

**Town of Dallas
Agenda
NOVEMBER 27, 2018
5:00 PM**

BOARD OF ALDERMEN – WORK SESSION MEETING

Rick Coleman, Mayor

Allen Huggins

Darlene Morrow

Stacey Thomas

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

ITEM SUBJECT

Pages

-
- 1. Pledge of Allegiance to the Flag**
 - 2. Approval of Agenda with Additions Or Deletions**
 - 3. New Business**
 - A. Picnic Shelter Rental Policy 2
 - B. Small Cell Wireless Ordinance 6
 - C. Civil Emergency Ordinance 25
 - D. Town Signage 35
 - E. TOP TIER Grant 38

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Picnic Shelter Rental Policy

AGENDA ITEM NO. 3A

MEETING DATE: 11/27/2018

BACKGROUND INFORMATION:

The picnic shelters at both Jagers Park and Cloninger Park are being requested for use for parties and gatherings. At this point, there is no policy to rent these shelters and grant exclusive use to those asking for exclusive use.

Steve Aloisa, Recreation Director, has obtained policies from surrounding areas and has developed a proposal to enable interested parties to rent the picnic shelters for exclusive use for events. This proposal is attached.

Such a policy would alleviate potential conflicts between users of the facilities and would help offset a small portion of the ongoing maintenance costs of these properties.

MANAGER'S RECOMMENDATION: Discuss the proposal and make recommendations for implementation.

BOARD ACTION TAKEN:

**TOWN OF DALLAS
PARKS AND RECREATION
FEES & POLICIES**

It shall be the stated goal of the Town of Dallas to establish clear, consistent, fair, and equally-applied and enforced, policies and fees for the scheduling and use of its publicly-owned and maintained athletic and civic facilities and buildings. To further that goal, the following shall apply:

Parks/Buildings/Fields/Facilities Owned or Operated by The Town of Dallas:

1. Cloninger Park Picnic Shelter
2. Jagers Park Picnic Shelter

Policies (General):

Fees for participation in, or sponsorship of, Town-sanctioned and/or organized athletic teams/ leagues and recreational activities have been established (see Fee Schedule-Recreation Fees) so as to attempt to recover much of the costs of operating and continuing such programs. For participants in these programs, the use of fields, buildings, or facilities are covered by the fee for team, league, program, or activity participation. For any and all other use of such facilities or buildings, potential users will be required to pay, in advance, the fee(s) established and to abide by all Town policies. Such users will be allowed equal access on a first-come/first serve basis.

To schedule the exclusive, reserved use of a field, building, park or facility, for recreation or activities not sanctioned or organized by the Town, individual or group users must fully complete a Town application form, including the remittance of any and all fees required, and return it to authorized Town recreation staff not less than 48 hours in advance of the time such activity/use is to occur. Users will be required to sign a standard Liability Waiver/Release Form if "Not-for-Profit"; and provide a Certificate of Liability Insurance, naming the Town of Dallas as additionally insured, in a minimum coverage amount of \$500,000, if "For-Profit".

Users shall be classified and designated as "For-Profit" if they represent, and are funded by a for-profit business or corporate entity; or, if they charge for admission; sell merchandise or concessions; operate tournaments for participant fees; gain advertising or business sponsorship; or engage in any other act or activity which is designed to generate revenues from individual participants. For determination of Fees hereafter, all other users shall be classified as and considered "Not-for-Profit".

Individual users must be Town of Dallas residents to be eligible for "Town Resident" Use fee designation; while for groups or teams of users, no greater than twenty percent (20%) of all covered participants may be "Non-Town Residents" in order to remain eligible for "Town Resident" Use fee designation.

Jagers Park Picnic Shelter:

At present, the Town of Dallas does not sanction or organize the use of Jagers Park Picnic Shelter for any town sponsored events. Any and all other use shall be subject to the following fees:

Fees: (All Other)

Shelter Use:	4 Hours	(M-F)	(Sat/ Sun)
		Weekday- per Day	Weekend- per Day
Town-Resident/Not-For-Profit	\$25	\$45	\$50
Non-Town/Not-For-Profit	\$35	\$65	\$70

The shelter may be rented for an AM Block (10am – 2pm), PM Block (3pm – 7pm), or all day (10am – 7pm).

The following items are **not** permitted on park property:

- grease deep fryers
- personal grills
- large Smokers
- commercial grills
- inflatables (bounce houses)
- alcoholic beverages

Refund Policy:

Cancellation of a reservation will result in the rental fee being non-refundable unless the cancellation notice is received 10 days prior to the reservation. In the event of inclement weather cancellation notice must be received 5 days prior to the reservation. If it rains the day of your event no refund will be issued but the user may choose another available date at the same location within one month of the original reservation date.

Note: A shelter reservation does not close the entire park – it is still open to the public.

Cloninger Park Picnic Shelter:

Town-sponsored use of the Picnic Shelter shall consist of: The Crop Walk, or pre-season organized Youth Soccer games and practices, and banquets involving all team members; the annual 4th of July Fireworks display; All other use shall be subject to the following Fees:

Fees: (All Other)

Shelter Use:	4 Hours	(M-F)	(Sat/ Sun)
		Weekday- per Day	Weekend- per Day
Town-Resident/Not-For-Profit	\$25	\$45	\$50
Non-Town/Not-For-Profit	\$35	\$65	\$70

The shelter may be rented for an AM Block (10am – 2pm), PM Block (3pm – 7pm), or all day (10am – 7pm).

The following items are **not** permitted on park property:

- grease deep fryers
- personal grills
- large Smokers
- commercial grills
- inflatables (bounce houses)
- alcoholic beverages

Refund Policy:

Cancellation of a reservation will result in the rental fee being non-refundable unless the cancellation notice is received 10 days prior to the reservation. In the event of inclement weather cancellation notice must be received 5 days prior to the reservation. If it rains the day of your event no refund will be issued but the user may choose another available date at the same location within one month of the original reservation date.

Note: A shelter reservation does not close the entire park – it is still open to the public.

**TOWN OF DALLAS
RELEASE OF LIABILITY**

In exchange for the granting of access to, and use of, a Town of Dallas Building, Athletic Field, Park, or Facility, I/We _____,
Representing _____, Agree as follows:

1. To, observe and obey all posted and/or conveyed directions, policies, rules, or warnings regarding use of Town of Dallas property as issued by the Town of Dallas, its staff, employees, agents, or volunteers; and,
2. To, on behalf of the individual(s) and/or organization represented, **indemnify and hold harmless the Town of Dallas, its Park & Recreation Department staff, employees, agents, or volunteers, from any and all suits, claims of damages, or liability** for any and all personal injury to myself or other participants so represented, or for damages to personal property owned or controlled by me/us, occurring as a result of, or while engaged in activities conducted within the confines of Town of Dallas property permitted hereby; and,
3. To assume full responsibility for damages to Town of Dallas property caused by, or resulting from my/our negligent, willful or reckless acts that may or may not be in violation of Town directions, policies, rules, or warnings conveyed, posted, or issued.
4. **I/We further Agree** to leave the property used in a generally clean, orderly, and undamaged state, approximately similar in condition to that in existence immediately preceding my/our permitted use. (Failure to do so can result in additional fees for cleanup or restoration).

**I/WE HAVE READ THE ABOVE "RELEASE OF LIABILITY" DOCUMENT AND
DECLARE THAT I/WE UNDERSTAND IT FULLY AND THAT BY SIGNING THIS
RELEASE ARE VOLUNTARILY SURRENDERING CERTAIN LEGAL RIGHTS IN
THE PROCESS.**

Date: _____

Signature of Applicant(s): _____

Participant(s): Printed Name(s): _____

Address: _____

Telephone#: _____

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Small Cell Wireless Ordinance

AGENDA ITEM NO. 3B

MEETING DATE: 11/27/2018

BACKGROUND INFORMATION:

In July 2017, the NC General Assembly adopted legislation (HB 310) establishing standards for the regulation of small cell wireless facilities. Since that time, local governments have been developing ordinances to be in compliance with this legislation.

