

Chapter 2

ADMINISTRATION*

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***Cross references**—Elections, Ch. 6; licenses and business regulations, Ch. 11; police, Ch. 16.
State law reference—Municipalities, G.S. Title 7.

ARTICLE I. IN GENERAL

Sec. 2-1. Reserved.

Editor's note—Ord. of 11-22-10 repealed § 2-1, which pertained to official medium designated and derived from Ord. of 10-5-39(2).

Sec. 2-2. Use of town owned property for the purposes of charity, art, ornament, the erection or maintenance of statues and monuments.

(1) *Definitions.* For the purpose of this chapter, the following words and terms shall have the meaning hereto assigned to them. The term "shall" is always mandatory.

Art means any painting, sculpture, drawing, photograph, rendering or object of art.

Charity means any object used by or for the benefit of a properly recognized charity or not for profit organization.

Monument means something set up to keep alive the memory of a person or event.

Ornament means any object acting to decorate or adorn, generally, but not exclusively, for seasonal or holiday purposes.

Permanent means lasting or intending to last indefinitely.

Seasonal means a period of time of a specified festival or holiday.

Statue means the form of a person or portion of a person carved from any material, set up to keep alive the memory of a person or event.

(2) *Property to which this section applies.* This section shall apply to all improved and unimproved land of the town and state including that owned or controlled by easement, right-of-way or agreement. Further it may extend to the interior and/or exterior of public buildings situated on said land.

(3) *Procedure for approval.*

(a) Any person or organization wishing to use the property described herein to display, exhibit or place art, charity, ornamenta-

tion or erect a statue or monument shall submit, in writing, a proposal to the board of selectmen.

- (b) The proposal shall include a description of the item(s) to be placed, the specific location(s) they are to be placed and the period of time said item(s) are to remain at the specified location. Further, the proposal shall include a statement of indemnification, which shall hold harmless the town from any consequences related to or flowing from the applicant's use of said land.
- (c) A proposal may request that items, times or locations vary during the duration of the display. Such a proposal shall provide specifically for the administration of the proposed variations.
- (d) A proposal may have an unspecified time period, subject to the sixty-day right of recession [rescission] described below.
- (e) Seasonal proposals may request a continuing approval. Such approval will allow the display to be repeated on an annual basis without seeking renewal.
- (f) The board of selectmen may refer a proposal to any town department, board, commission or committee or any other agency or organization for comment and/or recommendation.
- (g) The board may require the applicant to file a bond or deposit to insure the removal of any item that remains after the expiration of the allowable time period.
- (h) The board may require the applicant to provide insurance coverage for any items placed on said property. Such insurance shall include coverage for loss or damage to said property as well as for any liability associated with the placement, removal or presence of the item(s).
- (i) Removal or relocation of any permanent display shall require a new application and subsequent review as outlined above.

(4) *Administration.* The office of the first selectman shall maintain a file of approved proposals including any permanent displays and administer any require bond or deposit.

The board of selectmen may retain or delegate the administration of a particular approved proposal to a town department, board, commission or committee or any other agency or appoint a special committee to do so.

The administrator of the proposal shall be responsible for monitoring compliance with the application as approved. Any variances are to be brought first to the attention of the applicant for remediation and if not resolved to the board of selectmen.

(5) *Retroactivity.* Any person or organization currently utilizing any property described herein, for any purpose herein described, shall submit a proper application to the board of selectmen.

(6) *Revocation of approval.* The board of selectmen may, in its sole discretion, revoke any previously approved use. Upon written notice of such revocation, said use shall be discontinued within sixty (60) days.

(7) *Penalty.* Violators of this section shall be fined one hundred dollars (\$100.00) for each day in which such violation occurs or such failure to comply continues.

(8) *Exclusion.* This section does not pertain to the placement of signs. That function is currently and shall continue to be administered through and by the land use office. However, should a request be to said office that is of a nature that the land use office determines should be presented to the board of selectmen, they may direct such applicant to apply in accordance with the provisions of this section.

(Ord. of 5-24-04)

Secs. 2-3—2-25. Reserved.

ARTICLE II. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-26. Participation in old-age and survivors insurance system.

(a) The town shall apply for membership and to participate in the Old-Age and Survivors Insurance System under the Title II of the Social Security Act as amended, in accordance with Public Act No. 277 of the 1951 Public Acts, as of October 1, 1951, for all its employees including full-time employees, part-time employees, part-time elected officials and full-time elected officials with the exception of emergency employees and the employees excluded by section 3 of Public Act No. 277.

