

TITLE III: ADMINISTRATION

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CHAPTER 30: COUNTY BOARDS

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LIBRARY BOARD

§ 30.01 CREATION; APPOINTMENT OF MEMBERS.

(A) There is hereby created a Board to be known as the Macon County Library Board with duties and powers set out herewith.

(B) The Macon County Library Board shall be appointed by the Macon County Board of Commissioners and shall consist of seven members. The Board of County Commissioners shall appoint two members for a term of one year each, two members for a term of two years each and three members for a term of three years each. Each successive appointment shall be for terms of three years. Vacancies in the Board shall be filled for the unexpired term by appointment by the Board of Commissioners.

(Ord. passed 3-3-1980; Am. Ord. passed 2-24-1988)

§ 30.02 OFFICERS; COUNTY REPRESENTATIVE TO REGIONAL LIBRARY.

(A) The Library Board shall appoint from its membership a chairperson and such other officers as it may deem necessary and shall adopt by-laws, rules and regulations governing state law. The Board shall hold regular meetings at such time and place as it desires.

(B) The Library Board shall appoint three of its members to serve as the county representatives on the Fontana Regional Library consistent with the rules or organization of that library system as to term of office and all other considerations.

(Ord. passed 3-3-1980; Am. Ord. passed 2-24-1988)

§ 30.03 DUTIES AND FUNCTIONS.

(A) The Library Board shall perform and be responsible for the following duties and functions:

(1) Planning for library needs for the whole of Macon County to include coordination of library development with other county, municipal and state agencies.

(2) Upon the position of County Librarian becoming vacant, to recommend to the Macon County Board of Commissioners the replacement it deems best suited to perform that job subject to applicable rules and procedure of the Fontana Regional Library and Macon County Government.

(3) To consult with and advise the County Librarian about problems relative to the library

services in the county and assist the Librarian in preparation of the annual budget for the library system.

(4) To present the budget of the Macon County Library System/Fontana Regional Library to the Board of County Commissioners in accordance with established procedures.

(5) Serve as the coordinating body for fund raising donations and other such activities conducted within the county for the benefit of the county library system.

(6) To have such other duties as the Board of County Commissioners may assign to it.

(B) The Library Board shall make full and complete reports to the Board of County Commissioners at such times as required and at other times as requested by the Board of Commissioners.

(Ord. passed 3-3-1980; Am. Ord. passed 2-24-1988)

§ 30.04 GIFTS, BEQUESTS, DONATIONS.

The Library Board may accept on behalf of Macon County any gift, bequest or donation of any personal or real property offered or made for library purposes. Any gift, bequest of money or other property, personal or real estate, shall be held, used and finally disposed of in accordance with the terms or conditions under which such gift or devise is made and accepted in accordance with provisions of state law. Title and ownership of all property from such gifts and donations will be with Macon County. Funds received by the Library Board shall be deposited by the governing body of Macon County to the credit of and appropriated to the use of the library system and disbursed as budgeted funds are disbursed except that funds received by gifts, bequest or otherwise shall be disbursed in accordance with the terms of such gift or bequest.

(Ord. passed 3-3-1980; Am. Ord. passed 2-24-1988)

§ 30.05 PRIOR AGREEMENTS RELATING TO FONTANA REGIONAL LIBRARY.

All prior agreements relating to and establishing membership of Macon County in the Fontana Regional Library are in full effect and will remain so until formal amendment by the Board of County Commissioners. (Ord. passed 3-3-1980; Am. Ord. passed 2-24-1988)

CHAPTER 31: EMERGENCY MANAGEMENT

Section

Emergency Management Organization

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- 31.03 Definitions
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EMERGENCY MANAGEMENT ORGANIZATION

§ 31.01 SHORT TITLE.

This subchapter shall be known and may be cited and referred to as *Emergency Management Ordinance for the County of Macon*.

(Ord. passed 9-12-1977)

§ 31.02 INTENT AND PURPOSE.

(A) It is the intent and purpose of this subchapter to establish an organization that will insure the complete and efficient utilization of all of the County of Macon's resources to combat disaster resulting from enemy action or other disasters as defined herein.

(B) The Macon County Emergency Management Agency will be the coordinating agency for all activity in connection with emergency management. It will be the instrument through which the Macon County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(C) This subchapter will not relieve any county department of the moral responsibilities or authority given to it in the county charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

(Ord. passed 9-12-1977)

§ 31.03 DEFINITIONS.

