



TOWN OF KNIGHTDALE

950 Steeple Square Court
Knightdale, NC 27545
KnightdaleNC.gov

ORDINANCE #20-12-16-003 AN ORDINANCE AMENDING THE TOWN OF KNIGHTDALE CODE OF ORDINANCES

WHEREAS, Town staff, along with American Legal Publishing Corporation, recently completed a thorough review of the Town of Knightdale Code of Ordinances; and

WHEREAS, N.C General Statute gives Town Council the authority to adopt, repeal, and replace ordinances; and

WHEREAS, Section 1.04 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*The Mayor, members of the Town Council, members of the Land Use Review Board, the Town Manager, Assistant Town Manager, department heads, and Town Attorney shall file with the Town Clerk on the first day of ~~February~~ **March** of each year a statement containing the following information:*

(a) The identity, by name and address, of any business entity of which he or any member of his immediate household is an owner (as defined in subsections 1.02(a)—(e)). Additionally, the Town official and spouse shall give the name of their employer or, if self-employed, state the nature of their work.

(b) The identity, by location and address, of all real property located in Wake County owned by the Town official or any member of his immediate household, including an option to purchase, or a lease for ten (10) years or more other than his personal residence.

The statements required by this action shall be filed on a form prescribed by the Town Clerk and are public records available for inspection and copying by any person during normal business hours. The Town Clerk is authorized to establish and charge reasonable fees for the copying of statements.

WHEREAS, Section 10.99 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) In accordance with G.S. 160A-175, violation of any provision hereof shall be a misdemeanor as provided in G.S. 14-4, punishable on conviction by a fine ~~not exceeding sixty dollars (\$60.00)~~ or imprisonment ~~not exceeding thirty (30) days~~. An ordinance may provide by express statement that the maximum fine or term of imprisonment to be imposed for its violation shall be some figure or number of days less than the maximum penalties prescribed by G.S. 14-4.

(b) An ordinance contained herein may provide for its enforcement by other remedies, as authorized in G.S. 160A-175, including the imposition of civil fines, the ordering of specific equitable relief, including injunctions, or a combination of remedies. In addition, any ordinance contained herein may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(c) An ordinance may provide, when appropriate, that each day's continuing violation shall be a separate and distinct offense.

WHEREAS, Section 20.04 of the Town of Knightdale Code of Ordinances is hereby repealed.

~~At the first meeting after their election, the Council shall select one of their number to act as Mayor Pro Tem. The Mayor Pro Tem shall have no fixed term of office, but as such, shall perform, all the duties of the Mayor in the Mayor's absence or disability.~~

WHEREAS, Section 20.15 of the Town of Knightdale Code of Ordinances is hereby repealed.

~~The regular meetings of the Council shall be held on the first Monday of each month at 7:00 p.m. at the Town hall, unless otherwise designated by the Council.~~

WHEREAS, Section 20.30 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The council shall hold a regular meeting on the first Monday and third Wednesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meetings shall be held at the Knightdale Town Hall ~~and shall begin at 7:00 p.m.~~ **and** a copy of the council's current meeting schedule shall be filed with the town clerk.

WHEREAS, Section 20.31 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Special meetings. The mayor, the mayor pro tempore, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight (48) hours before a special meeting called in this matter, written notice of the meeting stating its time and place and the subjects to be considered shall be:

- (1) Delivered to the mayor and each council member ~~of left at his or her usual dwelling place;~~
- (2) Posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and
- (3) ~~Mailed or~~ **delivered** to each ~~newspaper, wire service, radio station, television station~~ **media outlet** and person who has filed a written request for notice with the ~~town~~ **city** clerk.

Only those items of business specified in the notice may be transacted at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) hours before a special meeting called in this manner, notice of the time, place and purpose of the meeting shall be:

- (1) Posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and
- (2) Mailed or ~~delivered~~ **delivered** to each newspaper, wire service, radio station, television station and person who has filed a written request for notice with the town clerk.

Such notice shall also be ~~mailed or~~ delivered at least forty-eight (48) hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.

(b) *Emergency meetings.* The mayor, the mayor pro tempore, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member ~~or left at his or her usual dwelling place~~ at least six (6) hours before the meeting. Notice of the meeting shall be given to each ~~local newspaper, local wire service, local radio station and local television station~~ **media outlet** that has filed a written emergency meeting notice request, ~~which includes the newspaper's wire service's or station's telephone number,~~ with the town clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members, ~~and shall be given at the expense of the party notified.~~ Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the city council. Only business connected with the emergency may be considered at an emergency meeting.

(c) *Adjourned meetings.* A properly called regular, special or emergency meeting may be adjourned by a procedural motion made and adopted as provided in section 20.45 in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned session of a properly called regular, special, or emergency meeting.

WHEREAS, Section 20.32 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first **order** of business. As the second order of business, the council shall elect a mayor pro tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with ~~Subchapter IX of Chapter 163 of the N.C. General Statutes~~ **N.C. General Statute.***

WHEREAS, Section 20.34 of the Town Knightdale Code of Ordinances is hereby amended to read as follows:

*Any individual or group who wishes to address the council shall make a request to be on the agenda to the town clerk. ~~or chief administrative officer.~~ The council shall will determine what items to include on the agenda. ~~when it adopts its agenda for the meeting whether it will hear the individual or group.~~ **In addition, the Council holds a public comment period at every Regular Meeting in which members of the public may sign up to speak.***

WHEREAS, Section 20.35 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:*

Welcome

Invocation

Item I.	Adoption of Agenda
Item II.	Presentations, Recognitions, Awards
Item III.	Public Comment
Item IV.	Consent Agenda
Item V.	Joint Public Hearings
Item VI.	Public Hearings
Item VII.	Set Public Hearings
Item VIII.	Old Business
Item IX.	New Business
Item X.	Administrative Reports
Item XI.	Committee Advisory Board Reports
Item XII.	Other Items
Item XIII.	Adjournment

(b) The Mayor or a majority of the Town Council may bring an item for consideration out of order to accommodate members of the public or visitors.

(c) For items grouped together under Item IV, Consent Agenda, Council may vote for these items as a group, with one (1) motion to approve the lot. Any member of the Council may remove any such item for discussion and a separate vote by so stating their desire to do so.

WHEREAS, Section 20.36 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The mayor shall preside at all meetings of the council but shall have the right to vote only when there is a tie. The mayor shall have the following powers:

- (1) *To recognize a council member in order for the member to address the council or to make a motion.*
- (2) *To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes.*
- (3) *To determine whether a speaker has gone beyond reasonable standards of courtesy in their remarks and to entertain and rule on objections from other members on this ground.*
- (4) *To refer ~~answer and~~ questions of parliamentary procedure to town attorney.*
- (5) *To entertain a brief recess at any time.*
- (6) *To adjourn in an emergency.*
- (7) *Majority of council can overrule chair in regard to the above items (1) to (6).*

WHEREAS, Section 20.37 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

At the first meeting after their election, the Council shall select a mayor pro tempore. The mayor pro tempore shall have no fixed term of office, but as such, shall perform all the duties of the mayor in the mayor's absence or disability. ~~At the organizational meeting, the council shall elect from among its members a major pro tempore to serve at the council's pleasure.~~ A council member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a council member for all purposes, including the determination of whether a quorum is present. ~~In the mayor's absence, the~~

~~council may confer on the mayor pro tempore any of the mayor's powers and duties.~~ If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare ~~that~~ the mayor ~~is~~ incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the council concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting

WHEREAS, Section 20.43 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

A motion shall be adopted by a majority of votes in the affirmative ~~by a show of hands~~, a quorum being present, unless otherwise required by these rules or the laws of the state.

