed to the Board as representatives of the ETJ area shall have equal rights, privileges, and duties with the other members of the Board in all matters pertaining to the regulation of such area, both in preparation of the original regulations and in consideration of any proposed amendments to such regulations.

On all matters pertaining to the regulation of the area within the corporate limits, only those planning board members appointed by the town board of commissioners to represent the area within the corporate limits shall vote.

**§32.47 ORGANIZATION; RULES; RECORDS.**

The Board shall elect a chairman and create and fill such other offices as it may determine. The term of the chairman and other officers shall be one (1) year,

with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Board shall hold at least one (1) meeting monthly, and all of its meetings shall be open to the public.

In cases where the Board is acting as the Board of Adjustment, meetings shall be held in accordance with the provisions outlined within the Town of Cooleemee Zoning Ordinance with respect to meeting organization and operation.

For taking action on any matter pertaining to the ETJ area, there shall be present a quorum of no less than four (4) members, one of whom must be a representative from the ETJ area.

For taking action on any matter pertaining to the area within the corporate limits, there shall be present a quorum of no less than four (4) of the members appointed to represent such area.

Faithful attendance at meetings is considered a prerequisite for the maintenance of membership on the Board.

**§32.49 POWERS AND DUTIES.**

It shall be the duty of the Town of Cooleemee Planning Board to view and recommend plans to bring about a coordinated and harmonious development of the area. The Town of Cooleemee Planning Board is hereby designated as the Planning Agency for the preparation of a Zoning Plan for the Town of Cooleemee under the authority of N.C.G.S Chapter 160A-387. In addition, the Planning Board is empowered to:

- (A) Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;
- (B) To identify needs and problems growing out of those conditions;
- (C) To prepare, and from time to time amend and revise, a comprehensive and coordinated plan for

the physical development of the area;

- (D) To establish principles and policies for guiding action in the development of the area;
- (E) To prepare and recommend to the board of commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;
- (F) To determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan for the growth and improvement of the area;
- (G) To keep the board of commissioners and the general public informed and advised as to these matters; and
- (H) To perform any other duties that may lawfully be assigned to it.

**§32.50 ZONING AMENDMENTS.**

- (A) The planning board shall prepare and submit to the board of commissioners for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of G.S. 160A-360 et seq.
- (B) The planning board may initiate from time to time proposals for amendment of the zoning ordinance and map, based upon its studies and plans. In addition, it shall review and make recommendations to the board of commissioners concerning all proposed amendments to the zoning ordinance and map.
- (C) The Planning Board shall serve as a Board of Adjustment under the zoning ordinance, hear appeals, interpret the ordinance, issue or deny special use permits and/or conditional use permits, and grant variances in accordance with the requirements established for the Board of Adjustment under the Town of Cooleemee Zoning Ordinance.

**§32.51 SUBDIVISION REGULATIONS.**

- (A) The Planning Board shall prepare and submit to the Town of Cooleemee Board of Commissioners for its consideration and possible adoption regulations controlling the subdivision of land in accordance with the provisions of Part Two (2) Article Nineteen (19) of Chapter 160A of the North Carolina General Statutes as amended. It shall review, from time to time, the effectiveness of such regulations and may make proposals to the Town Board of Commissioners for amendment of other improvement of those regulations and their enforcement.
- (B) In accordance with the provisions of any regulations that are adopted, the Planning Board may review subdivision plats that are submitted and (a) make recommendations to the Town Commissioners concerning such plats or (b) approve them, approve them subject to conditions, or deny approval for a submitted plat.

**§32.52 MISCELLANEOUS POWERS AND DUTIES.**

- (A) The planning board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plans. Before recommending any such plans to the board of commissioners, the planning board shall hold at least one (1) public hearing thereon.
- (B) The planning board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

**§32.53 THE PLANNING BOARD FUNCTION AS THE ZONING BOARD OF ADJUSTMENT.**

The Zoning Board of Adjustment is charged with hearing appeals from the Zoning Administrators decisions, granting in specified circumstances special exceptions, special use permits, or conditional use permits under the rezoning ordinance, and issuing variances under the zoning ordinance, all pursuant to provisions of Part Three (3) of Article Nineteen (19) of Chapter 160A of the North Carolina General Statutes and the Town of Cooleemee Zoning Ordinance.

**§32.54 CONFLICTS.**

That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

**§32.55 VALIDITY.**

That should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance in its entirety or any part thereof other than the part so declared to be unconstitutional or invalid.

**§32.56 EFFECTIVE DATE.**

That this chapter shall be effective from and after its passage the 15th day of June 2004.

(Amended Ord. Passed: 4-04-06)