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

ATTACK. Direct or indirect assault against the County of Macon, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical or biological warfare, or sabotage.

COORDINATOR. The Coordinator of the Macon County Emergency Management Agency, appointed as prescribed in this subchapter.

DISASTER. Includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

EMERGENCY MANAGEMENT. Those plans, actions and procedures necessary to provide protection to the people against loss of life, injury and loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardship resulting from such conditions and to initiate rehabilitation of persons and restoration of essential services and acceptable standards of living.
(G.S. § 166A 1-16)

EMERGENCY MANAGEMENT FORCES. The employees, equipment and facilities of all county departments, boards, councils, institutions and commissions; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

EMERGENCY MANAGEMENT VOLUNTEER.

Any person duly registered, identified and appointed by the Coordinator of the Macon County Emergency Management Agency and assigned to participate in the emergency management activity.

REGULATIONS. Include plans, programs, and other emergency procedures deemed essential to emergency management.

VOLUNTEER. Contributing a service, equipment or facilities to the Emergency Management Agency without remuneration.
(Ord. passed 9-12-1977)

§ 31.04 ORGANIZATION AND APPOINTMENTS.

(A) The organization shall consist of the following:

(1) An agency of emergency management within the executive department of the Macon County government under the direction of the Macon County Board of County Commissioners. The agency head of the Macon County Emergency Management Agency shall be known as the Coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed by the Macon County Board of Commissioners.

(2) The employees and resources of all Macon County Department boards, institutions and councils will participate in the emergency management activities. Emergency management duties assigned to County departments shall be the same or similar to the normal duties of the department, where possible.

(3) Volunteer personnel and agencies offering services to, and accepted by the Coordinator.

(B) The Macon County Board of Commissioners shall appoint a Coordinator of the Macon County Emergency Management Agency who shall be a person well versed and trained in planning operations

involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this subchapter.

(C) Deputy Coordinators to assume the emergency duties of the Coordinator in the event of his or her absence or inability to act will be appointed by Macon County Board of Commissioners.
(Ord. passed 9-12-1977)

§ 31.05 EMERGENCY POWERS AND DUTIES.

(A) During any period of disaster or when Macon County has been struck by disaster, within the definitions of this subchapter, the Emergency Management Coordinator may promulgate such regulations as he or she deems necessary to protect life and property and preserve critical resources. This promulgation of regulations solely by the Coordinator will be only when immediacy of necessary action precludes contact and discussion with the Macon County Board of County Commissioners.

(B) Such regulations may include, but shall not be limited to the following:

(1) Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of persons from critical areas within the county.

(2) Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

(3) Such other regulations necessary to preserve public peace, health and safety.

(4) Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.
(Ord. passed 9-12-1977)

§ 31.06 DAY TO DAY DUTIES AND RESPONSIBILITIES OF THE COORDINATOR.

(A) The Coordinator shall be responsible to the Board of Commissioners in regard to all phases of the emergency management activity. The Coordinator shall be responsible for the planning, coordination and operation of the emergency management activities in Macon County. The Coordinator shall maintain liaison with the state and federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation of the emergency management plans.

(B) The Coordinator's duties shall include, but not be limited to, the following:

(1) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes.

(2) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons and property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.

(3) Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such building or other property for the emergency management purposes and designating suitable buildings as public shelters.

(4) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.

(5) Conducting public practice alerts to insure the efficient operation of emergency management forces and to familiarize residents with emergency management regulations, procedures and operations.

(6) Coordinating the activity of all other public and private agencies engaged in any emergency management activities.

(Ord. passed 9-12-1977)

§ 31.07 EMERGENCY MANAGEMENT PLANS.

(A) Comprehensive emergency management plans shall be adopted by resolution of the Board of Commissioners, and shall be maintained among the county's public documents. In the preparations of these plans as it pertains to county organization, it is intended that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state of readiness at all times. The basic emergency operations plan and disaster operations plan shall have the effect of law whenever a disaster, as defined in this subchapter, has been proclaimed.

(B) The Coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his or her own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Coordinator a current list of three persons as successors to his or her position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(C) Each service chief and department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees, and where needed volunteers. Each chief shall formulate the operational plan for his or her

service which, when approved, shall be an annex to and a part of this basic plan.