Attached is a summary of House Bill 310, a Sample Ordinance, and examples of small cell wireless equipment.

This information is being distributed for review, with a plan to address implementing an ordinance in the spring of 2019.

MANAGER'S RECOMMENDATION: Review the attached information for action in the spring of 2019.

BOARD ACTION TAKEN:



HOUSE BILL 310: Wireless Communications Infrastructure Siting.

2017-2018 General Assembly

Committee:
Introduced by:
Analysis of: S.L. 2017-159

Date: September 11, 2017
Prepared by: Jennifer McGinnis
Staff Attorney

OVERVIEW: S.L. 2017-159:

- Amends the laws relating to regulation by cities of wireless infrastructure siting with regard to collocation of small wireless facilities on city utility poles in public rights-of-way.
- Authorizes cities to assess fees on wireless providers for occupation of rights-of-way if the city charges other communications service providers or publicly, cooperatively, or municipally owned utilities for similar uses of the rights-of-way.
- Authorizes cities to charge wireless providers for collocation of a small wireless facility on city utility poles a rate of \$50 per pole per year.
- Authorizes the North Carolina Department of Transportation (NCDOT) to issue permits to wireless providers for collocation of wireless facilities on State rights-of-way.

This act became effective July 21, 2017.

CURRENT LAW: Article 19 of Chapter 160A and Article 18 of Chapter 153A of the General Statutes govern land use regulations by cities and counties, respectively. Specifically in Part 3E of Article 19 of Chapter 160A (Cities) and Part 3B of Article 18 of Chapter 153A (Counties), cities and counties are granted like authority to regulate equipment and network components necessary to provide wireless service and regulate new or existing structures designed to support wireless facilities.

Part 3E of Article 19 of Chapter 160A of the General Statutes currently provides for municipal regulation of the siting and modification of mobile broadband and wireless facilities. It also provides for the regulation of collocation of wireless facilities. Collocation is the installation of new wireless facilities on previously-approved structures.

BILL ANALYSIS:

This act sets forth findings that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, may be deployed most effectively in the public rights-of-way.

The act amends Part 3E of Article 19 Chapter 160A to provide for the municipal regulation of the siting and collocation of small wireless facilities, described more as follows:

➤ **Definition of a "small wireless facility"**

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

This bill analysis was prepared by the nonpartisan legislative staff for the use of legislators in their deliberations and does not constitute an official statement of legislative intent.

House Bill 310

Page 2

The act defines "small wireless facilities" as a wireless facility with both of the following:

1. Antenna within an enclosure of no more than 6 cubic feet in volume.
2. Other wireless equipment associated with the small wireless facility of no more than 28 cubic feet in volume.

➤ **Permitting of Small Wireless Facilities by Cities**

The act prohibits a city from establishing a moratorium on accepting applications, issuing permits, or otherwise regulating the collocation of small wireless facilities except as provided in this act. A city is given the discretion to require a permit for a wireless provider to collocate small wireless facilities within the city's jurisdiction subject to the following conditions:

- A city may not, as a permit condition, require applicants to provide unrelated services such as reservation of fiber, conduit, or pole space for the city.
- The city would have 30 days to deem an application complete; 45 days to approve or deny the completed application. An applicant would have 30 days to revise a denied application; and the city would have an additional 30 days to approve or deny the revised application.
- Applicants could include up to 25 small wireless facilities into a single permit application. A city could remove one or more of those facilities from the consolidated application under certain conditions.
- The permit may require the applicant to commence collocation within 6 months of approval and to activate for use no later than one year from the permit issuance date.

A city may review the permit and could deny an application only if it fails to meet one of the following:

- Compliance with local codes or regulations that concern public safety.
- Objective design standards for decorative utility poles.
- Stealth and concealment, including screening and landscaping for ground-mounted equipment.
- Reasonable spacing requirements for poles and ground-mounted equipment.
- Compliance with local, State, and federal historic district laws and regulations.

A city is authorized to charge a permit fee of up to \$100 per small cell wireless facility for the first five facilities in an application and \$50 for each additional facility in the application. A city may also charge a consulting fee of up to \$500 per application to hire an outside consultant to complete the review and processing of applications.

A permit for a small wireless facility that will extend no more than 10 feet above the top of its support structure may only be reviewed and approved using the G.S. 160A-400.54 criteria above if being collocated (i) in a city right-of-way within any zoning district; or (ii) outside a city right-of-way on other than single-family residential property.

A city may require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city may remove the facility and recover the actual cost of such removal, including legal fees, if any, from the wireless services provider.

➤ **Use of the City Right-of-Way**

House Bill 310

Page 3

The act:

- Allows a wireless provider to collocate small wireless facilities in the city rights-of-way.
- Prohibits a city from entering into an exclusive arrangement with any person for the use of the city right-of-way for wireless facilities, wireless support structures, or the collocation of small wireless facilities.

If the wireless provider sought to install a new or modify an existing utility pole in the city right-of-way in association with the collocation of a small cell wireless facility and (i) those poles do not to exceed 50 feet; and (ii) the collocated small wireless facilities do not extend more than 10 feet off the top of the structure, the city's review is limited to the G.S. 160A-400.54 criteria set forth above. The city may, however, allow wireless facilities that exceed those height restrictions at the city's discretion. Applicants for use of the city right-of-way must comply with the city's undergrounding requirements.

A city may charge a wireless provider for the use of the city right-of-way. The charge must be reasonable and nondiscriminatory, must not exceed the direct and actual cost of managing the city rights-of-way, and is not to be based on the wireless provider's revenue or customer counts. The charge may not exceed similar charges imposed on other users of the right-of-way, including publicly, cooperatively, or municipally owned utilities. A city may require a wireless provider to repair any damage to the city right-of-way caused while installing or maintaining wireless facilities or other associated facilities. If the wireless provider fails to make those repairs, the city may charge the provider the reasonable cost of the repairs.

Historic preservation zoning authority may still be exercised by the city.

➤ Access to City Utility Poles

The act prohibits a city from entering into an exclusive arrangement with any person for the use of the city utility poles. A city must allow a wireless provider to collocate on utility poles at just, reasonable and non-discriminatory rates, not to exceed \$50 per city utility pole per year. Requests to collocate on a city utility pole may be denied only for (i) insufficient capacity; (ii) reasons of safety; and (iii) engineering principles (and these limitations could not be remedied by rearranging, expanding, or otherwise reengineering the facilities at a reasonable cost). The wireless provider seeking to collocate must comply with all applicable safety requirements, including the National Electric Safety Code and rules and regulations of the Occupational Safety and Health Administration.

Within 60 days of receiving an application to collocate on a city pole, the city must provide an estimate of costs for make-ready work. Such work must be completed within 60 days of acceptance of the estimate by applicant.

These provisions do not apply to: (i) a city that owns or operates a public enterprise consisting of an electric power generation, transmission, or distribution system; or (ii) an electric membership corporation that owns or controls poles, ducts or conduits, but which is exempt from regulation under section 224 of the Communications Act of 1934.

➤ Stadiums, Private Easements, Enforcement

The act:

- Clarifies that nothing in the act amends, modifies, or otherwise affects any easement agreement between private parties.
- Prohibits a city from doing any of the following (except as otherwise provided under the act, or specifically authorized the General Statutes):

House Bill 310

Page 4

- Adopting or enforcing any regulation on the placement or operation of communications facilities in the rights-of-way, whether State or city, by a provider authorized by State law to operate in the rights-of-way.
 - Regulating any communications services.
 - Imposing or collecting any tax, fee, or charge to provide a communications service over a communications facility in the right-of-way.
 - Regulating small wireless facilities within any stadium or athletic facility, unless the city owns the stadium or athletic facility.
- Provides that approval of the installation, placement, maintenance, or operation of a small wireless facility under the act does not authorize the provision of any communications services or the installation, placement, maintenance, or operation of any communications facility, including a wireline backhaul facility, other than a small wireless facility, in the right-of-way.

