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CHAPTER 30: TOWN COUNCIL

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GENERAL PROVISIONS

' 30.01 ILLEGAL INTEREST IN CONTRACT MADE BY COUNCIL.

No member of the Town Council or other officer of the town shall be pecuniarily interested, directly or indirectly, in any contract made or entered into by the town, nor in any matter where the rights or liabilities are or may be involved.

('74 Code, ' 2-19)

' 30.13 QUORUM.

(A) A majority of the actual membership of the Council plus the Mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(G.S. ' 160A-74)

(B) If no quorum can be secured, the meeting shall stand adjourned until the next regular meeting. ('74 Code, ' 2-12)

' 30.14 MAYOR TO PRESIDE.

The Mayor shall preside over all meetings of the Town Council, and, in his absence, the Mayor Pro Tempore shall preside. In the absence of both, the Council may elect from its members a temporary chairperson to preside in such absence.

('74 Code, ' 2-11)

Statutory reference:

Presiding officer, see G.S. ' ' 160A-69 and 160A-70

' 30.15 RULES OF PROCEDURE.

The Town Council may, by resolution, adopt such rules of procedure not inconsistent with state law, this code, or other ordinance, for the transaction of its business, the exercise of its powers, and the performance of its duties as the Town Council may deem appropriate for such purposes. These rules may include, but shall not be limited to, the order of business at its meetings; rules of parliamentary procedure; official conduct of Council-members; the conduct of hearings and investigations; appointment and jurisdiction of standing and special committees; and such other subjects as may be deemed appropriate.

('74 Code, ' 2-18)

' 30.16 AGENDA.

The Town Manager shall prepare an agenda for each regular meeting of the Town Council and mail or deliver copies thereof to the Mayor, each Councilmember, and the Clerk in time to be received in due course not less than four days prior to the meeting to which such agenda relates. The Mayor and each Councilmember shall have the privilege of advising the Town Manager, prior to the beginning of any such four-day period, as to subjects desired for inclusion in the agenda, but in preparing an agenda the Town Manager shall not be limited to subjects proposed by the Mayor and Councilmembers and he may include therein such other subjects as he may consider appropriate. Subjects not included in an

minute book of the Town Council. The ordinance book shall be appropriately indexed and maintained for public inspection in the office of the Clerk. True copies of all ordinances that were adopted before January 1, 1972, and are still in effect shall be filed and indexed in the ordinance book.

(B) A true copy of each ordinance which amends or adds to this code shall be immediately inserted by the Clerk at its proper place in a volume of this code which he shall maintain in his office, and all portions of this code so amended or repealed shall be removed therefrom; and the Clerk shall make appropriate historical notes in the margin thereof.

('74 Code, ' 2-16)

(C) The Clerk shall file in his office the original copy of each resolution adopted, and he shall file a true copy of each resolution in a resolution book separate and apart from the minute book of the Town Council. True copies of resolutions so filed in the resolution book shall be annotated in the margin if and when amended, and shall be removed when suspended, repealed, lapsed, or executed. The resolution book shall be appropriately indexed.

('74 Code, ' 2-17)

CHAPTER 31: TOWN OFFICIALS

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- 31.16 Finance Officer
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- 31.18 Chief of Police
- 31.19 Chief of Fire Department
- 31.20 Zoning Administrator

GENERAL PROVISIONS

' 31.01 BOND.

(A) Every officer, employee, or agent of the town who in the course of his official duties receives, handles, or has custody of or control over more than \$100 of town funds, negotiable instruments, or securities at any time shall, before entering upon his duties as an officer, employee, or agent and within ten days of his election or appointment, give bond, payable to the town, with corporate surety, in such amount ~~not less than \$500 as shall be determined by the Town Council, and conditioned upon the faithful~~ performance of his duties, a true accounting to give of all town funds, negotiable instruments, and securities received or handled by him or coming within his custody or under his control, and

any oath which by law is required to be administered by a judicial officer, notary public, or other officer authorized by statute to administer oaths, nor shall this section be construed as purporting to authorize the taking of any acknowledgment of any signature or seal for the purpose of recording in the office of the register of deeds or elsewhere other than in the office of the Clerk or some other office of this town.

(B) It shall be unlawful for any person to whom an oath has been administered pursuant to this section to knowingly make any false certificate, affidavit, or statement, oral or written, concerning any matter whatsoever in violation of such oath.

('74 Code, ' 2-20)

' 31.04 AUTHORITY OF DEPUTIES AND ACTING OFFICERS.