WHEREAS, Section 20.47 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

A motion may be withdrawn by the introducer at any time before a vote.

WHEREAS, Section 20.51 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Notwithstanding the provisions of any city charter, general law or local act:

(1) Any action with respect to the adoption or amendments of the budget ordinance may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;

(2) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and

(3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

(b) During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as:

(1) Each member of the board has actual notice of each special meeting called for the purpose of considering the budget; and

(2) No business other than consideration of the budget is taken up.

This rule does not allow, and may not be construed to allow, the holding of closed meetings or ~~executive~~ closed sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

WHEREAS, Section 20.52 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) The council may hold ~~executive~~ closed sessions as provided by law. The council shall only commence ~~an executive~~ closed session after a motion to go into ~~executive~~ closed session has been made

and adopted during an open meeting. The motion shall state the general purpose of the ~~executive~~ **closed** session and must be approved by the vote of a majority of those present and voting. The council shall terminate the ~~executive~~ **closed** session by a majority vote.

(b) Only those actions specifically authorized by statute may be taken in ~~executive~~ **closed** session. A motion to adjourn or recess shall not be in order during an ~~executive~~ **closed** session.

WHEREAS, Section 20.54 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

~~(Planning department working on these procedures.)~~ **Meetings of the Knightdale Town Council typically include a segment dedicated to public hearings as required by North Carolina General Statute. The purpose of a public hearing is for members of the public to make their views known on the subject matter of the hearing. After staff introduces the case, all speakers should address their comments to the Town Council who can use the information in their deliberations on the case.**

WHEREAS, Section 20.56 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Summarized and accurate minutes of the council proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes, and on the request of any member of the council, the "aye's and "no's upon any question shall be taken. ~~Audio and video tapes available upon request.~~

(b) Summarized and accurate minutes shall be kept of all actions taken during ~~executive~~ **closed** sessions. Minutes and other records of an ~~executive~~ **closed** session may be withheld from public inspection so long as public inspection would frustrate the purpose of the ~~executive~~ **closed** session.

WHEREAS, Section 20.57 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) All appointments made by the council shall be made in open session. The council or a committee of the council may consider, but not make, an appointment to another body in ~~executive~~ **closed** session, if it follows the requirements set out in the following paragraph. The council may not consider or fill a vacancy among its own membership, except in an open meeting.

(b) If the council or a committee of the council considers an appointment to another body in ~~executive~~ **closed** session as permitted by Section 143-318.11 ~~(a)(8)~~ of the N.C. General Statutes, the council shall, prior to making the appointment, present at an open meeting a written list of the persons then being considered for the appointment, and on the same day shall make the list available for public inspection in the office of the town clerk. The council shall not make the appointment in such a case before the seventh day after the day on which the list was presented.

(c) The council shall use the following procedure to make appointments to various subordinate boards and offices: All interested parties shall complete a standard application and submit completed application to office of town clerk. After review by the town council of the applications received, the mayor shall open the floor for discussion of applications received whereupon nominations will then be obtained. The names shall then be debated. When the debate ends, the mayor shall call the roll of the members, and each member shall cast his or her vote.

WHEREAS, Section 20.75 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Creation.* There is hereby created a Public Safety Advisory Board for the Town of Knightdale.

(b) *Purpose.* The Knightdale Public Safety Advisory Board (hereafter, the Board) serves in an advisory capacity to the Knightdale Town Council on issues relating to the welfare and protection of the general public and property in Knightdale. This Board is established to augment the Town's prevention and protection efforts of the public from dangers affecting safety, such as crimes or disasters. The Board shall serve as a liaison between the Police Department, Fire Department, Town Manager, Town Council, and citizens of the community.

(c) *Roles and Responsibilities.* The Board shall assume the following roles and responsibilities:

(1) *Recommend public safety policies for Knightdale in the areas of Police, Fire, and Emergency Management Services;*

(2) *Provide recommendations on the development, planning, maintenance, and operation of existing and future public safety facilities that are owned, operated, or planned by the Town of Knightdale;*

(3) *Promote educational, outreach activities to increase public safety awareness;*

(4) *Encourage intergovernmental relations in Wake County in an effort to increase public safety effectiveness;*

(5) *Provide insight on policies and practices that aim to promote the Knightdale Police and Fire Departments' missions to create lasting community partnerships;*

(6) *Offer recommendations to the Police Chief, Fire Chief, and Town Manager with regard to services and practices that impact the community;*

(7) *Serve as liaisons to enhance community and police relations;*

(8) *Assist with the review of the Police Department's Citizen Police Academy curriculum;*

(9) *Review and provide feedback on quarterly and annual professional standards reports.*

(d) *Membership.* The Board shall be composed as follows:

(1) *Voting.* The Board shall be composed of five (5) voting members appointed by the Town Council.

(2) *Ex-Officio.* The Mayor shall appoint two (2) ex-officio representatives from the Town Council to serve on the Board.

a. *The ex officio members will not have a vote on items coming before the Board.*

b. *The Mayor shall make ex-officio appointments annually at the ~~January~~ **December** Regular Meeting of the Town Council.*

(3) *Staff Support.* The Police Chief, Fire Chief, and Town Manager will serve as staff support to the Board. Town staff will prepare and distribute the agenda, take minutes, and record attendance.

(e) *Terms of Office.* The terms of office for all voting members shall be on a two (2) year staggered basis.

(1) *All terms **for voting members** will begin on March 1 of the year appointed.*

(2) *All members shall hold their positions until their successors are appointed by the Knightdale Town Council unless they are removed from the Board or they resign.*

(f) *Compensation.* Members of the Board shall serve without compensation.

(g) *Officers.* The Board shall elect from its membership its officers annually at its first regularly scheduled meeting following the annual appointment of members for a term of office of one (1) year. The following officers shall be elected to ensure the orderly conduct of business: Chair and Vice-Chair. All officers shall hold their positions until their successors are elected.

(h) *Meetings, Establishment of a Quorum.* The Board shall meet bi-monthly on a regularly scheduled basis.

(1) *A quorum shall consist of a majority of the voting members. A quorum must be established before any official action can be taken. Official action shall be approved by a simple majority.*

(2) *The Chairman may authorize the calling of a special meeting or cancellation of a meeting as needed.*

(3) *All meetings will operate in accordance with the North Carolina General Statutes' open meetings law.*

(4) *The Board shall not establish a subcommittee without prior approval from the Town Council.*

(i) *Acceptance of Grants, Gifts, Etc. The Board may recommend to the Town Council the acceptance of any grant, gift, bequest, or donation of any personal or real property offered or made for public safety purposes.*

(j) *Code of Ethics. All voting members of the Board shall sign an Advisory Board Code of Ethics Statement at their first meeting upon appointment. All members are expected to serve as ambassadors for Knightdale supporting the Town Council, Town Staff and all programs and initiatives of the Town.*

(k) *Authorized Spokesperson. The Chair is authorized to serve as the spokesperson for the Board to the Town Council. Only the Town Council or Town Manager (or his designee) are authorized to speak on behalf of the Town.*

(l) *Conflict of Interest. The Board shall operate in compliance with North Carolina's Conflict of Interest laws.*