➤ **State-maintained highways.**

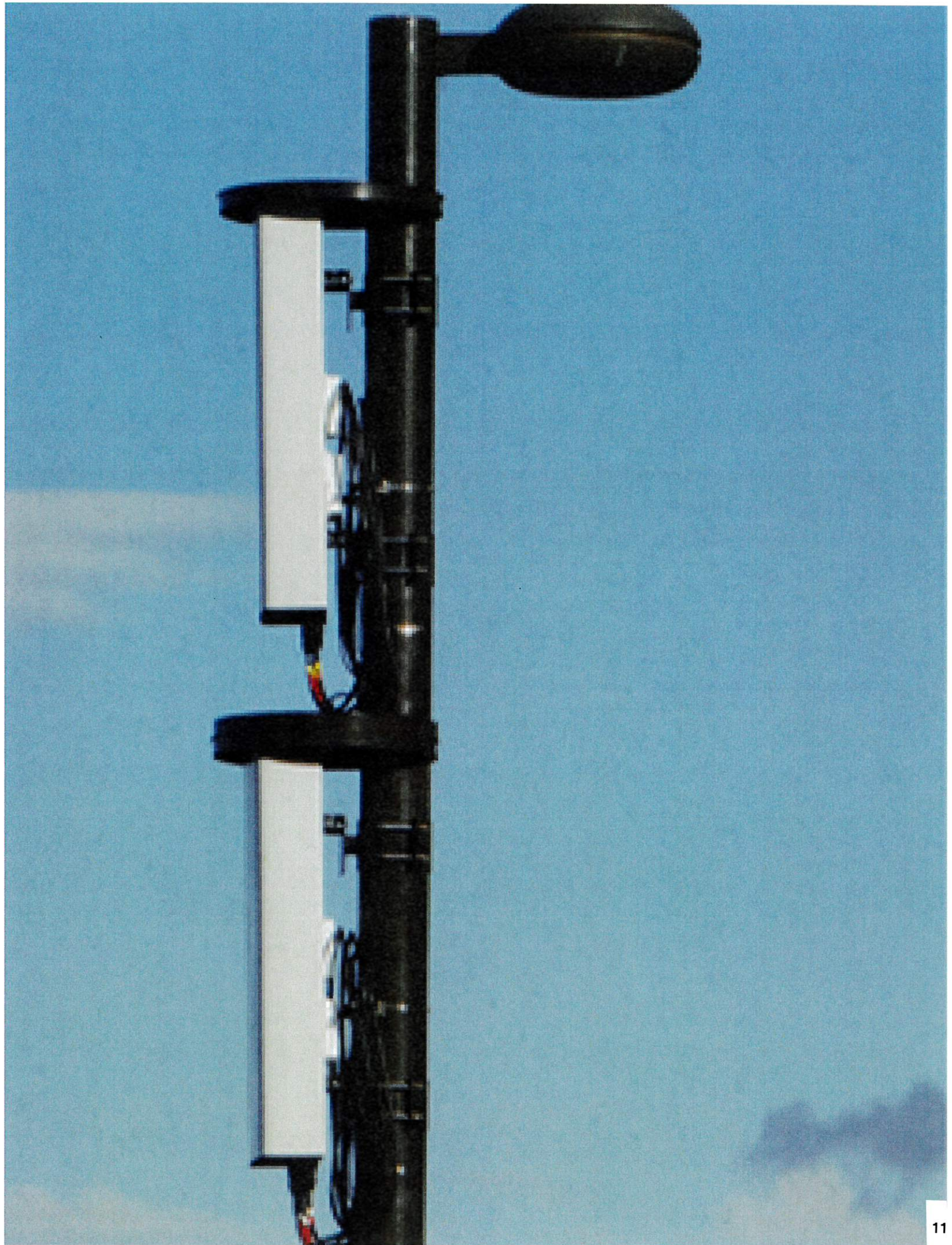
The act addresses the regulation of wireless facilities in the rights-of-way of State-maintained highways by adding the placement of wireless facilities to the list of allowable activities in the State rights-of-way and authorizes the NCDOT to issue permits for the collocation of wireless facilities in the State rights-of-way. NCDOT would be required to approve or deny permits within a reasonable period of time of receiving an application.

The collocation of small wireless facilities in the State rights-of-way is made subject to the following requirements:

- The facilities may not obstruct or hinder the usual travel or public safety on any State rights-of-way or obstruct the legal use of such rights-of-way by other utilities.
- Each new or modified utility pole and wireless support structure installed in the State right-of-way may not to exceed the greater of (i) 10 feet in height above the height of the tallest existing utility pole, in place as of July 1, 2017, located within 500 feet of the new pole in the same right-of-way, or (ii) 50 feet above ground level.
- Each new small wireless facility in the right-of-way may not to extend (i) more than 10 feet above an existing utility pole or wireless support structure in place as of July 1, 2017, or (ii) above the height permitted for a new utility pole or wireless support structure under this section.

EFFECTIVE DATE: This act became effective July 21, 2017.

Erika Churchill and Billy Godwin, staff attorneys, substantially contributed to this summary.





HARTLEY ST

SMALL WIRELESS FACILITY MODEL ORDINANCE

AN ORDINANCE ESTABLISHING STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE CITY OF _____

WHEREAS, the City of _____ ("City") desires to encourage wireless infrastructure investment by providing a fair and predictable process for the deployment of small wireless facilities, while enabling the City to promote the management of the rights-of-way in the overall interests of the public health, safety and welfare; and

WHEREAS, the City recognizes that small wireless facilities are critical to delivering wireless access to advanced technology, broadband and 9-1-1 services to homes, businesses, schools within the City; and

WHEREAS, the City recognizes that small wireless facilities, including facilities commonly referred to as small cells and distributed antenna systems, often may be deployed most effectively in the public rights-of-way; and,

WHEREAS, the City intends to fully comply with state and federal law to the extent it preempts local municipal control.

NOW, THEREFORE, BE IT ORDAINED by the _____ that Title _____ of the Municipal Code of the City of _____ shall be amended by adding the following Chapter _____ that will read as follows:

Section 1 – Purpose and Scope

(A) Purpose. The purpose of this Chapter is to establish policies and procedures for the placement of small wireless facilities in rights-of-way within the City's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the City rights-of-way and the City as a whole.

(B) Intent. In enacting this Chapter, the City is establishing uniform standards to address issues presented by small wireless facilities, including without limitation, to:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain city corridors, and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of facilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees;
- (5) preserve the character of the neighborhoods in which facilities are installed; and

- (6) facilitate rapid deployment of small cell facilities to provide the benefits of advanced wireless services.

(C) Conflicts with Other Chapters. This Chapter supersedes all Chapters or parts of Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Section 2 - Definitions

- (A) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.
- (B) "Applicable Codes" means The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
- (C) "Applicant" means any person who submits an application and is a wireless provider.
- (D) "Application" means a request submitted by an applicant (1) for a Permit to collocate small wireless facilities; or (2) to approve the installation or modification of a utility pole, city utility pole, or wireless support structure.
- (E) "[City / Town / Village]" refers to the [City / Town / Village] of XXXXXX.
- (F) "City Utility Pole" means (1) a utility pole owned by the City in the rights-of-way, including a utility pole that provides lighting or traffic control functions, including light poles, traffic signals, and structures for signage, and (2) a pole or similar structure owned by the City in the ROW that supports only Wireless Facilities.
- (G) "Code" means the [City / Town / Village] of XXXXXX Municipal Code.
- (H) "Collocate" means the placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocate" does not include the installation of new utility poles, city utility poles, or wireless support structures. "Collocation" has a corresponding meaning.
- (I) "Day" means calendar day.
- (J) "Emergency" is a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the right-of-way to be unusable and result in loss of the services provided.
- (K) "Existing Structure" is a previously erected support structure or utility pole that is capable of supporting the installation of wireless facilities.