(A) Authority vested in and duties imposed upon town officers by state law, this code, or other town ordinances and resolutions may, when they so authorize, be exercised or performed by their deputies, assistants, and other subordinates, to the extent not prohibited by state law, this code, or other town ordinance or resolution.

(B) When any town officer or employee is absent or disabled, or when any office or position in the town government is vacant, the person designated by competent authority to act in the place of such absent or disabled officer or employee or to hold temporarily the vacant office or position shall have the powers and perform the duties of such absent or disabled officer or employee or appertaining to such vacant office or position.

('74 Code, ' 2-5)

' 31.05 CONCURRENT OFFICEHOLDING.

The Town Manager may designate any officer appointed by him to hold concurrently any two or more offices which are subject to his appointing authority.

('74 Code, ' 2-22)

TOWN OFFICERS

' 31.10 MAYOR.

The Mayor shall be the official head of the town for all ceremonial purposes, and for the purpose of taking command of the police force of the town and calling upon the Governor for aid in times of emergency. He shall have the powers and perform the duties prescribed by state law for mayors of

(3) To attend all meetings of the Town Council and recommend any measures that he deems expedient.

(4) To see that all laws of the state, the town charter, and the ordinances, resolutions, and regulations of the Town Council are faithfully executed within the town.

(5) To prepare and submit the annual budget and capital program to the Town Council.

(6) To annually submit to the Town 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) To make any other reports that the Town Council may require concerning the operations of town departments, offices, and agencies subject to his direction and control.

(8) To perform any other duties that may be required or authorized by the Town Council.
(G.S. ' 160A-148)

' 31.13 TOWN CLERK.

The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager may direct.

Statutory reference:

Establishment of office of Town Clerk, see G.S. ' 160A-171

Cross-reference:

Establishment of office of Town Clerk, see Charter ' 5.2

' 31.14 TOWN ATTORNEY; ASSISTANT TOWN ATTORNEY.

(A) The Town Council shall appoint a City or Town Attorney to serve at its pleasure and to be its legal advisor.

(B) It shall be the duty of the Town Attorney to:

(1) Prosecute and defend suits by or against the town and town officers and employees acting in line of duty.

(2) Advise the Town Council, Town Manager, and any other officer of the town in regard to matters connected with the town's business.

(3) Attend meetings of the Town Council when requested to do so by the Council.

' **31.17 BUDGET OFFICER.**

The Town Manager shall serve as the Budget Officer.

Statutory reference:

Budget officer, see G.S. ' 159-9

' **31.18 CHIEF OF POLICE.**

For provisions concerning the Chief of Police, see ' 33.041.

' **31.19 CHIEF OF FIRE DEPARTMENT.**

For provisions concerning the Chief of the Fire Department, see ' 33.20.

' **31.20 ZONING ADMINISTRATOR.**

For provisions concerning the Zoning Administrator, see ' 153.160 through 153.162.

CHAPTER 32: ELECTIONS

Section

32.01 Election of Councilmembers, Mayor; term

' 32.01 ELECTION OF COUNCILMEMBERS, MAYOR; TERM.

(A) At each regular biennial town election there shall be elected from each of the three town wards two Councilpersons to serve as members of the Town Council. The candidates for Councilperson shall reside in the wards for which they are to be elected and shall be a qualified voter under the laws of the state. The six Councilpersons elected shall constitute the Town Council and shall hold office as provided by law.

(B) At each regular biennial town election, a Mayor shall be elected by popular vote of the town at large.
('74 Code, ' 7-2)

(C) The term of office of any Mayor or Councilmember elected at a regular biennial town election shall be for two years and until his successor is elected and qualified. ('74 Code, ' 7-4)

(D) The determination of results of elections for the offices of Mayor and Councilmembers shall be the nonpartisan plurality method, as set out in G.S. ' 163-292. ('74 Code, ' 7-3)
(Ord. passed 8-14-00)

CHAPTER 33: DEPARTMENTS, BOARDS AND COMMISSIONS

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- 33.020 Fire Chief; appointment; powers and duties
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-
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(6) Inspect periodically, not less frequently than once each month, all equipment of the Fire Department and report all needed repairs and replacements to the Town Council.

(7) Report all violations of any fire prevention ordinance.

(8) Annually report to the Town Council the names, residences, and occupations of all firefighters, the number and locality of fires which have occurred during the year, the causes thereof if they can be ascertained, name of the owner and value of the property destroyed, insurance coverage, and such other matters pertaining to the Fire Department, its organization, and operation as he deems appropriate.