(m) *Limitations of Power, Removal. The Board is not authorized by the Town Council to operate outside the scope of authority granted under this Ordinance.*

(1) *All voting members are subject to removal by the Knightdale Town Council in their sole discretion.*

(2) *The Board may recommend to the Town Council the member(s) to be removed.*

a. *Recommendations shall be made in writing and include specific reasons for removal.*

b. *The Board may make removal recommendations with a three-fourths majority approval of all voting members.*

(3) *Members of the Board who miss more than three (3) meetings within twelve (12) months may be recommended for removal.*

WHEREAS, Section 20.76 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Creation. There is hereby created a Parks and Recreation Advisory Board for the Town of Knightdale.*

(b) *Purpose. The Knightdale Parks and Recreation Advisory Board (hereafter, the Board) serves in an advisory capacity to the Knightdale Town Council on issues relating to the planning and coordination of recreational and cultural programs, parks, special events, and other leisure activities for the citizens of Knightdale. The Board shall serve as a liaison between the Parks, Recreation, and Cultural Programs Department, Town Manager, Town Council, and citizens of the community.*

(c) *Roles and Responsibilities. The Board shall assume the following roles and responsibilities:*

(1) *Provide recommendations on the development, planning, maintenance, and operation of existing and future public parks, playgrounds, athletic fields, recreation centers, greenways, and other recreation facilities that are owned, operated, or planned by the Town of Knightdale;*

(2) Recommend priorities for the programs and facilities in order to assist the Parks, Recreation, and Cultural Programs Director in preparing and submitting an annual operating and capital budget to the Town Manager;

(3) Investigate and determine the needs and interests of the community for recreational and cultural programs and facilities and make recommendations to meet those needs;

(4) Promote a policy of recreational and cultural programs consistent with community needs and the Town of Knightdale's budget;

(5) Promote a policy of providing recreational and cultural programs for all stakeholders regardless of age, gender, or physical ability to the extent it is practical;

(6) Serve as volunteers for all Knightdale special events.

(7) Recommend programming policies to the Parks, Recreation, and Cultural Programs Director, Town Manager, and Town Council.

(d) Membership. The Board shall be composed as follows:

(1) Voting. The Board shall be composed of five (5) voting members appointed by the Town Council.

(2) Ex-officio. The Mayor shall appoint two (2) ex-officio representatives from the Town Council to serve on the Board.

a. The ex officio members will not have a vote on items coming before the Board.

b. The Mayor shall make ex-officio appointments annually at the ~~January~~ **December** Regular Meeting of the Town Council.

(3) Staff Support. The Town Manager and Parks, Recreation and Cultural Programs Director will serve as staff support to the Board. The Knightdale Parks, Recreation and Cultural Programs Department will prepare and distribute the agenda, take minutes, and record attendance.

(e) Terms of office. The terms of office for all voting members shall be on a two-year staggered basis.

(1) All terms **for voting members** will begin on ~~February~~ **March** 1 of the year appointed.

(2) All members shall hold their positions until their successors are appointed by the Knightdale Town Council unless they are removed from the Board or they resign.

(f) Compensation. Members of the Board shall serve without compensation.

(g) Officers. The Board shall elect from its membership its officers annually at its **first regularly scheduled meeting following the annual appointment of members** ~~February meeting~~ for a term of office of one year. The following officers shall be elected to ensure the orderly conduct of business: Chair **and** Vice-Chair ~~and Secretary~~. All officers shall hold their positions until their successors are elected.

(h) Meetings, ~~e~~Establishment of a **q**Quorum. The Board shall meet monthly on a regularly scheduled basis.

(1) A quorum shall consist of a majority of the voting members. A quorum must be established before any official action can be taken. Official action shall be approved by a simple majority.

(2) The Chairman may authorize the calling of a special meeting or cancellation of a meeting as needed.

(3) All meetings will operate in accordance with the North Carolina General Statutes open meetings law.

(4) The Board shall not establish a subcommittee without prior approval from the Town Council.

(i) Acceptance of **g**Grants, **g**Gifts, **e**Etc. The Board may recommend to the Town Council the acceptance of any grant, gift, bequest, or donation of any personal or real property offered or made for public recreational purposes.

(j) Code of **e**Ethics. All voting members of the Board shall sign an Advisory Board Code of Ethics Statement at their first meeting upon appointment. All members are expected to serve as ambassadors for Knightdale supporting the Town Council, Town Staff and all programs and initiatives of the town.

(k) Authorized **s**Spokesperson. The Chair is authorized to serve as the spokesperson for the Board to the Town Council. Only the Town Council or Town Manager (or his designee) are authorized to speak on behalf of the town.

(l) Conflict of **i**Interest. The Board shall operate in compliance with North Carolina's conflict of interest laws.

(m) Limitations of **p**Power, **r**Removal. The Board is not authorized by the Town Council to operate outside the scope of authority granted under this chapter.

(1) All voting members are subject to removal by the Knightdale Town Council in their sole discretion.

(2) The Board may recommend to the Town Council the member(s) to be removed.

a. Recommendations shall be made in writing and include specific reasons for removal.

b. The Board may make removal recommendations with a three-fourths majority approval of all voting members.

(3) Members of the Board who miss more than three meetings within 12 months may be recommended for removal.

WHEREAS, Chapter 20 of the Knightdale Code of Ordinances is hereby amended by adding a section to be numbered 20.77, which section reads as follows:

The Town has established a Land Use Review Board whose rules, procedures, duties and responsibilities can be found in the Town of Knightdale Unified Development Ordinance.

WHEREAS, Section 21.02 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The Council shall appoint a Town Attorney whose duties shall be to:

(a) Prosecute or defend any and all suits or actions at law or equity to which the Town may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Town, or in the capacity of the person as an officer of the Town:

(b) See to the full enforcement of all judgments or decrees rendered or entered in favor of the Town;

(c) See to the completion of all special assessment proceedings and condemnation proceedings;

(d) Draft or review any contract, lease, or other document or instrument to which the Town may be a party, and approve all ordinances **and resolutions** of the Council as to form;

(e) At the request of the Council, draft ordinances covering any subjects within the power of the Town;

(f) Attend meetings of the Council on request; and

(g) Perform any other duties required **of him** by G.S. 160A-173 and other laws and ordinances.

WHEREAS, Section 21.05 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) The Council shall appoint a Town Manager to serve at its pleasure. The manager shall be appointed solely on the basis of his executive and administrative qualifications. ~~He and~~ need not be a resident of the city or state at the time of his appointment. The office of Town Manager is hereby declared to be an office that may be held concurrently with other appointive (but not elective) offices pursuant to Article VI, Sec. 9, of the Constitution (G.S. 160A-147).

(b) The Town Manager shall be the Chief Administrator of the Town. ~~He and~~ shall be responsible to the Council for administering all municipal affairs placed in his/her charge by them, and shall have the following powers and duties:

(1) ~~He shall~~ **A**ppoint and suspend or remove all Town officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the Council may adopt.

(2) ~~He shall~~ **D**irect and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Council, except as otherwise provided by law.

(3) ~~He shall~~ **A**ttend all meetings of the Council and recommend any measures ~~that he deemed~~ expedient.

(4) ~~He shall~~ **S**ee that all laws of the state, the Town charter, and the ordinances, resolutions, and regulations of the Council are faithfully executed within the Town.

(5) ~~He shall~~ **P**repare and submit the annual budget and capital program to the Council.