(b) The first selectman shall execute on behalf and in the name of the town any and all agreements with the State Employees' Retirement Commission for the purpose of this section, in accordance with and subject to the provisions of Public Act No. 277 and subject to the regulations promulgated by the State Employees' Retirement Commission pursuant to that public act.

(c) The first selectman is hereby authorized and directed to make deductions from the wages of the employees participating in the Old-Age and Survivors Insurance System as required by section 4 of Public Act No. 277, and to forward the amount thereof, together with the contribution of the town, to the State Employees' Retirement Commission in manner and form prescribed by the regulations.

(Ord. of 11-20-51)

Sec. 2-27. Town of Madison 457 Plan.

(a) *Authority, establishment of Town of Madison 457 Plan and Trust.* Pursuant to the authority granted to the Board of Selectmen of the Town of Madison in section 10.1 of the Madison Town Charter and G.S. § 7-450, there shall be created and established for the Town of Madison the Town

*Cross reference—Police, Ch. 16.

State law reference—Municipal employees, G.S. § 7-407 et seq.

of Madison 457 Plan and Trust (the "457 Plan") for the benefit of certain town employees. The terms of the 457 Plan shall be prescribed in a written plan and trust agreement (the "plan agreement") executed by the first selectman and the trustee named in subsection (b) of this section.

(b) *Trustee.* Immediately upon the enactment of this section, the town's director of finance shall be named as the trustee of the 457 Plan. The trustee shall perform the duties set forth in the plan agreement, as amended from time to time, relating to the management of the assets held in the 457 Plan. With the approval of the board of selectmen, the trustee shall have the authority to appoint and replace such investment managers, consultants, agents and custodians as the trustee deems necessary or appropriate, to assist with the management and investment of the 457 Plan's assets. With the approval of the board of selectmen, and together with the first selectman, the trustee shall have the authority to execute such amendments to the plan agreement as are recommended by the 457 Plan's investment managers, consultants, agents or custodians for compliance with legislative changes applicable to the 457 Plan or otherwise.

(c) *Employee retirement board.* Notwithstanding the powers granted to the trustee of the 457 Plan, the employee retirement board established pursuant to section 8.1(E) of the Madison Town Charter shall have authority to review and direct the trustee as to the investment options available to participants in the 457 Plan.
(Ord. of 6-10-13)

Sec. 2-28. Town of Madison 401(a) Plan.

(a) *Authority, establishment of Town of Madison 401(a) Plan and Trust.* Pursuant to the authority granted to the Board of Selectmen of the Town of Madison in section 10.1 of the Madison Town Charter and G.S. § 7-450, there shall be created and established for the Town of Madison the Town of Madison 401(a) Plan and Trust (the "401(a) Plan") for the benefit of certain town employees. The terms of the 401(a) Plan shall be prescribed in a written plan and trust agreement

(the "plan agreement") executed by the first selectman and the trustee named in subsection (b) of this section.

(b) *Trustee.* Immediately upon the enactment of this section, the town's director of finance shall be named as the trustee of the 401(a) Plan. The trustee shall perform the duties set forth in the plan agreement, as amended from time to time, relating to the management of the assets held in the 401(a) Plan. With the approval of the board of selectmen, the trustee shall have the authority to appoint and replace such investment managers, consultants, agents and custodians as the trustee deems necessary or appropriate, to assist with the management and investment of the 401(a) Plan's assets. With the approval of the board of selectmen, and together with the first selectman, the trustee shall have the authority to execute such amendments to the plan agreement as are recommended by the 401(a) Plan's investment managers, consultants, agents or custodians for compliance with legislative changes applicable to the 401(a) Plan or otherwise.

(c) *Employee retirement board.* Notwithstanding the powers granted to the trustee of the 401(a) Plan, the employee retirement board established pursuant to section 8.1(E) of the Madison Town Charter shall have authority to review and direct the trustee as to the investment options available to participants in the 401(a) Plan.
(Ord. of 6-10-13)

Secs. 2-29—2-50. Reserved.

DIVISION 2. JUSTICES OF THE PEACE*

Sec. 2-51. Number.

Until further action by the legislative authority of the town, the number of justices of the peace for this town is fixed at eighteen (18).
(Ord. of 5-12-64; Ord. of 6-24-96)

Secs. 2-52—2-75. Reserved.

*State law reference—Authority to reduce number, G.S. § 9-183a.

ARTICLE III. BOARDS, COMMISSIONS AND COMMITTEES*

DIVISION 1. GENERALLY

Sec. 2-76. Removal for cause of appointed members.