- (L) "Facility(ies)" means wireless telecommunication facilities.
- (M) "FCC" means the Federal Communications Commission of the United States.
- (N) "Fee" means a one-time charge.
- (O) "Law" means federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.
- (P) "Modification" means a change to an existing wireless facility that involves any of the following: collocation, expansion, alteration, enlargement, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation.
- (Q) "Monopole" means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole.
- (R) "Permit" means a written authorization required by the City to perform an action or initiate, continue, or complete a project.
- (S) "Pole" means a single shaft of wood, steel, concrete, or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of the Code.
- (T) "Person" means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.
- (U) "Rate" means a recurring charge.
- (V) "Rights-of-Way" or "ROW" means the right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.¹
- (W) "Small Wireless Facility" means a wireless facility that meets both of the following qualifications: (1) each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and (2) all other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements,

¹ Which would include the portions of the right-of-way within the City of Charlotte dedicated to light rail operation.

telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

- (X) "Utility Pole" means a structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.
- (Y) "Wireless Facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (2) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:
- i. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
 - ii. Wireline backhaul facilities.
 - iii. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (Z) "Wireless Infrastructure Provider" means any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.
- (AA) "Wireless Provider" means a wireless infrastructure provider or a wireless services provider.
- (BB) "Wireless Services" means any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (CC) "Wireless Services Provider" means a person who provides wireless services.
- (DD) "Wireless Support Structure" means a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or, other existing or proposed structure designed to support or capable of supporting wireless facilities. Such term shall not include a utility pole or city utility pole.

Section 3 – Permitted Use; Application and Fees

- (A) Permitted Use: Collocation of a small cell facility or a new or modified utility pole or wireless support structure for the collocation of a small cell facility that meet the height

requirements of § 160A-400.55(c)(2) shall be classified as permitted uses and subject only to administrative review of Section 4 if they are collocated (1) in a City right of way within any zoning district or (2) outside of rights of way on property other than single family residential property.

- (B) Permit Required. No person shall place a small wireless facility in the rights-of-way, without first filing a small wireless facility application and obtaining a permit therefore, except as otherwise provided in this Chapter.
- (C) Permit Application. All small wireless facility applications for permits filed pursuant to this Chapter shall be on a form, paper or electronic, provided by the City. The applicant may designate portions of its application materials that it reasonably believes contain proprietary or confidential information as "trade secret" by clearly marking each page of such materials accordingly. Trade secret information shall be filed as a separate addendum to permit applications.
- (D) Application Requirements. The small wireless facility permit application shall be made by the wireless provider or its duly authorized representative and shall contain the following:
- (1) The applicant's name, address, telephone number, and e-mail address;
 - (2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
 - (3) A general description of the proposed work and the purposes and intent of the small wireless facility. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
 - (4) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the right-of-way, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
 - (5) A small wireless facility shall comply with all applicable codes, approved plans, and conditions of approval.
 - (6) An application must include an attestation that the small wireless facilities will be collocated on the utility pole, city utility pole or wireless support structure and that the small wireless facilities will be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site, and, in instances where an applicant seeks to construct a new pole, a statement regarding the infeasibility of collocation on existing structures.

- (7) An applicant seeking to collocate small wireless facilities at multiple locations within the jurisdiction of a city shall be allowed at the applicant's discretion to file a consolidated application for no more than 25 separate facilities and receive a single permit for the collocation of all the small wireless facilities meeting the requirements of this section. A city may remove small wireless facility collocations from a consolidated applicant and treat separately small wireless facility collocations (1) for which incomplete information has been provided or (2) that are denied. The city may issue a separate permit for each collocation that is approved.
- (8) The applicant asserts, to the best of the applicant's knowledge, the truth of the information contained in the application.
- (E) Permit Conditions. A Permit for the collocation of the small wireless facility shall provide that the collocation must commence within six months of approval and that the small wireless facility shall be activated no later than one year from the permit issuance date, unless the City and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site. In addition, the applicant shall be required to obtain all otherwise applicable work permits including, by way of example and not by way of limitation, permits for work that will involve excavation in the right-of-way, affect traffic patterns or obstruct vehicular traffic in the right-of-way.
- (F) Routine Maintenance and Replacement. A city shall not require an application or permit or charge fees for (1) routine maintenance; (2) the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or (3) installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles or city utility poles in compliance with applicable codes by or for a communications service provider authorized to occupy the city rights-of-way and who is remitting taxes under G.S. 105-164.4(a)(4c) or G.S. 105-164.4(a)(6). Nothing in this section shall prevent a city from requiring a work permit for work that involves excavation, affects traffic patterns, or obstructs vehicular traffic in the city right-of-way.
- (G) Information Updates. Any amendment to information contained in a permit application shall be submitted in writing to the City within thirty (30) days after the change necessitating the amendment.
- (H) Fees. The fee for submitting an application shall be one hundred dollars (\$100.00) per facility for the first five small wireless facilities addressed in an application plus fifty dollars (\$50.00) for each additional small wireless facility addressed in the application. In any dispute concerning the appropriateness of a fee, the city shall bear the burden of providing that the fee meets the requirements of this subsection.
- (I) Consulting Fees. The applicant will reimburse the city for the actual and direct cost of any consultant fees necessary for the review of an application up to five hundred dollars (\$500.00) per application. Such consultant fees shall not include travel expenses or direct payments or reimbursements for a consultant or other third party that are based on a contingent fee basis or results-based arrangement.

- (J) Fee Disputes. In any dispute concerning the appropriateness of a fee, the city shall have the burden of proving that the fee meets the requirements of the foregoing fee Sections.

Section 4 – Administrative Review and Approval Process

This Section applies to applications for permits that meet the requirements specified in Subsection 3(A).

- (A) Review for completeness. A permit application subject to this Administrative Review section shall be deemed complete unless the City provides notice in writing to the applicant within 30 days of submission or within some other mutually agreed upon timeframe. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission if the additional materials cure the deficiencies identified.
- (B) Time Limits for Review of Completed Applications. The permit applications subject to this Administrative Review section shall be processed on a nondiscriminatory basis and shall be deemed approved if the City fails to approve or deny the application within 45 days from the time the application is deemed complete or within some other mutually agreed upon timeframe.
- (C) Denial of Permit. The City may deny an application for a permit subject to this Administrative Review section on the basis that it does not meet the city's applicable codes; local code provisions or regulations that concern public safety. The city shall (1) document the basis for a denial, including the specific code provisions on which the denial was based, and (2) send the documentation to the applicant on or before the day the city denies an application. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee. The city shall approve or deny the revised application within 30 days of the resubmittal date. Any subsequent review shall be limited to the deficiencies cited in the prior denial.
- (D) Review of Eligible Facilities Requests. Notwithstanding any other provision of this Chapter, the City shall approve and may not deny applications for eligible facilities requests within sixty (60) days according to the procedures established under 47 CFR 1.40001(c).

