

CHAPTER A -- GENERAL ADMINISTRATION

ARTICLE I -- LEGISLATIVE

Section 1 – Meetings

All meetings shall be called and conducted according to requirements set out in the North Carolina General Statutes, as amended.

Section 2 – Time of Meetings

Time of regular meetings shall be established on an annual basis by the Board of Commissioners.

ARTICLE II -- ORDINANCES

Section 1 – How Code Designated and Cited

The provisions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Oriental, North Carolina." Such Code may also be cited "Town Code, Oriental, North Carolina."

Section 2 – Definitions and Rules of Construction

In the construction of this Code, and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the Town Board or the context clearly requires otherwise.

(a) Definitions

Town Board - The words "town board" shall mean the Board of Commissioners of the Town of Oriental, North Carolina.

Charter - The word "Charter" shall mean and refer to the Charter of the Town of Oriental, North Carolina as printed in Part I of this volume.

Town - The words "town" or "the town" shall mean the Town of Oriental, in the County of Pamlico and the state of North Carolina, except as otherwise provided; and when such word or words are used in conjunction with an official's or employee's title they shall refer to the particular official or employee of the Town of Oriental.

Code - The terms "Code" or "this Code" shall mean and refer to the Code of General Ordinances of the Town of Oriental, North Carolina.

Computation of Time - The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day is Saturday, Sunday or a legal holiday, that shall be excluded.

State law reference-Computation of time, G.S. 1-593

County - The words "the county" or "this county" shall mean Pamlico County, North Carolina.

- Gender* - Words importing the masculine gender shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- Interpretation* - In the interpretation and application of any provisions of the Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- Keeper, Proprietor* - The words "keeper" and "proprietor" shall mean and include persons, firms, association, corporations, clubs and co-partnerships, whether acting by themselves or through a servant, agent or employee.
- Land* - "Land" and "real estate" includes rights and easements of an incorporeal nature.
- Month* - The word "month" shall mean a calendar month.
- Number* - Words used in the singular number include the plural, and the plural includes the singular number.
- Officers, Departments, Boards, etc* - Whenever reference is made to any officer, department, board, commission or other municipal agent, agency or representative, such reference shall be construed as if followed by the words "of the Town of Oriental," except as herein otherwise provided.
- Or, And* - "Or" may be read "and," and "and" may be read "or" if the sense requires it.
- Owner* - The word "owner" when applied to buildings or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.
- Person* - The word "person" shall extend and be applied to firms, societies, partnerships, association, clubs, organizations, bodies politic and corporate and any other groups acting as a unit, as well as to individuals.
- Personal Property* - The words "personal property" includes every species of property, except real property.
- Plural, Singular* - Words importing the singular number only may extend and be applied to several persons and things as well as to one person and thing, and words importing the plural shall include the singular.
- Preceding, Following* - The words "preceding" and "following" shall mean next before and next after, respectively.
- Property* - The word "property" shall include real and personal property.
- Real Property* - The words "real property" shall include lands, tenements and hereditaments.

- Shall, May* - The word "shall" is mandatory and the word "may" is permissive.
- Sidewalk* - The word "sidewalk" shall mean any portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.
- State* - The words "the state" or "this state" shall be construed to mean the State of North Carolina.
- Statute References* - Whenever reference is made, for example, G.S. 160A-100, it shall be construed to refer to the General Statutes of North Carolina, & 160A-100, as amended, or whatever section is cited.
- Street* - The word "street" shall mean and include any dedicated and maintained public way, road, highway, street, avenue, boulevard, parkway, alley, lane, viaduct, bridge and the approaches thereto within the town.
- Tenant, Occupant* - The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.
- Tense* - Words used in the past or present tense include the future as well as the past and present.
- Writing, Written* - The words "writing" and "written" shall include printing and other mode of representing words and letters.
- Year* - The word "year" shall mean a calendar year.
State law reference-Similar rules of construction, G.S. 12-3.