(6) ~~He shall~~ **A**nnually submit to the Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year.

(7) ~~He shall~~ **M**ake any other reports that the Council may require concerning the operations of Town departments, offices, and agencies subject to his direction and control.

(8) ~~He shall~~ **P**erform any other duties that may be required or authorized by the Council. (G.S. 160A-148)

WHEREAS, Section 22.01 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) 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 ~~clerk~~ **Finance Director or designee** as follows: "This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act."

(b) No contract, agreement, or purchase order shall be valid unless it bears the ~~clerk's~~ **Finance Director or designee's** certificate as follows: "This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

WHEREAS, Section 30.07 of the Town of Knightdale Code of Ordinances is hereby repealed.

~~(1) There is hereby established within the Town of Knightdale Police Department, as a division thereof, an Auxiliary Police Division. The Auxiliary Police Division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the Chief of Police and approved by the Town Manager. The duties of the Auxiliary Division shall be established by departmental policy by the Chief of Police.~~

~~(2) Town of Knightdale Auxiliary Law Enforcement Personnel who are injured while undergoing official training or while performing official law enforcement duties on behalf of the Town of Knightdale~~

~~pursuant to orders or instructions of the Chief of Police of the Town of Knightdale shall be entitled to benefits as provided by the North Carolina Workers' Compensation Act.~~

~~(3) Nothing in this section prohibits the Town from asserting a defense or from entering into negotiations with any party.~~

WHEREAS, Section 31.10 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The Town adopted the 2006 North Carolina State Building Code (Fire Code), the source being from the International Code Council with North Carolina Amendments including the following appendixes:

- B. Fire-Flow Requirements for Buildings.*
- C. Fire Hydrant Locations and Distribution.*
- D. Fire Apparatus Access Roads.*
- E. Hazard Categories.*
- F. Hazard Rankings.*
- G. Cryogenic Fluids—Weight and Volume Equivalents.*

*To the extent the North Carolina State Building Code (Fire Code) is hereafter amended and such amendment is inconsistent with the 2006 edition hereby adopted, section 31.10 of the Knightdale Code of Ordinance[s] ~~shall be~~ **is** automatically amended in accordance with such State Fire Code amendments. A copy of the code in its entirety shall be maintained in the office of the Town Clerk.*

WHEREAS, Section 31.11 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*The code hereby adopted shall be enforced by the Chief of the Fire Department **or his or her designee.***

WHEREAS, Section 32.03(h) of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(h) Except as provided in subsection (e)1, any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction by a fine ~~not exceeding five hundred dollars (\$500.00)~~ and or imprisonment ~~not exceeding thirty (30) days~~, as provided by G.S. 14-4.

WHEREAS, Section 40.17 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*When any part of any street, sidewalk, alley, or other public place of the Town shall be torn or dug up for any purpose, the person making the excavation or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications of the Town, **including inspections required prior to backfill or placing lifts of asphalt.***

WHEREAS, Section 40.19 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*Sec. 40.19. - Streets not to be damaged by ~~tractors or harrows.~~ **equipment.***

*(a) It shall be unlawful for any person, firm, or corporation to ~~drag, or run or cause to be dragged or run any harrow or other implement~~ **operate heavy equipment**, engine, machine, or tool on any asphalt*

or other type of permanently paved street of the Town which shall be likely in any way to injure or cut the surface thereof.

(b) Any person violating division (a) shall be liable to the Town for the cost of repairing any and all damage caused.

WHEREAS, Section 40.20 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

No sidewalk of any description shall be built by any individual, firm, or corporation of any brick, wood, or other material without a written permit **and associated inspections** from the Town.

WHEREAS, Section 40.24 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(1) *Purpose.* This section is enacted to protect, preserve, and promote the health, safety, and welfare of the citizens of Knightdale through collection of fees from properties specially benefited by public roadway and/or drainage infrastructure improvements for which Knightdale is financially responsible, in whole or in part.

(2) *Definitions.* The following words in this section are defined for this subdivision as follows, unless the contrary clearly appears from the context:

Capital costs shall mean costs spent for developing new road or public storm drainage projects or road or public storm drainage improvements. Capital costs for land acquisition, design, and construction shall broadly include all costs associated with the project undertaken at the same time as the construction or improvement of the roadway or storm drainage system as determined by the Council, including, but not limited to, sidewalks, curbs, gutters, walking or bike paths, and utilities customarily included within or appurtenant to roadways.

Developer shall mean an individual, corporation, partnership, organization, association, firm, political subdivision, or other legal entity constructing or creating new construction.

New construction shall mean any development, construction, or installation that results in improvement of real property or which requires a building permit. This term shall include the installation of a mobile home and factory-built or modular housing. This term shall not include fences, billboards, poles, pipelines, transmission lines, advertising signs, or similar structures generating the need for additional or expanded road or drainage projects upon completion of the new construction.

Road or drainage project shall mean road or public storm drainage improvements provided or established by the Town or in conjunction with other units of government which are required in addition to those required by the subdivision regulations.

Road or drainage project fee shall mean the charge imposed upon new construction pursuant to the grant of regulatory authority contained herein.

Town or Knightdale shall mean the Town of Knightdale.

Town Council or Board shall mean duly elected Town Council and any successor governing body.

(3) *Authorization of fees.*

(a) The Town is authorized to establish and collect road ~~or~~ drainage, or **stormwater** fees on all new construction located within the Town's corporate limits and/or within the boundaries of any extraterritorial planning area established by the Town pursuant to G.S. 160A-360 or any other law. Such fees shall be in addition to all other charges prescribed by ordinance, or resolution now or hereafter in effect.

(b) The Town Council may adopt such rules and regulations as it deems necessary or convenient to effectuate the purposes of this article, and such rules and regulations shall apply both within the City and its extraterritorial jurisdiction planning area.

(c) A road or drainage project fee shall be enacted only after the Town Council receives a report containing: (i) a description of the anticipated capital costs to the Town of the road or drainage project contemplated; (ii) a description of the relevant characteristics of construction which gave rise to additional or expanded road and drainage projects, such as population, trip generation, stormwater runoff, and flow characteristics, if such information has not been provided previously; and (iii) a plan for providing one (1) or more road or drainage projects or a plan showing the improvements provided.

(d) Such fees shall be authorized following a public hearing before the Town Council. All affected property owners shall be notified of the time, place, and purpose of the public hearing at least two (2) weeks in advance of the hearing. Following the public hearing, the Council shall set the amount or percentage of the fees attributable to each subject property and the time for payment of all fees.

(4) Collection of fees.

(a) The fees collected by the Town pursuant to this section shall be kept separate from other revenue of the Town in a designated account. ~~There shall be a~~ **called** Road and Drainage Project Fee ~~Trust Account created for this purpose.~~ All road and drainage project fees collected by the Town shall be ~~transferred for deposit in that trust account.~~ **maintained and used for its intended purpose.**

(b) The amount of each fee imposed and collection hereunder shall be based upon reasonable and uniform considerations of capital costs to be incurred by the Town as a result of new construction and shall bear a reasonable relationship to such costs. Such fee shall be based upon reasonable classifications and rates which shall be uniformly applied to all members of a class; however, the fees may differ within zones which may be established depending on the special needs and costs of road and drainage projects in such zones.