Section 5 – Small Wireless Facilities in the ROW; Maximum Height; Other Requirements

- (A) Maximum Size of Permitted Use. A wireless provider may collocate small wireless facilities along, across, upon, and under any city right-of-way. Subject to this section, a wireless provider may place, maintain, modify, operate and replace associated utility poles, city utility poles, conduit, cable, and related appurtenances and facilities along, across, upon, and under any city right-of-way. The placement, maintenance, modification, operation and replacement of utility poles and city utility poles associated with the collocation of small wireless facilities, along, across, upon, and under any city right-of-way shall be classified as

permitted uses and subject only to administrative review or approval under Section 4 if the wireless provider meets the following requirements:

- (1) Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level.
- (2) Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole or wireless support structure on which it is collocated.²

(B) Other Requirements. Any wireless provider that seeks to construct or modify a utility pole, wireless support structure or wireless facility shall be subject to the following requirements:

- (1) Collocations of Small Wireless Facilities are preferred on existing poles where feasible.
- (2) Installations of Small Wireless Facilities are preferred at property lines and street corners where feasible.
- (3) Small Wireless Facilities shall be located such that they do not interfere with public health or safety facility, such as, but not limited to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility. New facilities shall not be installed directly over any water, sewer, or reuse main or service line.
- (4) New Wireless Support Structures erected for installations of Small Wireless Facilities shall have the same type of material as existing poles in the immediate area. Applicant may request a variance of this provision from the city.
- (5) Any tree disturbing activity necessary for the installation or collocation of Small Wireless Facilities shall comply with the City's [tree ordinance / tree manual].
- (6) Wireless Support Structures shall not be lighted or marked by artificial means, except when mounted on an existing light pole or where illumination is specifically required by the Federal Aviation Administration or other federal, state, or local regulations. Notwithstanding the preceding sentence, the mounting of Small Wireless Facilities on light poles is permitted.
- (7) A city may require a wireless provider to repair all damage to a city right-of-way directly caused by the activities of the wireless provider, while occupying, installing, repairing, or maintaining wireless facilities, wireless support structures, city utility poles, or utility poles and to return the right-of-way to its functional equivalence before the damage. If the wireless provider fails to make the repairs required by the city within a reasonable time after written notice, the city may undertake those repairs and charge the applicable party the reasonable and documented cost of the repairs. The city may maintain an action to recover the costs of the repairs.
- (8) The city shall have authority to enforce historic preservation zoning regulations consistent with grants of authority under State law, the preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications

² Applicable State law permits cities to extend relevant height limitations.

under 47 U.S.C. § 1455(a), or the National Historic Preservation Act of 1996, 54 U.S.C. § 300101, et seq., as amended, and the regulations, local acts, and city charter provisions adopted to implement those laws.

- (9) Small Wireless Facilities and their associated Wireless Facilities shall be camouflaged, disguised, hidden, and/or blended in with the surrounding environment to the extent practicable.
 - (10) No Wireless Facility may bear any signs or advertising devices other than certifications, warnings, or other information as required by federal or state law and/or regulation or by the City Code of Ordinances.
 - (11) Wireless facility owners shall place company identification markers on poles on which their facilities are affixed.
 - (12) New wireless facilities on existing poles shall comply with otherwise applicable rules imposed by the pole owner including, when applicable, the National Electric Safety Code.
- (C) Undergrounding Provisions. Applicant shall comply with nondiscriminatory undergrounding requirements that prohibit electric utilities, telecommunications or cable providers from installing structures in the rights-of-way, provided such requirements shall not prohibit the replacement of existing structures. Applicant may seek a special use permit to place above-ground structures in areas where the undergrounding requirements apply.

Section 6 – Effect of Permit

- (A) Authority Granted; No Property Right or Other Interest Created. A permit from the City authorizes an applicant to undertake only certain activities in accordance with this Chapter, and does not create a property right or grant authority to the applicant to impinge upon the rights of others who may already have an interest in the rights-of-way.
- (B) Duration. Collocation of the small wireless facility shall commence within six (6) months of approval and shall be activated no later than one year from the permit issuance date, unless the city and the applicant agree to extend this period or a delay is caused by a lack of commercial power at the site.
- (C) Post Construction. The applicant must submit as-built drawings in an acceptable GIS format as determined by city staff as soon as reasonably practicable but no later than one hundred twenty (120) days after the completion of the installation and shall submit and maintain current contact information for the party responsible for the Wireless Facility on a form to be supplied by the city.

Section 7 – Removal, Relocation or Modification of Small Wireless Facility in the ROW

- (A) Notice. Within ninety (90) days following written notice from the City, wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small wireless facilities within the rights-of-way whenever the City has determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the rights-of-way.

- (B) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any small wireless facility located within the rights-of-way of the City, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless provider and provide the wireless provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless provider after cutting or removing a small wireless facility.
- (C) Abandonment of Facilities. The city may require a wireless services provider to remove an abandoned wireless facility within 180 days of abandonment. Should the wireless services provider fail to timely remove the abandoned wireless facility, the city may cause such wireless facility to be removed and may recover the actual cost of such removal from the wireless services provider. A wireless facility shall be deemed abandoned at the earlier of the date that the wireless services provider indicates in any way that it is abandoning such facility or the date that is 180 days after the date that such wireless facility ceases to be used unless the wireless services provider gives the city reasonable evidence that it is diligently working to place such wireless facility back in service.
- (D) Liability. Applicant hereby assumes all risk for liability for damages that may occur to persons or property on account of the proposed work, whether completed by applicant or applicant's agent or contractor completing, installing, or maintaining the work on applicant's behalf. Applicant shall procure and maintain liability insurance to protect the city from liability and damages on account of injuries to workers, as provided by law, and to protect the city from liability and damages occasioned by the proposed work.

Applicant shall procure and maintain in continuous effect, during the pendency of the encroachment, "Certificates of Insurance" or other satisfactory evidence to show applicant carries:

- (1) Commercial General Liability insurance and Commercial Automobile Liability insurance covering the city against claims, injury or damage to persons or property, both real and personal, caused by the proposed work, in amounts of One Million U.S. Dollars (\$1,000,000.00) per occurrence (combined single limit), including bodily injury and property damage, and Two Million U.S. Dollars (\$2,000,000.00) annual aggregate, and Two Million U.S. Dollars (\$2,000,000.00) for each personal injury liability; and
- (2) Statutory workers' compensation and employer's liability insurance of One Million U.S. Dollars (\$1,000,000.00) per accident / per disease, per employee / per disease, policy limits
- (3) All required liability insurance coverages shall include the city as an additional insured. Applicant shall notify the city at least thirty (30) days in advance of any cancellation of any required insurance that is not replaced.
- (4) Applicant shall procure proof that all contractors and all of their subcontractors who perform work on behalf of applicant hereunder shall carry and maintain, in full force and effect, during any period of work in the right-of-way, workers' compensation and employers' liability, commercial general liability and automobile liability insurance coverages of the type that applicant is required to obtain under this Section 7 (d) with the same limits.

(5) Applicant may self-insure any required coverage as long as it or its affiliated parent maintains a net worth of at least \$200 million as evidenced in annual certified financials.

(E) Indemnification. Applicant shall defend, indemnify, and hold harmless the City, its Council, boards, commissions, officials, officers, agents, volunteers, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including court costs and reasonable attorney's fees resulting from the alleged acts or omissions of permittee, Applicant's officers, agents, or employees in connection with the permitted work. This indemnity provision shall be applicable regardless of the merit or outcome of such claim or suit. The indemnification set forth in this subsection shall commence upon the issuance of a permit to applicant.

Section 8 – ROW Rates

(A) Annual Rate. A city may only charge a wireless provider for the use of a city right-of-way to construct, collocate, install, mount, maintain, modify, operate, or replace a utility pole, wireless facility or wireless support structure if the city charges other communications service providers or publicly, cooperatively or municipally owned utilities for similar uses of the right-of-way, to the extent allowed under § 160A-296. Charges authorized by this section shall meet all of the following requirements:

- (1) The right-of-way charge shall not exceed the direct and actual cost of managing the right-of-way and shall not be based on the wireless provider's revenue or customer counts;
- (2) The right-of-way charge shall not exceed that imposed on the other users of the right-of-way, including investor, city or cooperatively owned entities; and
- (3) The right-of-way charge shall not be unreasonable, discriminatory, or violate any applicable law.