(D) Amendments to the basic plan shall be submitted to the Coordinator. If approved, the

Coordinator will then submit the amendments to the Board of Commissioners with his or her recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(E) When a required competency or skill for a disaster function is not available within local government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior, during and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of local government departments affected.
(Ord. passed 9-12-1977)

§ 31.08 NO MUNICIPAL OR PRIVATE LIABILITY.

(A) This subchapter is an exercise by the county of its governmental function for the protection of the public peace, health and safety, and neither the county nor agents and representatives of same, or any individual, receiver, firm, partnership, corporation, association, or trustee or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this subchapter, shall be liable for any damage sustained to persons or property as the result of said activity.

(B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such person.
(Ord. passed 9-12-1977)

§ 31.09 VIOLATIONS.

It shall be unlawful for any person to violate any of the provisions of this subchapter or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization, as herein defined, in the enforcement of the provisions of this subchapter or any regulations or plans issued thereunder.
(Ord. passed 9-12-1977)

§ 31.10 CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED.

At all times when the orders, rules and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.
(Ord. passed 9-12-1977)

911 ADDRESS PLACEMENT

§ 31.20 PURPOSE AND AUTHORITY.

In the public interest and for the promotion of the public health, safety and welfare, and pursuant to Statutory authority contained in G.S. §§ 62A-1 *et seq.* and other applicable laws, the following rules are adopted,

which rules set forth the requirements for, the specifications of and the area of location for all property addresses within the county and not within the limits of any city.
(Ord. passed 2-6-1995)

§ 31.21 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the

present tense include the future tense, words in the plural number and words in the masculine, feminine or neuter gender include each of the other genders. The words “shall” and “must” are always mandatory, whereas the word “may” is permissive.

ADDRESS. The numerical designation for each property which is established pursuant to the provisions of § 31.35.

BOARD OF COMMISSIONERS. The governing body of the County of Macon.

COUNTY. The body politic of the County of Macon as heretofore established and constituted by legislative enactment of the State of North Carolina.

COUNTY MANAGER. The Chief administrative officer of the county.

IMPROVED PROPERTY. Any property upon which is located a residential, commercial, business, farm, or industrial building.

OWNER. Any person as hereinabove defined that has an ownership right in an improved property.

PERSON. Any person, firm, partnership, association, corporation or organization of any kind.
(Ord. passed 2-6-1995)

§ 31.22 ADDRESS NUMBERS REQUIRED; NUMBERS PROVIDED.

(A) The owner of every improved property shall cause to be displayed thereupon the numerical address thereof.

(B) The county, through its 911 Department, will provide to the owner of each improved property, the numerical property address applicable thereto, and the numbers to be displayed thereupon. Property owners shall apply to the Macon County 911 Department to obtain the required address numbers for display.
(Ord. passed 2-6-1995)

§ 31.23 PLACEMENT.

(A) Improved property address numbers shall be displayed in such a manner that the number faces a named road. The numbers may be placed upon either a 4 X 4 post, or such other structure as the property owner may select. The numbers will be so located upon the display structure so as to insure that the bottom of the numbers are no less than two feet above ground level and the top of the numbers no more than four feet above ground level.

(B) The display structure upon which the numbers are placed shall be erected near the intersection of the named road with the driveway leading to the improvement.

(C) On private roads, the display structure shall be located no more than ten feet from the margin of the named road and no more than ten feet from the margin of the driveway.

(D) On public roads, the display structure shall be located no more than 15 feet and no closer than ten feet from the margin of the named road and no more than ten feet from the margin of the driveway.
(Ord. passed 2-6-1995)

§ 31.24 NEW CONSTRUCTION ADDRESS REQUIREMENT.

(A) Prior to the issuance of a building permit by the Macon County Inspections Department, the owner of property upon which new construction is to be commenced, shall apply to the county 911 office for the issuance of a property address.

(B) The property address shall be erected and displayed as hereby required prior to the issuance of a certificate of occupancy.
(Ord. passed 2-6-1995)

ESTABLISHING ROAD NAMES

§ 31.35 ESTABLISHING PUBLIC AND PRIVATE ROAD NAMES.

(A) *Purpose.* In the public interest and for the promotion of the public safety, welfare and convenience, all roads within the county shall be named and street numbers assigned thereto, so as to facilitate the ease in location of persons and properties within the county.

(B) *Assignment of names and number ranges.* Roads are named as indicated on a list as adopted by the Ordinance passed 8-5-2001 and recorded in the Macon County Register of Deeds Office Book Z-34 pages 566-684. The number ranges therein shown are hereby assigned to said roads as are set forth on that Exhibit, which is hereby adopted by reference and made a part of this code, the same as if set forth in full herein.