(9) Do such other and further things necessary for the proper and efficient operation of the Fire Department and for the prevention and extinguishment of fires.
(74 Code, ' 8-45)

' 33.021 ASSISTANT CHIEF.

In the absence or disability of the Chief of the Fire Department, the Assistant Fire Chief shall perform all duties required of the Fire Chief and shall be clothed with the same authority as the Fire Chief. (74 Code, ' 8-49)

' 33.022 CHAIN OF COMMAND.

Authority within the Fire Department shall flow from the Chief of the Fire Department through the Assistant Chief and other officers and firefighters downward in order of rank and seniority within rank; and subordinates shall have the powers and perform the duties of their immediate superiors when such superiors are absent or disabled. Each member of the Fire Department shall obey all lawful orders of his superiors in the chain of command. (74 Code, ' 8-50)

' 33.023 RULES AND REGULATIONS.

The Town Manager, in consultation with the Chief of the Fire Department, shall prepare rules and regulations for the government of the Fire Department and the personnel thereof. Such rules and regulations, which may be amended from time to time, shall be submitted to the Town Council for approval. It shall be unlawful for any member of the Fire Department to violate any rule or regulation which has been approved by resolution of the Town Council and placed on file in the office of the Clerk. A copy of all approved rules and regulations shall also be placed on file at Fire Department headquarters. (74 Code, ' 8-55)

(C) It shall be the duty of the Chief of the Fire Department, or if he is absent or disabled, the acting chief of the Fire Department, to keep the office of the State Commissioner of Insurance and the office of the Secretary of the State Firefighter's Association currently informed as to the name, address, and telephone number of each of the persons designated in division (B) to have authority to grant or deny permission for firefighters and apparatus to leave the town.

(D) In the event of a conflagration beyond the capability of the Town Fire Department to bring under control and prevent the spread thereof to other property so as to endanger a considerable segment of the town, the ranking officer of the Fire Department who is then in command shall forthwith cause to be called upon for assistance such other fire departments of the State Volunteer Fire Department as in his judgment may be required to control and extinguish the conflagration.
(74 Code, ' 8-56)

PLANNING BOARD

' 33.035 ESTABLISHMENT: DUTIES.

For provisions concerning the Planning Board, see ' ' 153.193 et seq.

POLICE DEPARTMENT

' 33.040 COMPOSITION; ORGANIZATION.

(A) The Police Department shall consist of such regular, auxiliary, and special members and such quarters, vehicles, equipment, and other property as may from time to time be authorized by the Town Council.

(B) The organization of the Police Department shall be as provided by regulations adopted pursuant to ' 33.044.

(74 Code, ' 18-1)

Statutory reference:

Appointment of police officers, see G.S. ' 160A-281

' 33.041 CHIEF OF POLICE; DUTIES.

The Chief of Police shall be the commanding officer of the Police Department. He shall be responsible for the administration, training, discipline, and morale of the members of the Police Department and for their efficient and effective employment in the enforcement within the town of state

' 33.045 DUTIES OF POLICE OFFICERS.

It shall be the duty of the police officers to:

(A) Preserve public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings, and prevent the obstruction of free passage upon or within public streets, sidewalks, parks, and public places.

(B) Protect the rights of persons and property.

(C) Guard the public health.

(D) Preserve order at elections and all public meetings and assemblages.

(E) Regulate the movements of vehicles and pedestrians in the streets, bridges, parks, public squares, and highways.

(F) Provide proper police attendance at fires.

(G) Carefully observe and inspect all places of public amusement, all places of business having license to carry on such business, and suppress and restrain all unlawful and disorderly conduct or practices therein.

(H) Enforce penalties for the violation of laws and ordinances in the town.

(I) Arrest or, when so authorized, serve summons or notice of violation upon all persons guilty of violating any law or ordinance.

(J) Prevent any damage to town property, buildings, streets, and sidewalks.

(K) Report to the Chief of Police any repairs needed to any public property.

(L) Serve all processes issued to them.

(M) Summon as many persons as may be necessary to assist them in the duties herein outlined.

(N) Perform any and all other duties that may be assigned to them by the Town Council, the Town Manager, or the Chief of Police.

('74 Code, ' 18-5)

Statutory reference:

Powers and duties of police officers, see G.S. ' 160A-285

' 33.049 UNIFORMS.

(A) The Chief of Police and other police officers shall when on duty wear such uniforms as shall be prescribed by the Town Council and shall keep them in a neat condition; and upon discharge, resignation, or dismissal, shall surrender such uniforms which have been purchased by the town for their use. However, any member of the police force designated or employed for emergency, limited, or special duty, or anyone working generally as a detective or doing detective work, need not be clad in a uniform unless specially directed by the Chief of Police to wear a uniform.