Section 3 – Catchlines, History Notes and References

- (a) The catchlines of the several sections, subsections, or ordinances or sections thereof, of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, subsections, or ordinances or sections thereof, nor as any part of the section, nor shall they be so deemed when any of such sections, subsections, or ordinances or sections thereof, including the catchlines, are amended or reenacted, unless expressly so provided.
- (b) The history notes appearing in parentheses after sections of the Code and the references scattered throughout the Code shall not be considered as part of the Code but are mere aids for the benefit of the user of the Code.

Section 4 – Effect of Repeal of Ordinances

The repeal of any prior ordinance of the town by any subsequent ordinance shall not operate to revive the provisions of any ordinance which may have been repealed by such prior ordinance, unless such revival shall be expressly provided for. Ordinances repealed remain in force for the trial and punishment of all past violations, and for the recovery of penalties and forfeitures already incurred, and for the preservation of all rights and remedies existing by them and so far as they

apply, to any office, trust, proceeding, right, contract or event, already affected by them.

Section 5 – Severability of Parts of Code

It is hereby declared to be the intention of the Town Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the same would have been enacted by the Board of Commissioners without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6 – General Penalty

- (a) It shall be unlawful and constitute a Class 3 misdemeanor for any person to violate any of the provisions of this Code or of the ordinances of the Town.
- (b) Where no specific penalty is provided in any provision of this Code or in any ordinance of the Town, each person convicted for the violation of any such provision may be punished by a fine of not more than five hundred dollars (\$500).
- (c) In addition to all other punishment herein provided for, any person found guilty of violating any of the ordinances, or provisions thereof, of the Town may be required to pay the court costs, or any portion thereof, in the discretion of the court.
- (d) Unless otherwise expressly provided, each day's violation of a provision of this Code or other ordinance of the Town shall constitute a separate offense.

Section 7 – Amendments to Code; Effect of New Ordinances; Amendatory Language

- (a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein.
In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from ordinances as numbered and printed, or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the Board of Commissioners.
- (b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section ____ of the Code of Ordinances, Town of Oriental, North Carolina, is hereby amended to read as follows:....." The new provisions shall then be set out in full as desired.

- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used:

"That the Code of Ordinances, Town of Oriental, North Carolina, is hereby amended by adding a section, to be numbered ____, which said section reads as follows:....." The new section shall then be set out in full as desired.

Section 8 – Altering Code

It shall be unlawful for any person in the town to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except pursuant to ordinance or resolution or other official act of the Board of Commissioners, which will cause the law of the town to be misrepresented thereby. Any person violating this section shall be punished as provided in section 2.6.

Section 9 – Responsibility for Violations by Corporations

If any provision of this Code is violated by a corporation, the officer, agent or employee thereof who violated such provision, or who procures, aids or abets such violation, shall be subject to the same penalties as if he himself committed the violation.

Section 10 – Acts, Ordinances, etc., Not Affected by Code

Neither this Code nor the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered on or prior to the effective date of this code; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money by or for the town or authorizing the issue of any bonds of the town or any evidence of indebtedness or any contract or obligation assumed by the town; nor shall such repeal affect the administrative ordinances or resolutions of the Board of Commissioners not in conflict or inconsistent with the provisions of such Code; nor shall it affect any right or franchise conferred by ordinance or resolution of the town on any person; nor shall it affect any ordinance adopted for purposes which have been consummated or any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any of the following ordinances or any amendment thereto:

- (a) Any appropriation ordinance;
- (b) Any ordinance levying or imposing taxes;
- (c) Any ordinance establishing, extending or contracting the corporate limits of the town.

Section 11 – Supplementation of Code

- (a) By contract or by town personnel, supplements to this Code shall be prepared as determined by the Board of Commissioners. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the Board of Commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions.
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
 - (4) Change words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to ___," inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code.
 - (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 12 – Effective Date

All ordinances shall be effective after the ratification thereof except ordinances specifying some other effective date or ordinances required by state law to be effective only after having met specific date requirements.

Section 13 – Ordinances Confined to One Subject

All ordinances shall be confined to one subject except appropriation ordinances which shall be confined to the subject of appropriations only.