(c) To the extent that the developer installs and dedicates road or drainage projects, which ultimately become the property of the Town or another unit of government, the fee shall be reduced by an amount equal to the value of the improvements or dedications if not paid for by the Town; provided that, if the Town is responsible for reimbursement of the developer, either in whole or in part, such reimbursement amount shall be considered in all respects as if the Town paid such amount to construct such road or drainage improvement.

(d) Any funds on deposit not immediately necessary for expenditure shall be invested as allowed in G.S. 159-30 for other public monies. All income so derived shall be deposited into the applicable trust account.

(5) Use of fees. Funds expended from the road and drainage project fee trust account shall be made for no other purpose than a road or drainage project undertaken by the Town (including projects for which the Town has a reimbursement obligation), or by the Town in conjunction with other units of government. Expenditures from such ~~trust~~ fund for any one (1) road or drainage project shall not exceed fifty (50) percent of the capital costs of such individual project.

(6) Supplemental power. The fees authorized by this article are additional and supplemental to, and not in substitution of, any other provision permitting collection of fees, assessments, fees in lieu of assessment, fees in lieu of construction, or other amounts by the Town related to the development of land or the issuance or approval of any subdivision, site plan, plat, other development plan, building permit, Town permit, certificate of compliance, or certificate of occupancy. The fees authorized herein are intended to be consistent with and to further the goals of the Town's policies, ordinances, and resolutions. Assessments, charges, fees, or rates authorized by any other general or local law are not affected by this article.

WHEREAS, Section 40.31 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

As part of the general authority granted by ~~G.S. 160A, Article 19~~ **General Statute**, the road naming and addressing policies set forth in this article shall be applicable to all of the incorporated areas of the Town and the area under the Town's extraterritorial planning and zoning jurisdiction.

WHEREAS, Section 41.05 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The occupant of every building or premises where garbage and refuse does or may exist shall use a container or dumpster approved by the Public Works Director and in accordance with ~~Chapter 4.5 of the Knightdale Unified Development Ordinance~~ (NOTE: Private haulers contracted by the Town of Knightdale may require container specifications).

WHEREAS, Section 41.09 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Yard waste will be collected separately from other solid waste according to a schedule or program devised by the Town of Knightdale. Yard waste is prohibited from being placed in the solid waste collection containers described in section 41.02 above.*

(b) *Yard waste shall be prepared in the following manner: Limbs shall not exceed ~~six (6)~~ **eight (8)** inches in diameter and ~~ten (10)~~ **eight (8)** feet in length. Stumps ~~shall not exceed three (3) feet in diameter~~ **are not accepted**. Grass clippings must be in clear plastic bags or approved containers. Leaves must be loose in a pile, **and only during specified leaf season**. ~~Materials shall be placed in neat piles located in the yard abutting the street so that it may be easily loaded.~~ **Residents must follow all guidelines as specified on the Town's website**. No contractor generated yard waste or yard waste originating from off of the property will be collected by the Town of Knightdale. No collection shall be made from vacant lots.*

WHEREAS, Chapter 60 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*Chapter 60. Solicitation **and** Peddlers, ~~and Begging~~*

WHEREAS, Section 60.02 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *No persons shall approach or solicit any motor vehicle, business, subdivision, or private place of residence with the intent to engage in peddling, sales, promotion, or demonstrations without issuance of a permit. Permits are issued after the Police Department gives preliminary approval, the Finance Department then receives payment, and Police Department then gives final approval. The issuance of a permit is contingent upon the applicant providing the following information:*

- (1) *Name, phone number, and address of applicant;*
- (2) *The goods or services being sold or rendered;*
- (3) *Description of any automobile or vehicle to be used in activities approved by the permit or license, including make, model, body style, color, and license plate number.*

(b) *Applicants will also be subject to a limited background check, warrant repository check, and sex offender registry check by the Police Department before permit approval. Applicants understand this check is limited to determining their eligibility to receive a peddler/solicitor's permit.*

(c) Issued permits will be valid for three (3) days after the day of issuance and will be in effect from 8:00 a.m. to 8:00 p.m.; each applicant will be charged a fee ~~of twenty five dollars (\$25.00)~~ for each person engaged in the designated parameters of the approved permit. Those engaged with activities under the approved permit will also wear reflective clothing. **The solicitor's permit fee will be established annually with the adoption of the budget and fee schedule.**

(d) Furthermore, no person shall stand, sit or loiter in the right-of-way of any public roads in the Town limits with the intent to approach any motor vehicle on the highway to solicit employment, business or contribution from the driver or occupant of the motor vehicle.

WHEREAS, Section 62.04 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) For the first and second false alarms in a twelve-month period, no civil penalty shall be issued. The Chief of Police shall cause written notice to be sent to the subscriber informing them of the false alarms, ~~and that the Knightdale Public Safety Department will, upon request and without charge, (1) inspect the alarm system for defects, and (2) offer suggestions for its proper operation.~~ The written notice shall also state that civil penalties will be invoked for any further false alarms within the twelve-month period and encourage the subscriber to prevent future false alarms.

(b) The third false alarm in a twelve-month period shall result in a civil penalty of twenty-five dollars (\$25.00).

(c) The fourth and fifth false alarms in a twelve-month period shall result in a civil penalty of fifty dollars (\$50.00) for each false alarm.

(d) The sixth and seventh false alarms in a twelve-month period shall result in a civil penalty of two hundred dollars (\$200.00) for each false alarm.

(e) The eighth and subsequent false alarms in a twelve-month period shall result in a civil penalty of five hundred dollars (\$500.00) for each false alarm.

(f) Continuing alarms. Subscribers shall immediately reset an alarm when notified by the **Public Safety Police** Department or the ~~Emergency Communications Center~~ **alarm monitoring company** that such alarm has been activated. Any alarm that continues to activate continuously for a period of thirty (30) minutes from the time of initial dispatch will be considered an additional false alarm. All new alarm systems shall be equipped with an "automatic reset device" that would automatically reset the alarm system after fifteen (15) minutes of continued activation.

(g) The evaluation period for false alarms is from January 1st through December 31st.

WHEREAS, Section 62.05 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Any subscriber or alarm operating business that will be conducting any alarm testing procedures shall first notify the **Public Safety Police** Department ~~and the Emergency Communications Center~~ of the pending testing procedure before it is conducted so that no public safety personnel will be dispatched to the location. Failure to do so shall be considered a false alarm.

(b) Any alarm activation occurring during the first two (2) calendar days following alarm installation shall not be considered a false alarm for the purposes of this chapter.

WHEREAS, Section 62.07 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) It shall be the responsibility of each alarm business operator that installs, sells, leases, maintains, or monitors any alarm system(s) in the corporate limits of Knightdale to register with the ~~Public Safety~~ **Police** Department and obtain a privilege license to operate in Knightdale.

(b) No alarm business operator shall cause any intentional alarm activation for the purpose of testing without first notifying the ~~Emergency Communications Center and the Public Safety~~ **Police** Department.

WHEREAS, Section 62.08 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Each subscriber shall post the permit in a conspicuous place on the outside of the premises where the alarm system is maintained.

(b) It shall be the responsibility of the subscriber to provide an adequate number of responsible persons to permit contact at any time.

(c) No subscriber shall cause any intentional alarm activation for the purposes of testing or any other "intentional false alarm" without first notifying the ~~Emergency Communications Center~~ **alarm monitoring company** and the ~~Public Safety~~ **Police** Department, such violation will be considered a false alarm.