(B) It shall be the duty of the Chief of Police to see that the members of the police force present a neat and respectable appearance.

('74 Code, ' 18-4)

' 33.050 AUTHORITY TO ENFORCE TRESPASSING REGULATIONS.

The Police Department is authorized to act as agents for property owners and tenants to enforce regulations against trespassing on private property located within the corporate limits of the town, upon specific request by such property owners or tenants.

(Ord. 96-3, passed 4-8-96)

HUMAN RELATIONS COMMISSION

' 33.70 FINDING OF DESIRABILITY OF HUMAN RELATIONS COMMISSION.

The town hereby finds and declares that it is desirable that a Human Relations Commission be established and maintained in the town.

(Ord. 91-8, passed 10-28-91)

' 33.71 ESTABLISHMENT OF HUMAN RELATIONS COMMISSION DUTIES.

There is hereby established a Commission to be known as the Plymouth Human Relations Commission. It shall be the duty of the Commission in general:

(A) To encourage understanding and good will between all citizens regardless of race, sex, religion, creed, nationality, or economic status, and thus promote the general welfare of our town;

(B) To report to and to recommend to the Town Council measures designed to promote the welfare of the community;

(C) To identify concerns within the community which could jeopardize the welfare of our town;

approval of such by-laws by the Town Council. A copy of by-laws shall be filed with the Clerk of the Town Council for inspection by interest parties and shall constitute public records.

(B) The Commission shall hold meetings as provided by the by-laws, or when called by the chairman, vice-chairman or any three members of the Commission at any time upon 12 hours written or telephone notice to all of its members. All meetings shall be open to the general public except those authorized by law to be in executive session (e.g., those considering action necessary to deal with riot or civil disorder or with conditions that indicate a riot or civil disorder is eminent). It shall keep minutes of its meetings, in which shall be recorded all action taken in its public meetings that it considers. Such minutes shall be public records. The Commission can invite and receive suggestions from the public concerning any and all matters within the scope of its duties.

(C) A quorum shall consist of a majority of the members of the Commission. No proxies shall be allowed.

(Ord. 91-8, passed 10-28-91)

33.75 REPORTS.

The Commission shall cause a comprehensive annual report to be prepared describing the objectives, programs, activities and accomplishments of the Commission. This report shall be prepared as of June 30 of each year for the previous year and shall be submitted to the Town Council by September 1 of each year.

The form and content of the report shall be determined by the Commission, subject to the right of the Town Council at any time to require a report containing any information on any subject in any format it may reasonably designate. Special reports and recommendations can be made to (or requested by) the Town Council as the need arises in the judgement of the Commission or at the specific request of the Town Council.

(Ord. 91-8, passed 10-28-91)

CHAPTER 34: PERSONNEL POLICY

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34.23 Applicability

GENERAL PROVISIONS

' 34.01 COMPENSATION OF MAYOR, COUNCILMEMBERS, AND THE LIKE AND FEES.

(A) The Mayor, Councilmembers, Town Manager, and all other town officers and employees shall receive such compensation for their services as may from time to time be provided in the annual budget or other ordinances; provided, that the compensation of the Town Manager shall be as agreed upon by and between the Town Council and the Town Manager.

government. He shall regularly report to the Town Council concerning progress of the program, with recommendations where appropriate.

(B) Administration of the program shall be the responsibility of the Town Manager, or his designate, as the town Equal Employment Opportunity Coordinator. He has the support of the Town Council. He and his staff are responsible for:

- (1) Implementing policy, affirmative action programs, and internal and external communication techniques.
 - (2) Assisting department heads in arriving at solutions to problems.
 - (3) Periodically auditing hiring and promotion patterns to ensure that goals and objectives are met and reported to the Town Council.
 - (4) Assisting in the identification of problem areas.
 - (5) Quarterly auditing to insure that:
 - (a) Posters are properly displayed.
 - (b) All facilities are, in fact, desegregated.
 - (c) Minority employees have the opportunity to participate in all town-sponsored activities.
 - (6) Conducting regular discussions with department heads, supervisors, and employees to ensure that town policy is being followed and measure effectiveness of town programs, indicate the need for remedial action, and determine the degree to which goals and objectives have been attained.
 - (7) Keeping town management informed of the latest developments in the entire equal opportunity area.
 - (8) Serving as liaison between the town and enforcement agencies, minority organizations, and community action groups.
- (Ord. passed 7-10-78)

' 34.14 RECRUITMENT.