(B) Cease Payment. A wireless provider is authorized to remove its facilities at any time from the rights-of-way and cease paying the City compensation for use of the rights-of-way.

Section 9 – Attachment to City Utility Poles in the ROW

(A) Exclusivity. Any arrangement with any person for the right to collocate on city utility poles shall not be exclusive.

(B) Collocation on City Utility Poles. Any wireless provider may collocate on city utility poles at just, reasonable, and nondiscriminatory rates, terms, and conditions. A request to collocate under this section may be denied only if there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles, and those limitations cannot be remedied by rearranging, expanding, or otherwise reengineering the facilities at the reasonable and actual cost of the city to be reimbursed by the wireless provider.

(C) Rates, Terms, and Conditions. Following receipt of the first request from a wireless provider to collocate on a city utility pole, the City Manager or the City Manager's designee shall, within 60 days, establish the rates, terms, and conditions for the use of or attachment to the

June 7, 2017

city utility poles that it owns. Notwithstanding anything else in this section, the rate for collocation of small wireless facilities on city utility poles shall not exceed fifty dollars (\$50.00) per city utility pole per year.

- (D) Make Ready Work. The city will provide a good faith estimate for any make-ready work necessary to enable the city utility pole to support the requested collocation, including pole replacement if necessary, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, shall be completed within 60 days of written acceptance of the good-faith estimate by the applicant. For purposes of this section, the term "make-ready work" means any modification or replacement of a city utility pole necessary for the city utility pole to support a small wireless facility in compliance with applicable safety requirements, including the National Electrical Safety code, that is performed in preparation for a collocation installation.

Section 10 – Effective Date

This Ordinance shall take effect ten (10) days after its passage, approval and publication.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Civil Emergency Ordinance

AGENDA ITEM NO. 3C

MEETING DATE: 11/27/2018

BACKGROUND INFORMATION:

During the incidents of hurricane related weather this fall, it was discovered that the Town does not have an ordinance outlining procedures during a civil emergency. The absence of such an ordinance hampers Dallas' ability to declare a state of emergency, outline any restrictions that may need to be put in place, and could jeopardize the receipt of FEMA funds.

Attached is G.S. §166A-19.22, outlining declarations of states of emergency. Also attached, are sample civil emergency ordinances from local municipalities.

This discussion will determine the interest in developing a civil emergency ordinance for Dallas.

MANAGER'S RECOMMENDATION: Review the attached information to determine interest in developing a civil emergency ordinance.

BOARD ACTION TAKEN:

§ 166A-19.22. Municipal or county declaration of state of emergency.

(a) Declaration. – A state of emergency may be declared by the governing body of a municipality or county, if either of these finds that an emergency exists. Authority to declare a state of emergency under this section may also be delegated by ordinance to the mayor of a municipality or to the chair of the board of county commissioners of a county.

(b) Emergency Area. – The emergency area shall be determined in accordance with the following:

- (1) Unless another subdivision of this subsection is applicable, the emergency area shall not exceed the area over which the municipality or county has jurisdiction to enact general police-power ordinances. The governing body declaring the state of emergency may declare that the emergency area includes part or all of the governing body's jurisdiction. Unless the governing body declaring the state of emergency provides otherwise, the emergency area includes this entire jurisdiction, subject to the limitations contained in the other subdivisions in this subsection.
- (2) The emergency area of a state of emergency declared by a county shall not include any area within the corporate limits of any municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the municipality's governing body or mayor consents to or requests the state of emergency's application. Such an extension may be with respect to one or more of the prohibitions and restrictions imposed in that county pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section.
- (3) The board of commissioners or chair of the board of commissioners of any county who has been requested to do so by a mayor may by declaration extend the emergency area of a state of emergency declared by a municipality to any area within the county in which the board or chair determines it to be necessary to assist in the controlling of the emergency within the municipality. The extension may be with respect to one or more of the prohibitions and restrictions imposed in that mayor's municipality pursuant to the authority granted in G.S. 166A-19.31 and need not be with respect to all prohibitions and restrictions authorized by that section. Extension of the emergency area pursuant to this subdivision shall be subject to the following additional limitations:
 - a. The extension of the emergency area shall not include any area within the corporate limits of a municipality, or within any area of the county over which a municipality has jurisdiction to enact general police-power ordinances, unless the mayor or governing body of that other municipality consents to its application.
 - b. A chair of a board of county commissioners extending the emergency area under the authority of this subdivision shall take reasonable steps to give notice of its terms to those likely to be affected.
 - c. The chair of the board of commissioners shall declare the termination of any prohibitions and restrictions extended pursuant to this subdivision upon the earlier of the following:
 1. The chair's determination that they are no longer necessary.
 2. The determination of the board of county commissioners that they are no longer necessary.

3. The termination of the prohibitions and restrictions within the municipality.

d. The powers authorized under this subdivision may be exercised whether or not the county has enacted ordinances under the authority of G.S. 166A-19.31. Exercise of this authority shall not preclude the imposition of prohibitions and restrictions under any ordinances enacted by the county under the authority of G.S. 166A-19.31.

(c) Expiration of States of Emergency. – Unless an ordinance adopted pursuant to G.S. 166A-19.31 provides otherwise, a state of emergency declared pursuant to this section shall expire when it is terminated by the official or governing body that declared it.

(d) Effect of Declaration. – The declaration of a state of emergency pursuant to this section shall activate the local ordinances authorized in G.S. 166A-19.31 and any and all applicable local plans, mutual assistance compacts, and agreements and shall also authorize the furnishing of assistance thereunder. (Former G.S. 14-288.13: 1969, c. 869, s. 1; 1993, c. 539, s. 195; 1994, Ex. Sess., c. 24, s. 14(c). Former G.S. 14-288.14: 1969, c. 869, s. 1; 1993, c. 539, s. 196; 1994, Ex. Sess., c. 14, s. 7; c. 24, s. 14(c). Former G.S. 166A-8: 1951, c. 1016, s. 6; 1953, c. 1099, s. 4; 1957, c. 950, s. 2; 1959, c. 337, s. 5; 1973, c. 620, s. 9; 1975, c. 734, ss. 12, 14, 16; 1977, c. 848, s. 2; 2012-12, s. 1(b).)

Print

Bessemer City, NC Code of Ordinances

CHAPTER 35: CIVIL EMERGENCIES

Section

- 35.01 Determination of state of emergency
- 35.02 Proclamation by Mayor; restrictions to be imposed
- 35.03 Limitations and exemptions authorized in proclamation
- 35.04 Extension, amendment, and appeal of proclamation
- 35.05 Authority to request state police and military forces
- 35.06 Termination of restrictions and emergency

- 35.99 Penalty

§ 35.01 DETERMINATION OF STATE OF EMERGENCY.

A state of emergency shall be deemed to exist whenever, for any reason, during times of great public crisis, disaster, rioting, catastrophe, or similar public emergency, the public safety authorities of the city are unable to maintain public order or afford adequate protection for lives or property.

('75 Code, § 5-1) (Ord. passed 4-10-68)

§ 35.02 PROCLAMATION BY MAYOR; RESTRICTIONS TO BE IMPOSED.

(A) In the event of an existing or threatened state of emergency endangering the lives, safety, health, and welfare of the people within the city, or threatening damage to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency, and, in order to more effectively protect the lives and property of

people within the city, to place in effect any or all of the restrictions hereinafter authorized in division (B) of this section.

(B) During the existence of a proclaimed state of emergency, the Mayor may impose by proclamation any or all of the following restrictions.