Section 14 – Official Copy

A true copy of an ordinance which has been duly enacted by the Board, signed by the Mayor and attested to by the Clerk shall be known as an official copy of any ordinance for the Town. All ordinances or a true copy thereof shall be inserted in this code in the proper chapter.

ARTICLE III -- OFFICERS AND EMPLOYEES

Section 1 – Duties

All elected officials and employees shall perform those duties defined in the Town Personnel Policy.

Section 2 – Term of Office

All employees shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

Section 3 – Other Officers

Such other officers that are deemed necessary shall be appointed by the Board of Commissioners at any meeting. All officers shall serve at the pleasure of the Board and receive such compensation as from time to time may be prescribed by the Board.

ARTICLE IV -- FINANCE - DISBURSEMENTS

Section 1 – Disbursement of Funds

No money shall be disbursed from the Town treasury unless the item for which the disbursement is made has been provided for in the annual budget.

Section 2 – Amendments to Town Budget

Amendments to the Town budget of more than one thousand dollars (\$1,000.00) may only be made with the approval of the Board.

Section 3 – Financial Policy

All financial matters shall be governed by the Town Budget Policy.

ARTICLE V- RED FLAG RULES

Section 1. - Program Adoption

This Identity Theft Prevention Program (“Program”) is adopted pursuant to the Federal Trade commission’s Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C.R.R. & 681.2.

Section 2. - Definitions

Town - means and refers to Town of Oriental.

Covered Account - Means and refers to (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, covered account, bank drafts, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonable foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

Customer - Means and refers to a person that has a covered account with the town.

Identifying Information - Shall be defined as under the Rule, as amended from time to time. As of the effective date of this Ordinance, it means “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” and shall include: name, address, telephone number, social security registration number, government passport number, employer or taxpayer identification number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

Identity Theft - Means and refers to fraud committed using the identifying information of another person.

Person - Means and refers to a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

Program Administrator - Shall mean and refer to that person designated by the Oriental Town Board of Commissioners for the administration and enforcement of this Ordinance, or his designee.

Red Flag - Means and refers to a pattern, practice, or specific activity that indicated the possible existence of Identity Theft.

Utility - Shall mean and refer to any board, commission, district, department, provider or other agency or department of the Town of Oriental that provides any type of public utility service which is subject to the Rule.

Section 3. - Identification of Red Flags

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warning From Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant;
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged);
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required);
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;

3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

1. Notice to the Utility from a customer, identify theft victim, law enforcement of other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

Section 4. - Detecting Red Flags

A. New Account

In order to detect any of the Red Flags identified above associated with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account;

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other photo identification card);
3. Review documentation showing the existence of a business entity;
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

Section 5. - Preventing and Mitigating Identity Theft

In the event Utility personnel detect any Identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag;

A. Prevention and Mitigation

1. Continue to monitor an account for evidence of identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate steps(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

B. Protect customer identifying information

In order to further prevent the likelihood of identify theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information;

1. If applicable, ensure that its website is secure or provide clear notice that website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information.
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date;
7. Access to customer accounts shall be limited to Town of Oriental personnel only;
8. Require and keep only the kinds of customer information that are necessary for utility purposes.

Section 6 - Program Updates

This program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once per year the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. Thereafter, he shall update the Board of Commissioners with his recommended changes, if any, and the Board of Commissioners will make a determination of whether to make any changes to the Program.

Section 7. - Program Administration

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Program Administrator as designated by the Town Board of Commissioners. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. The Utility should include in its Program how often training is to occur. Staff shall provide reports to the Program Administrator on incidents of Identity Theft, the Utility's compliance with the Program and the effectiveness of the Program at least annually.

The reports should address material matters related to the Program and evaluate issues such as: the effectiveness of the policies and procedures of the creditor in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft;

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Program

Administrator and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

Section 8. - Severability: Conflict with Other Laws

A. Severability

If any section, clause or provision of this Ordinance shall be found to be invalid, the validity of the remaining sections, clauses or provision shall not be affected thereby.

B. Conflict with Other Laws

Whenever the regulations of this ordinances conflict with the requirements of another statute, the more restrictive standard shall apply.