WHEREAS, Section 62.09 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) The written notification shall be in the form of a Town Ordinance Violation Citation and may be issued in person or by registered mail.

(b) Failure to pay the civil penalties for violation of this chapter within ten (10) days after being cited by the Town shall result in said permit being revoked and cause disconnection of the alarm system's transmission signal to the ~~Emergency Communications Center and/or the Public Safety~~ **Police** Department and seeking to recover the penalty by filing civil action in the nature of debt or any other means provided by law plus associated legal cost.

WHEREAS, Section 63.01 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) Any person desiring to coach an organization ~~or event~~ sponsored by the Town shall ~~express their interest make application~~ to the ~~Director of Parks and Recreation or~~ **Human Resources Department**.

~~(b) Following an expression of interest, individuals shall make application to the Human Resources Department.~~ The application shall include:

(1) Full name, address, ~~and contact information;~~ ~~date of birth, social security number, drivers license information, race and sex;~~

(2) ~~A statement acknowledging convictions of any crime, felony or misdemeanor and authorizing a criminal background check; and~~ **Information concerning previously filed applications, experience, availability, and interests;**

~~(3) A completed applicant fingerprint card.~~ **References; and**

~~(4) A signed certification~~

~~(b) (c)~~ Upon receipt of an application, the ~~Director of Parks and Recreation~~ **Human Resources Department** shall conduct a background check of each applicant. ~~If a conviction is found in the SBI criminal history repository, the Director of Parks and Recreation shall request a copy of the conviction~~

*from the Police Department of the locality in which the offense occurred to make certain the individual in question is the actual offender. If a question exists as to the actual offender in a case, the Director of Parks and Recreation shall submit the applicants' fingerprints to the SBI for verification of criminal history. Any applicant ~~may~~ **will** be prohibited from ~~coaching a Knightdale organization~~ **volunteering** if s/he has been convicted of a crime ~~involving~~ **determined by the Town to be detrimental to youth and other citizens.***

- Narcotic drug law offense in the past ten years;*
- Two (2) or more alcohol related offenses in the past ten (10) years;*
- Violation of domestic abuse or child abuse law;*
- Conviction of any offense against the welfare of a child;*
- Aberrant behavior that presents a potential danger to self or others;*
- Conviction of any offense related to sex or sexual misconduct; and*
- Falsifying their application form.*

*—(e) ~~(d)~~ The Chief of Police of the Town, or his designee, **Human Resources Department** shall provide the findings **of each applicant's background check to the Parks and Recreation Department.** ~~made by use of the PIN to the Director of Parks and Recreation, or his designee, provided that all necessary agreements with the State Bureau of Investigation's Division of Criminal Information have been executed.~~*

(e) Volunteer coaches shall undergo background check recertification every twelve (12) months. Discovery of conviction of a crime determined by the Town to be detrimental to youth and other citizens will immediately disqualify the individual from volunteering.

(f) Volunteer coaches who have not provided services to the Town for a consecutive period of three (3) years shall be required to recomplete all initial processes, including the submission of an application to the Human Resources Department.

WHEREAS, Chapter 70 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

It shall be unlawful for any person to operate any motorized vehicle or other power driven vehicle upon the grass or footways of the Town parks or elsewhere other than on the public roads and streets . This provision does not apply to Police, Fire, Public Works or other Town entities who are directly engaged in the performance of their duties.

WHEREAS, Section 71.01 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*If any vehicle shall be found illegally parked or parked overtime or in violation of any of the provisions of this chapter, it shall be the duty of the Chief of Police or other ~~peace~~ **police** officers of the Town to attach to the vehicle a notice to the owner or operator thereof, if the owner or operator is absent, or to deliver to the owner or operator, if he is present, a notice to the effect that the vehicle has been illegally parked or parked overtime or in violation of a provision of this chapter.*

WHEREAS, Section 72.02 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

*A tax is levied on every motor vehicle in the Town, such tax to be in the amount **established in the Town of Knightdale fee schedule adopted annually** ~~of one hundred (\$1.00) per year.~~ **If a license tag is issued it shall be displayed on the front or rear bumper of the motor vehicle so licensed and registered in such***

~~a manner as to be clearly visible; if a decal is issued, it shall be displayed in the lower right hand corner of the windshield, so that the edges of the decal will not be more than one inch from the bottom and right edges of the windshield;~~

WHEREAS, Section 81.36 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

~~Whereas,~~ **T**he Town of Knightdale is authorized to regulate or prohibit the keeping of certain types of animals within the corporate limits of the Town.

WHEREAS, Section 84.06 of the Town of Knightdale Code of Ordinances is hereby repealed.

~~No person shall fail to act in making an arrest or to assist any officer any way after being summoned by the officer, nor in any way interfere with or threaten or jeer at any officer in the discharge of his duty.~~

WHEREAS, Section 84.23 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Purpose.* The purpose of this section is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for persons under the age of eighteen (18) years in the Town of Knightdale. The Youth Protection Ordinance is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The purpose is also to define the duties of parents or guardians and operators of business establishments and protect minors from improper influences and criminal activity that occurs after the curfew hour.

(b) *Definitions.* For the purposes of this section, the following words and phrases shall have the following meanings:

Authorized adult: Parent, guardian, or someone over the eighteen (18) years of age authorized to accompany the juvenile for a designated period of time.

Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment: Any privately owned place of business operated to which the public has access or is invited including but not limited to any place of amusement or entertainment.

Juvenile: Any person under the age of eighteen (18) years who is not married or been emancipated, or in equivalent phrasing, any person sixteen (16) or less years of age.

Owner/operator: any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment, including the employees, members or partners of an association or partnership and the officers of a corporation.

Parent: Any person having legal custody of a juvenile (i) as a natural or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis, or (iv) as a person to whom legal custody has been given by court order.

Public place: Any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly-owned or privately-owned, including but not limited to, streets, highways, alleys, rights-of-way, public vehicular areas and parking lots, shops, restaurants, convenience stores, schools and school grounds, places of business and amusement, playgrounds, parks, church grounds, similar areas that are open to the public, and other common areas open to or accessible to the public.

Remain: To stay behind, to tarry and to stay unnecessarily in a public place including the congregating of groups (or of interacting minors) totaling four (4) or more persons in which any

juvenile involved would not be using the streets for ordinary or serious purposes such as mere passage or going home, or to fail to leave the premises of an establishment when requested to do so by a police officer or the operator of an establishment.

Restricted hours: The time of night referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Town of Knightdale, North Carolina. Restricted hours will mean: 9:00 p.m. on any evening until 6:00 a.m. of the following day.

(c) *Offenses.* Except as provided by subsection (d), the following offenses constitute a violation of this section:

(1) A person under the age of eighteen (18) years shall be in violation of this section if he or she shall remain at any time in a group of four (4) or more individuals in or upon any public place or establishment within the Town.

(2) It shall be a violation of this section for any person under the age of eighteen (18) years to be or remain in or upon any public place or establishment within the Town during the restricted hours.

(3) It shall be a violation of this section for any person eighteen (18) years or older to aid or abet a juvenile in the violation of subsection (c)(1) or (c)(2).

(4) A parent of a juvenile shall be in violation of this section if he or she knowingly permits, and/or by inadequate supervision, allows the juvenile to remain on the premises of any establishment or in any public place within the Town during the restricted hours. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(5) It shall be a violation of this section for a parent of a juvenile to refuse to take custody of the juvenile during the restricted hours.