(C) *Extension of roads and addition of road names.* At such time as the roads named and identified in the Exhibit described in division (B) above are extended, this section shall be amended so as to identify the extensions and establish appropriate number ranges with respect thereto.

(D) *Identification of new roads and assignment of number ranges.* At such time as new roads within the county are identified, and are found to meet the guidelines established pursuant to the rules and regulations adopted by the Board of Commissioners, from time to time, this section shall be amended so as to identify such new roads and establish appropriate number ranges with respect thereto.
(Ord. passed 8-6-2001; Am. Ord. passed 1-7-2002)

§ 31.99 PENALTY.

Any person who violates any provision of §§ 31.20 through 31.24 shall be guilty of a

misdemeanor and shall be punished by a fine not exceeding \$100. Each 30 days the violation continues shall constitute a separate offense for which separate punishment may be imposed.
(Ord. passed 2-6-1995)

CHAPTER 32: COUNTY POLICIES

Section

- 32.01 Posting signs concerning concealed weapons
- 32.02 Smoking in county owned buildings and vehicles
- 32.03 Alcoholic beverages on county property

§ 32.01 POSTING SIGNS CONCERNING CONCEALED WEAPONS.

(A) *Posting of signs required.* The County Manager is hereby ordered to post appropriate signage on each park, building or portion of a building not or hereafter owned, leased as lessee, operated, occupied, managed or controlled by the county, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein.

(B) *Location of Signs.* The signs shall be visibly posted on the exterior of each entrance by which the general public can access the building, appurtenant premise or park. The County Manager shall exercise discretion in determining the necessity and appropriate location for other signs posted on the interior of the building, appurtenant premise or park. (Ord. passed 12-4-1995)

§ 32.02 SMOKING IN COUNTY OWNED BUILDINGS AND VEHICLES.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMPLOYEE. Any person who is employed by the county for monetary compensation or profit, as well as any person who volunteers his or her services.

SMOKING. The inhaling, exhaling, burning or carrying of a lighted pipe, cigar, cigarette or other combustible tobacco product.

(B) *Smoking prohibited in county buildings except specified areas.* It shall be unlawful for any person to smoke in any building or facility or any portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the county, except in those areas hereinafter specifically identified in this section.

(C) *Smoking prohibited in county vehicles.* It shall be unlawful for any person to smoke in any vehicle now or hereafter owned or leased by Macon County.

(D) *Exemptions.* There are no present exemptions to this section.

(E) *Violation.* Violation of this section shall constitute a misdemeanor punishable in accordance with G.S. § 153A-123.
(Ord. passed 10-4-1993)

§ 32.03 ALCOHOLIC BEVERAGES ON COUNTY PROPERTY.

(A) *Short title.* This section shall be known as the *Macon County Beer and Wine Possession and Consumption Ordinance*, and shall be codified as § 32.03 of the Macon County Code.

(B) *Purpose and authority.* In the public interest and for the promotion of the public health, safety and welfare, and pursuant to statutory authority contained in G.S. § 18B-300(c), and other applicable laws, the following rules are adopted, which rules set forth the conditions, limitations, restrictions and requirements under which a person may possess and/or consume malt beverages and unfortified wine on property owned or occupied by the county.

(C) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine, feminine or neuter gender include each of the other genders. The word “shall” and “must” are always mandatory, whereas the word “may” is permissive.

BOARD OF COMMISSIONERS. The governing body of the County of Macon.

COUNTY. The body politic of the county as heretofore established and constituted by legislative enactment of the State of North Carolina.

COUNTY MANAGER. The chief administrative officer of the county.

COUNTY PROPERTY. Any real property owned by or in the possession of Macon County at the time of any act regulated hereby.

MALT BEVERAGE and ***UNFORTIFIED WINE.*** Have the meanings as defined in G.S. § 18B-101, as now or hereafter amended or revised.

PERSON. Any person, firm, partnership, association, corporation or organization of any kind.

(D) *Possession and sale forbidden.* It shall be unlawful for any person to possess on his or her

person, have within his or her control or consume malt beverages and/or unfortified wine on any property owned or occupied by the county.

(E) *Violation.* Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine, by imprisonment for not more than six months, or both.
(Ord. passed 9-12-1988)