(1) Prohibit or regulate the possession of explosives, firearms, ammunition, or dangerous weapons of any kind off one's own premises, and prohibit the purchase, sale, transfer, or other disposition thereof.

(2) Prohibit or regulate the buying or selling of beer, wine, or intoxicating beverages of any kind, and their possession or consumption off one's own premises.

(3) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any of the public ways or upon any public property.

(4) Prohibit or regulate the sale of gasoline, kerosene, naphtha, or any other explosive or flammable fluids or substances.

(5) Prohibit or regulate travel upon any public street or roadway or upon any other public property, except those in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves, or their families, or some member thereof.

(6) Prohibit or regulate the participation in or carrying on of any business activity, and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly.

(7) Prohibit or regulate, by what is commonly called a curfew, persons being upon any or all streets, sidewalks, public places and vacant lots within the city during such periods of day or night, or both day and night, as he or she may specify.

('75 Code, § 5-2) (Ord. passed 4-10-68)

§ 35.03 LIMITATIONS AND EXEMPTIONS AUTHORIZED IN PROCLAMATION.

The Mayor is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the city and to specify hours of the day or night; and to exempt from all or any part of such restrictions law enforcement officers, firefighters, and other public employees, doctors, nurses, employees of hospitals, and other medical facilities; on-duty military personnel whether state or federal; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broad-casting, and television broadcasting corporations operated for profit; and such other classes of persons necessary to serve the safety, health, and welfare needs of the people within the city.

('75 Code, § 5-3) (Ord. passed 4-10-68)

§ 35.04 EXTENSION, AMENDMENT, AND APPEAL OF PROCLAMATION.

Any proclamation may be extended, altered, or repealed in any particular during the continued or threatened existence of a state of emergency by the issuance of a subsequent proclamation.

('75 Code, § 5-4) (Ord. passed 4-10-68)

§ 35.05 AUTHORITY TO REQUEST STATE POLICE AND MILITARY FORCES.

If, in the sound discretion of the Mayor, it shall appear that the emergency is, or that the threatened emergency is likely to be, of such proportions that the means available to the city to maintain law and order are insufficient for such purpose, the Mayor shall promptly, and by the most expeditious means of communication, inform the Governor of the situation and request that such necessary police or military forces of the state be provided promptly; and if, during an actual state of emergency, the Mayor shall find that the civil courts having jurisdiction within the city are unable to perform their lawful duties and that, by reason of widespread lawlessness, writs and other process cannot be served or executed in the city, the Mayor shall inform the Governor of his findings and may recommend to him that a state of martial law be proclaimed to exist within the city.

('75 Code, § 5-5)

§ 35.06 TERMINATION OF RESTRICTIONS AND EMERGENCY.

The Mayor shall proclaim the end of a pro- claimed state of emergency or all or any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by City Council.

('75 Code, § 5-6) (Ord. passed 4-10-68)

§ 35.99 PENALTY.

(A) During the existence of a proclaimed state of emergency, it shall be unlawful for any person to violate any provision of any restriction imposed by any proclamation authorized by this chapter.

(B) The violation of any provision of this chapter, or of any restriction imposed by any proclamation authorized by this chapter, shall constitute a misdemeanor, punishable upon conviction by a fine not exceeding \$500, or imprisonment not exceeding 30 days, as provided by G.S. § 14-4, and § 10.99 of this code.

('75 Code, § 5-7) (Ord. passed 4-10-68)

Print

Cramerton, NC Code of Ordinances

CHAPTER 34: CIVIL EMERGENCY

Section

- 34.01 State of emergency
- 34.02 Declaration by Mayor
- 34.03 Publication of declaration
- 34.04 Evacuation
- 34.05 Effect of proclamation; curfew
- 34.06 Restrictions during emergency
- 34.07 Termination of state of emergency

- 34.99 Penalty

§ 34.01 STATE OF EMERGENCY.

(A) *Emergency.* An occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related or riot-related cause.

(B) *State of emergency.* Declaration by proclamation of the Mayor, or a successor pursuant to the provisions found in § 34.02(A) of this chapter, subject to the definition of “emergency”.

§ 34.02 DECLARATION BY MAYOR.

(A) *Mayor to issue declaration.*

(1) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the town or any part thereof or threatening damages to or destruction of property, the Mayor is hereby authorized and empowered under G.S. §§ 14-288.13 and 166A-8 to issue a public declaration to declare to all persons the existence of such a state of emergency within all or a portion of the town in accordance with §§ 34.02 and 34.03 of this chapter.

(2) The Mayor is hereby authorized and empowered to limit by the declaration the application of all or any part of such restrictions to any area specifically designated or described within the corporate limits of the town and to specific hours of the day and night; and to exempt

from all or any part of such restrictions law officers, fire officers and other public employees, doctors, nurses, employees of hospitals and other medical facilities; on-duty military personnel, whether state or federal; on-duty employees of public utilities, public transportation companies and newspaper, magazine, radio broadcasting and television broadcasting corporations operated for profit; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health and welfare needs to the people within the town.

(3) This declaration, and any prohibitions and restrictions made effectively by it, shall take effect immediately upon publication unless the declaration sets a later time.

(4) In the absence or disability of the Mayor, the Mayor Pro Tem shall be authorized to declare a state of emergency, imposing any or all prohibitions authorized in this policy. In the absence or disability of both the Mayor and the Mayor Pro Tem, and a quorum of the Board of Commissioners is available, the quorum shall meet and elect a Mayor to fill the unexpired term in accordance with G.S. § 160A-63. If a quorum is unavailable, then succession shall proceed in accordance with G.S. § 160A-63.

(B) *Contents of declaration.* The declaration issued by the Mayor shall declare to all persons that a state of emergency exists and shall set forth the following:

(1) The area within which the state of emergency exists, which may be the entire town or a specifically described portion of it. If not specified, the default emergency area shall be the entire jurisdiction of the town;

(2) The date and time from which the declaration shall be effective;

(3) Any restrictions and prohibitions that shall be effective during the state of emergency and the penalties for violations; and

(4) The date and time when the state of emergency shall terminate, unless extended or earlier terminated in accordance with § 34.05 of this chapter.

§ 34.03 PUBLICATION OF DECLARATION.

The declaration shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the declaration to those affected by it and shall post a copy of it in the Town Hall. The Mayor shall send report of the substance of the declaration to the mass communications media which serve the affected area. The Mayor shall retain a text of the declaration and furnish upon request certified copies of it.

§ 34.04 EVACUATION.

The Mayor may direct and compel the voluntary or mandatory evacuation of all or part of the population of the town; to prescribe routes, modes of transportation and destination in connection with evacuation; and to control ingress and egress of disaster area, the movement of persons within the area and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent declaration which shall be well publicized.

§ 34.05 EFFECT OF PROCLAMATION; CURFEW.

(A) The declaration may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The declaration shall specify the geographical area or areas and the period each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public health, safety and welfare. The declaration shall state the exempted classes and the restrictions from which each are exempted.

(B) Unless otherwise specified in the declaration, the curfew shall apply during the specified period each day until the Mayor by declaration removes the curfew.

§ 34.06 RESTRICTIONS DURING EMERGENCY.

(A) A proclamation of a state of emergency shall activate any local civil preparedness plan and shall authorize the town to seek assistance from the county, state and federal governments in accordance with the provisions of G.S. Ch. 166A. During the existence of a declared state of emergency, the Mayor may impose by declaration any or all of the following restrictions:

- (1) Limitations on the movement of people in public places;
- (2) Limitations on the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;
- (3) Limitation, restriction or prohibition of the possession, transportation, sale, purchase and consumption of intoxicating liquors;
- (4) Limitation, restriction or prohibition of the possession, transportation, sale, purchase, storage and use of dangerous weapons, substances and gasoline, with the exception of lawfully possessed firearms or ammunition. As used in this chapter, "firearm" has the same meaning as it does in G.S. § 14.409.32(2);
- (5) Regulation of the sale or use of scarce supplies which are essential for the public health or safety;
- (6) Regulation of evacuation and the establishment of evacuation shelters which may be reasonably necessary to maintain law and order and protect lives and property; and
- (7) Regulation of other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

(B) If the county enacts a state of emergency, either the Board or the Mayor may request application of some or all of the county's emergency restrictions to the town.