(6) The owners, operator, or any employee of an establishment shall be in violation of this section if he or she knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment.

(d) *Exceptions.* A juvenile shall not be in violation of this section if the juvenile is:

(1) Accompanied by a parent or adult eighteen (18) years of age, or older, authorized by the parent to supervise such juvenile.

(2) Using a direct route to or from a place of employment.

(3) In a motor vehicle with parental consent.

(4) Reacting or responding to an emergency.

(5) Attending or traveling to or from, by direct route, any school, religious or recreational activity or other organized activity which is supervised by adults that accept responsibility for the juvenile. If during restricted hours, the parent must have knowledge of the organized activity in which the juvenile is involved and the juvenile shall carry a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number and specifying when, where and in what manner the juvenile will be in a public place.

(6) Participating in or observing athletic or recreational events on public parks or public playgrounds except during restricted hours.

(7) Exercising First Amendment rights protected by the United States Constitution. ~~such as the free exercise of religion, freedom of speech and the right of assembly, by first delivering to the Town's Director of Public Safety a written communication, signed by the juvenile and countersigned, if practicable, by a parent of the juvenile with their home address and telephone number, specifying when,~~

~~where and in what manner the juvenile will be in a public place in the exercise of a First Amendment right specified in such communication.~~

(f) Enforcement procedures.

(1) If a police officer reasonably believes that a juvenile is in violation of the ordinance the officer shall notify the juvenile that he or she is in violation of the ordinance and shall require the juvenile to provide his or her name, address and telephone number and how to contact his or her parent or guardian. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate, a police officer shall, in the first instance of violation of the ordinance, use his or her best judgment in determining age.

(2) The police officer shall issue the juvenile a written warning that the juvenile is in violation of the Ordinance and order the juvenile to go promptly home. The Chief of Police shall send the parent or guardian of the juvenile written notice of the violation by certified mail with a warning that any subsequent violation will result in full enforcement of the ordinance, including enforcement or parental responsibility and of applicable penalties.

(3) Police procedures shall constantly be refined in the light of experience and may provide that the police officer deliver to a parent a juvenile under appropriate circumstances; for example, a juvenile of tender age, near home, whose identity and address may readily be ascertained or are known.

(4) Notwithstanding the foregoing, when: (i) a juvenile has received one (1) previous written warning for violation of this section; or (ii) a police officer has reasonable grounds to believe that the juvenile has engaged in delinquent conduct, the procedure shall then be to take the juvenile to the police station where a parent shall immediately be notified to come for the juvenile whereupon the parent and the juvenile shall be questioned. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the person designated there and then on duty for an accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced personnel and access to information and records.

(5) When a parent immediately called, has come to take charge of the juvenile, and the appropriate information has been recorded, the juvenile shall be released to the custody of such parent. If the parent cannot be located or fails to take charge of the juvenile, then the juvenile shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the juvenile may temporarily be entrusted to an adult, neighbor or other person who will on behalf of a parent assume the responsibility of caring for a juvenile pending the availability or arrival of a parent.

(6) For the first violation of the ordinance by an operator of an establishment who permits a juvenile to remain on the premises, a police officer shall issue a written notice of the violation with a warning that any subsequent violation will result in full enforcement of the ordinance, including enforcement of operator responsibility and of applicable penalties.

(g) Penalties.

(1) A juvenile who violates any provision of this section is subject to being adjudicated delinquent. The Court may, in its discretion, impose any dispositional alternative(s) that are provided in the North Carolina Juvenile Code for any juvenile who is delinquent.

(2) Any person other than a juvenile who violates any provision of this section shall be guilty of a misdemeanor and subject to maximum fine and/or imprisonment in the discretion of the Court in accordance with N.C.G.S. 14-4.

(3) Civil penalty.

a. Generally. Any act constituting a violation shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of a debt or as otherwise provided herein if the offended fails to pay the penalty within seventy-two (72) hours from and after receipt of a citation of a violation. All violations shall be subject to a civil penalty in the amount of fifty dollars (\$50.00) for the

first offense and for each subsequent offense the fine shall increase by an additional one hundred dollars (\$100.00).

b. Citation contents. Such violation citation shall, among other things:

1. State upon its face the amount of the penalty or the specific violation if the penalty is paid within seventy-two (72) hours from and after issuance of the citation.

2. Notify the offender that a failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus any additional penalties, together with the cost of the action to be taxed by the Court including a reasonable attorney's fee.

3. Further provide that the offender may answer the City citation by mailing the citation and the stated penalty to the ~~Public Safety Director~~ **Chief of Police**, Town Hall, 950 Steeple Square Court, Knightdale, North Carolina 27545.

4. That the penalty must be either paid or the failure to pay must be cleared with the ~~Public Safety Director~~ **Chief of Police**, Town Hall, 950 Steeple Square Court, Knightdale, North Carolina 27545, within seventy-two (72) hours of the issuance of the citation. The notice shall further state that if the violation citation is not cleared within seventy-two (72) hours, Court action by the filing of a civil complaint for collection of the penalty may be taken. As used upon the violation citation, the word "cleared" shall mean either:

(i) Payment;

(ii) Arrangement for payment to be made; or

(iii) A prima facie showing to the ~~Public Safety Director~~ **Chief of Police** that the citation was received as a result of mistake, inadvertence, or excusable neglect.

c. Settlement of civil claim. The ~~Public Safety Department Director~~ **Chief of Police** is authorized to accept payment in full and final settlement of the claim or claims, right or rights of action which the Town may have to enforce such penalty by civil action in the nature of debt.

d. Additional penalty. A penalty of one hundred dollars (\$100.00), in addition to the one imposed for payment within seventy-two (72) hours, shall apply in those cases in which the penalties prescribed in this section have not been paid within the prescribed seventy-two (72) hour period.

(h) Severability. If any section, subsection, sentence, term or exception of this section, or any application thereof to any person or circumstance, is adjudged to be unconstitutional or invalid, such adjudication shall not be deemed applicable to any other person or circumstances. Furthermore, the Town Council declares its intent to adopt and enforce each and every section of this Ordinance [Ord. of 10-3-05] separate and independent from one another.

WHEREAS, Section 87.03 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(a) *Furnishing to minors prohibited.* It shall be unlawful for any person, other than a parent or legal guardian, to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished, any graffiti implement to any person under the age of eighteen (18) years without the written consent of the parents or guardian of the person. The provisions of this section shall not apply to minors participating in school, church or supervised recreational activities.

(b) *Display and storage.*

(1) Every person who owns, conducts, operates, or manages a retail commercial establishment selling graffiti implements shall store the graffiti implements in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business.

(2) In the event that a commercial retail establishment is unable to store the graffiti implements in an area as provided above, the establishment shall store the graffiti implements in an area not accessible to the public in the regular course of business without employee assistance.

~~—(c) Signage required. Every person who operates a retail commercial establishment selling graffiti implements shall:~~

~~—(1) Place a sign in clear public view at or near the display of such products stating: "Graffiti is against the Law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by imprisonment of up to thirty (30) days and/or a fine up to \$1,000.00."~~

~~—(2) Place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating: "Selling spray paint, paint sticks, or broad tipped markers to persons under the age of eighteen (18) years of age is against the law and punishable by a fine up to \$1,000.00."~~

(d) [Effective date.] The provisions of this section shall not be effective until (45) forty-five days following written notice from the Town to the owner/operator of the commercial retail establishment. Written notice shall be deemed accomplished by the First Class postage mailing of a copy of this ordinance [Anti-Graffiti Ordinance] to the address of the property occupied by the establishment as listed with the Wake County Tax Office and to the address of the Commercial establishment listed with the Town's water billing office.