(A) The town shall seek qualified minority group applicants for all job categories and shall make particular efforts to increase minority group representation in occupations at the higher levels of skill and responsibility. Decisions on employment shall be based solely upon an individual's qualifications for the position being filled.

(B) To increase the flow of minority applicants, the following shall be pursued:

RESIDENCY REQUIREMENTS

34.20 PURPOSE.

The Town Council hereby establishes residency requirements for its employees. The rational purposes for these residency requirements include, but are not limited to, the following:

- (A) Enhancement of the quality of employee performance by greater personal knowledge of employee responsibilities and existing town conditions;
 - (B) Ready availability in emergency situations;
 - (C) Contribution to the town tax base;
 - (D) Involvement and participation in the town's community;
 - (E) Reduction in absenteeism and tardiness; and
 - (F) General economic benefits flowing from local expenditure of salaries.
- (Ord. 05-01, passed 12-13-04)

34.21 RESIDENCY REQUIREMENTS.

The following requirements shall apply to town employees as identified hereafter:

- (A) Any employee hereafter appointed, hired or promoted into the position of Town Manager or Department Head will be required to reside permanently in the town limits within 180 days of their appointment, hiring or promotion to such position.
 - (B) Anyone holding the position of Town Manager or Department Head and who resided outside the town limits prior to the enactment of this section may continue to reside outside the town limits for so long as they may hold such position and continue to reside at the same address.
- (Ord. 05-01, passed 12-13-04)

34.22 CANDIDATES FOR EMPLOYMENT.

Candidates for employment shall be recruited from a geographic area as wide as necessary to ensure the recruitment of well-qualified applicants. Employment, therefore, shall not necessarily be limited to residents of the town. However, in cases where residents and non-residents are equally qualified for particular vacant positions, the resident may receive first consideration in filling such vacancies.

(Ord. 05-01, passed 12-13-04)

CHAPTER 35: FINANCE

Section

General Provisions

- 35.01 Fiscal year
- 35.03 Inventory of town real property

Taxation

- 35.10 Late payment; penalties
- 35.11 Partial payment of tax
- 35.12 Apportionment and release of tax lien
- 35.13 Property sold for taxes

GENERAL PROVISIONS

' 35.01 FISCAL YEAR.

The fiscal year for the town government shall begin on July 1 of each calendar year and shall terminate with the expiration of the next succeeding June 30.

('74 Code, ' 9-1)

' 35.02 INVENTORY OF TOWN REAL PROPERTY.

The Clerk shall maintain on file in his office an inventory of all real property owned by or leased to the town. This inventory shall be maintained in current status, and during January of each year shall be revised, as may be appropriate, to show changes in value due to depreciation or to repairs, renovations, and the like. For each building or lot such inventory shall also show a brief description; a reference to the deed, devise, lease, or other instrument whereby the town acquired title to or the use thereof; the department, office, or agency charged with custody; the purpose or use; the insurance of all types thereon, together with notes as to premiums payable and anniversary dates; and for property owned by the town and leased to other persons, copies of such leases and appropriate notes as to the revenues derived therefrom.

('74 Code, ' 2-21)

' 35.13 PROPERTY SOLD FOR TAXES.

The rules stated in ' ' 35.12 and 35.13 shall apply in cases where property has been sold for taxes and the town is the holder of the certificate of sale; provided, that no suit has been instituted to foreclose such certificate; and provided, further, that the first applicant for a release in accordance with the provisions of ' 35.13 shall pay the cost of advertising, selling, and issuing of the certificate of sale.

('74 Code, ' 9-6)

CHAPTER 36: TOWN POLICY

Section

- 36.01 Smoking in municipal buildings
- 36.02 Signs prohibiting concealed handguns on municipal property

' 36.01 SMOKING IN MUNICIPAL BUILDINGS.

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

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

(B) *Smoking Regulated in Municipal Buildings.* It shall be unlawful for any person to smoke in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed or controlled by the town, except in specially designated smoking areas. The Town Manager shall have the authority to designate smoking areas within each municipal building or facility. Twenty percent of an area within any building or facility may be designated as a smoking area.

(Ord. 93-2, passed 10-11-93)

' 36.02 SIGNS PROHIBITING CONCEALED HANDGUNS ON MUNICIPAL PROPERTY.

(A) *Posting of Signs Required.* The Town Manager is authorized to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by the town, 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 premises, or park. The Town 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. 96-2, passed 1-8-96)