§ 34.07 TERMINATION OF STATE OF EMERGENCY.

A state of emergency and any restrictions imposed in connection therewith shall automatically terminate at the end of five days after it becomes effective, except that the same may be continued for another five-day period by the publication of a new declaration; or may be earlier

terminated by the Mayor, who may issue a declaration proclaiming the state of emergency to be over at any time he or she concludes that to be the case.

§ 34.99 PENALTY.

Title I, Ch. 10, § 10.99 of this code of ordinances shall apply for any violations of this chapter.

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Town Signage

AGENDA ITEM NO. 3D

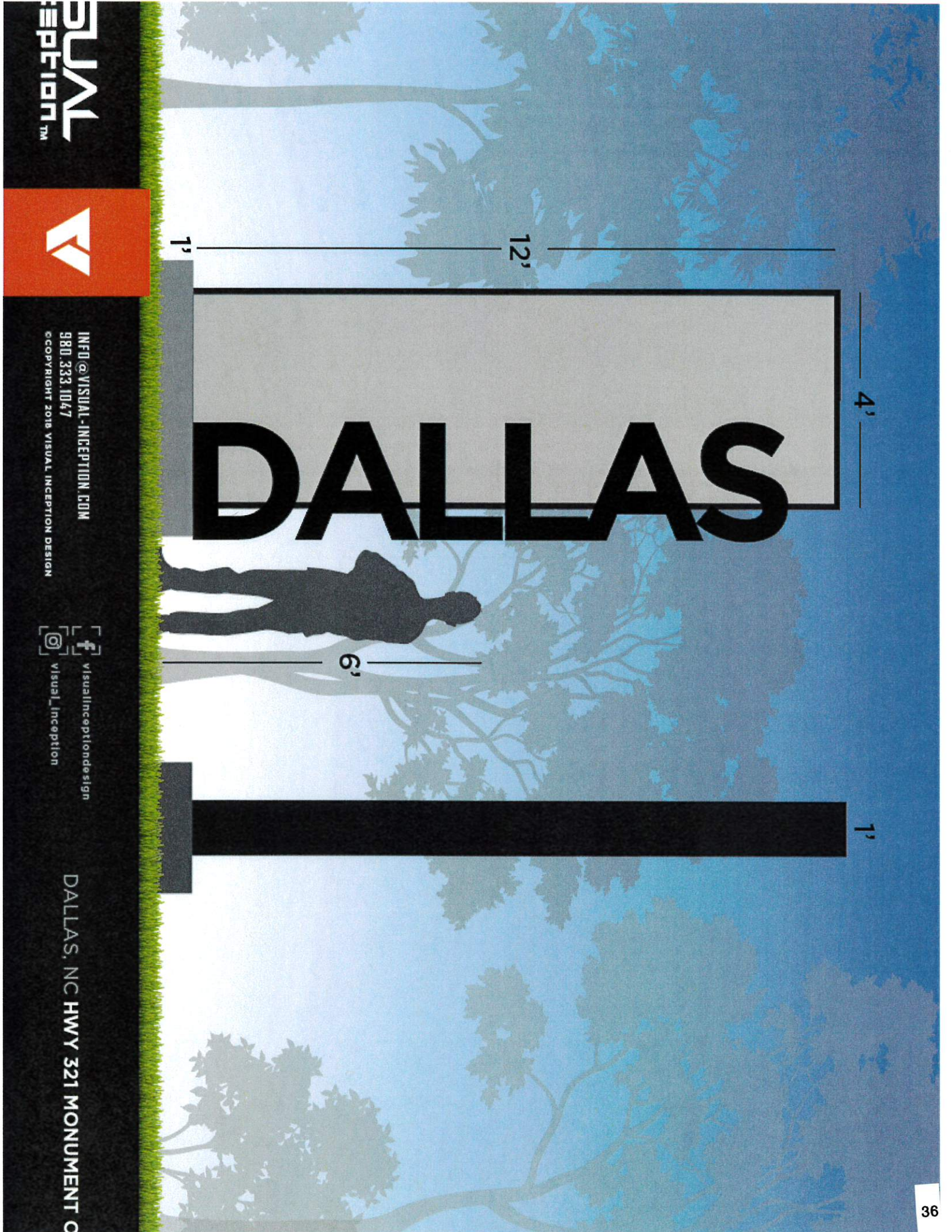
MEETING DATE: 11/27/2018

BACKGROUND INFORMATION:

Two renderings have been received from Visual Inception Design for potential Town signage on Hwy. 321. These two renderings are attached for review.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN:



4'

12'

1'

DALLAS

6'

1'

Visual
Inception™



INFO@VISUAL-INCEPTION.COM
980.333.1047
©COPYRIGHT 2018 VISUAL INCEPTION DESIGN

visualinceptiondesign
visual_inception

DALLAS, NC HWY 321 MONUMENT O



LETTERS
LAZER CUT
3/8" GALVANIZED
46" H X 18"W

LETTER ATTACHMENT
WELDED PLATES WITH
5/8" BOL TS

CONCRETE S
48" D X 18'L X 4" TH

WOOD STA

MU
48"
ROL
2 X 6
1 X 1

WO
BRE
POL
L X 4

VISUAL
INCEPTION™



visualinceptiondesign
visual_inception

INFO@VISUAL-INCEPTION.COM
980.333.1047
© COPYRIGHT 2018 VISUAL INCEPTION DESIGN

DALLAS INC

MONUMENT SIGN

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Roots Salon TOP TIER Grant Application

AGENDA ITEM NO. 3E

MEETING DATE: 11/27/2018

BACKGROUND INFORMATION:

At the March 12, 2018 Board of Aldermen meeting, a moratorium was placed on the TOP TIER program. This was done in order to review the statutory parameters of the program, as well as to incorporate the development of a new program in with the planned work by the NC Department of Commerce's Rural Planning Center.

Ms. Charlotte Jenkins was allowed to turn in an application on the renovation of Roots Salon to be reviewed, as she was in the process of changing the business in that location when the moratorium was enacted. Ms. Jenkins was aware that the program was being reviewed for statutory compliance and that segments of the application may not be eligible for reimbursement.

Upon review of the application, the Review Committee recommends that a grant be made for the new signage for \$3,400. This expense was paid by the tenant, so the reimbursement would be paid to the tenant.

MANAGER'S RECOMMENDATION: To determine the grant for Roots Salon.

BOARD ACTION TAKEN:

ROOTS SALON
TOP TIER Grant Application

EXTERIOR UPGRADES

Signage (paid by tenant)	\$6,800.00
Drive/Parking	\$3,505.00
Landscaping (Town put in retaining wall and grass @ \$2400)	\$12,749.00
Roofing Repairs	\$1,000.00
Total Exterior Upgrades	\$24,054.00

INTERIOR UPGRADES

Plumbing	\$2,400.00
Electric	\$1,663.18
Hardwood Floors	\$3,575.00
Drywall	\$2,000.00
Tile	\$2,780.78
Ceiling Brace	\$550.00
Cabinets	\$700.00
Painting	\$6,370.00
Total Interior Upgrades	\$20,038.96

GRAND TOTAL UPGRADES **\$44,092.96**

The recommendation from the Review Committee is to pay for the signage only. This expense was paid by the tenant, so the reimbursement of \$3,400 would be paid to the tenant.