WHEREAS, Section 87.04(d) of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

(d) *Civil responsibility for damages for wrongful sale, display or storage.* Any person who sells, displays or stores, or permits the sale, display or storage, of any graffiti implement in violation of the provisions of this chapter shall be personally liable for **may be sued in a court of competent jurisdiction to recover** all costs, including attorney's fees and Court costs, incurred by any party in connection with the removal of graffiti, the repair of any property containing graffiti, or such party's prosecution of a civil claim for reimbursement or damages resulting from such graffiti removal or property repair, arising from the use by any person of such wrongfully sold, displayed or stored graffiti implement in violation of the provisions of this chapter, ~~provided that such liability shall not exceed two thousand dollars (\$2,500.00).~~

WHEREAS, Section 87.11 of the Town of Knightdale Code of Ordinances is hereby repealed.

~~The Town Council hereby creates the City of Knightdale Anti-Graffiti Trust Fund. Penalties assessed against violators of this chapter shall be placed in the fund, along with any monetary donations received from persons wishing to contribute to the fund. The Council shall direct the expenditures of monies in the fund. Such expenditures shall be limited to the payment of the cost of graffiti removal, the payment, at the discretion of the Town Manager, of rewards for information leading to the conviction of violation of the ordinance, the costs of administering the ordinance, and such other public purposes as may be approved by the Council by resolution.~~

WHEREAS, Section 93.08 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

As provided by G.S. 160A-446(6), the amount of the cost of any removal or demolition caused to be made or done by the inspector pursuant to this ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes.

WHEREAS, Section 93A.05 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The following standards shall constitute the minimum standards for basic plumbing, heating, and electrical equipment and facilities of a dwelling or dwelling unit:

(a) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system according to the **current version of the** City of Raleigh Public Utility Handbook; ~~adopted 2005.~~

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, and tub or shower, water closet, and adequate supply of both cold and hot water.

(3) All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(4) All plumbing fixtures shall meet the standards of the State Plumbing Code and be maintained in a state of good repair and in good working order.

(5) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) *Heating system.* Every dwelling and dwelling unit shall provide a source of heat or heating system in accordance with the following:

(1) *Central and electric heating systems.* Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with a sufficient source of heat (i.e. space heaters) which are properly installed and connected to chimneys, flues, gas vents or other facilities to heat all habitable rooms to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.

Fireplaces, stoves, wood or coal burning units, and portable kerosene heaters and like appliances do not meet the requirements of this section.

(c) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles, connected in such a manner as determined by the State Electrical Code. Every habitable room shall contain at least two (2) floor- or wall-type electric convenience receptacles. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling- or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor- or wall-type electric convenience receptacles.

(2) Every public hall, stairway, exterior entryway and doorway in every multiple dwelling unit building or complex shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, and capable of being used.

(4) Every dwelling shall be equipped with smoke detectors installed to protect occupants in all sleeping areas.

WHEREAS, Section 93A.19 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

The Land Use Review Board will hear all appeals, which may be taken from decisions or orders of the Inspector, as provided by the Town of Knightdale Unified Development Ordinance, ~~Section 15.11: Administrative Appeals; adopted on November 16, 2005 and as thereafter amended.~~

WHEREAS, Chapter 94 of the Town of Knightdale Code of Ordinances is hereby repealed and replaced with the following statement:

Flood Damage Prevention is addressed in the Town of Knightdale Unified Development Ordinance.

WHEREAS, Chapter 95 of the Town of Knightdale Code of Ordinances is hereby repealed and replaced with the following statement:

Statutory vested right provisions are addressed in the Town of Knightdale United Development Ordinance.

WHEREAS, Section 100.08 of the Town of Knightdale Code of Ordinances is hereby repealed:

~~(a) Within sixty (60) days after each quarter of its fiscal year, after acceptance of a franchise, the grantee shall pay to the Town for constructing, operating, and maintaining the cable telecommunications system as defined herein, and for the privilege of providing the cable telecommunications service as defined herein during the ensuing fiscal year, a sum equal to five (5) percent of its gross revenue for its preceding quarter. The payment of this fee is in addition to any privilege or use tax or ad valorem taxes which the Town may levy. At any time the Town Council, its employees or other designated representative, shall have the right to inspect all financial documents. Acceptance of payments hereunder shall not be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable under this chapter or for the performance of any other obligations hereunder. In the event of holding over after expiration or other termination of any franchise granted hereunder, without the consent of the Town, the grantee shall pay to the Town reasonable compensation and damages, or not less than one hundred (100) percent of its total gross profits during said period.~~

~~(b) The five (5) percent franchise fee provided for herein shall be reviewed every five (5) years during the term of this franchise, and the franchise fee, at the sole option of the Town Council, shall be adjusted upward if the Town Council determines that an upward adjustment is necessary in order to maintain the franchise fee at a level consistent with:~~

- ~~(1) Franchise fees being paid by cable telecommunications companies operating under similar conditions;~~
- ~~(2) The costs incurred by the Town in administering this franchise;~~
- ~~(3) The value of the company's right to use Town public ground, highways, roads, streets, alleys, sidewalks, greenways, public ways and utility easements as may be available;~~
- ~~(4) Any applicable statutes, laws, rules and regulations.~~

~~If the franchise fee is adjusted upward, such adjustment shall be effective at the beginning of the next immediate full quarter of the company's fiscal year during which such adjustment is made. The Town may unilaterally adjust the franchise fee upward only after giving notice to the company and holding a hearing.~~

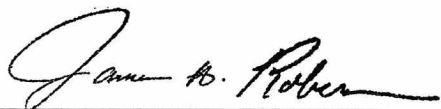
~~—(c) The Town, on an annual basis, shall be furnished a statement within sixty (60) days of the close of the calendar year, certified by an official of the franchisee responsible for the system's financial statements, reflecting the total amounts of gross revenues as defined herein, and all payments, and computations for the previous calendar year. Upon ten (10) days prior written notice, the Town shall have the right to conduct an independent audit of franchisee's records. If, after resolving any dispute arising from such audit, franchisee has made a franchise fee underpayment of five (5) percent or more, the franchisee shall assume all reasonable costs of such audit. In other events, the Town shall bare all costs associated with such audit.~~


WHEREAS, Section 100.14 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

- (a) The Town shall have the right to establish an authority or commission to administer for the Town all community media (access) activities. The Town may establish, consistent with federal and state law, requirements in franchises with respect to the designation and use of channel capacity of a franchisee's cable telecommunications system for public, educational and governmental access.
- ~~—(b) The Town shall have the right to direct the grantee to collect fees from customers to support the annual operating requirements of a community media (access) operation. The fee shall be collected and remitted to the Town for deposits in a special revenue fund, designated for this purpose, each month.~~
- ~~—(c) Each month, the grantee shall contribute a sum equivalent to one half (1/2) of one percent of gross revenues to a special event fund designated for the acquisition of capital assets, to fulfill the capital requirements of the community media (access) operation~~

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL that the above sections of the Town of Knightdale Code of Ordinances are amended.

This the 16th day of December, 2020

BY: 
James A. Roberson, Mayor

ATTEST: 
Heather M. Smith, Town Clerk