(a) Pursuant to the Charter, any member or alternate member of any appointed board, commission or committee may be removed for cause by the board of selectmen with a minimum of four (4) affirmative votes. For such removal to be effective, such appointee shall have served, either in hand or by certified mail, return requested, with a written notice of intention to remove from office prepared by the board of selectmen containing a clear statement of the grounds for such removal and of the time and place, not less than fifteen (15) days after service of such notice, at which such appointee shall be given the opportunity to appear, with or without counsel, to be heard thereon before the board of selectmen. After such hearing, the action of the board of selectmen shall be final.

(b) Reason for removal shall include, but not be limited to, failure to attend at least seventy-five (75) percent of the meetings scheduled by such board, commission or committee during each calendar year as required by the Charter, failure to comply with the duties and abide by the obligations imposed on such appointees by local, state or federal law or regulations, including the town code of ethics.

(Ord. of 8-16-93; Ord. of 4-23-07(1))

Secs. 2-77—2-100. Reserved.

DIVISION 2. AVIATION COMMISSION†

Sec. 2-101. Established; members.

An aviation commission, pursuant to section 15-80 of the General Statutes, is hereby estab-

***Cross references**—Alarm appeals board, § 3-12; water pollution control authority, § 10-27; beach and recreation commission, § 14-26 et seq.; economic development commission, § 15-21 et seq.; inland wetlands agency, § 15-41 et seq.; preservation board, § 15-61 et seq.; planning and zoning commission, § 15-81 et seq.; regional council of government, § 15-101 et seq.; regional planning agency, § 15-121 et seq.; board of police commissioners, § 16-2; shellfish committee, § 17-26 et seq.

†**State law reference**—Aviation commissions, G.S. § 15-80.

lished. The commission shall consist of five (5) members to be appointed by the board of selectmen for terms of two (2) years.
(Ord. of 8-12-69)

Secs. 2-102—2-125. Reserved.

DIVISION 3. BOARD FOR THE ADMISSION OF ELECTORS‡

Sec. 2-126. Designation of members.

The board for admission of electors for the town is hereby changed from the town clerk and board of selectmen to the town clerk and registrars of voters, in accordance with section 9-15a of the General Statutes.

(Ord. of 10-5-71)

Secs. 2-127—2-150. Reserved.

DIVISION 4. BOARD OF FINANCE**

Sec. 2-151. Established.

A board of finance shall be established for the town in accordance with the provisions of the General Statutes.

(Ord. of 8-12-41)

Sec. 2-152. Reserved.

Editor's note—Section 2-152, pertaining to the membership of the board of finance, has been superseded by the provisions of § 5.5 of the Charter. Former § 2-152 derived from an ordinance adopted Aug. 12, 1941.

Secs. 2-153—2-170. Reserved.

DIVISION 5. FLOOD AND EROSION CONTROL BOARD††

Sec. 2-171. Established.

The town hereby adopts the provisions of Public Act No. 509 of the 1955 Session of the General

‡**State law reference**—Membership and quorum of board for admission of electors, G.S. § 9-15a.

****State law reference**—Town board of finance, G.S. § 7-340 et seq.

††**Cross reference**—Flood damage prevention, Ch. 9.

State law reference—Municipal flood and erosion control boards, G.S. § 25-84.

Assembly, and the board of selectmen is hereby authorized to appoint a flood and erosion control board.

(Ord. of 12-14-55)

Sec. 2-172. Membership.

The flood and erosion control board shall consist of five (5) electors of the town, at least one (1) of whom shall be of the minority party. Appointments shall be for staggered terms of four (4) years.

(Ord. of 12-14-55; Ord. of 4-23-07(2))

Sec. 2-173. Powers, authority.

The powers and authority of the flood and erosion control board shall be those conferred by the General Statutes.

(Ord. of 12-14-55)

DIVISION 6. VETERANS' ADVISORY JOINT COMMITTEE

Sec. 2-174. Purpose.

The purpose of the veterans' advisory joint committee is to carry out the duties and purposes of G.S. § 27-135(a) on behalf of the Town of Guilford and the Town of Madison.

(Ord. of 10-28-13(1))

Sec. 2-175. Establishment of veterans' advisory joint committee; qualification of members.

There shall be and is hereby created a veterans' advisory joint committee, which shall consist of six (6) members. Three (3) of the members shall be appointed by the Board of Selectmen of the Town of Guilford and three (3) of the members shall be appointed by the Board of Selectmen of the Town of Madison. All members of the committee shall be electors and residents of their respective town. At least four (4) of the members shall be honorably discharged veterans of the United States.

(Ord. of 10-28-13(1))

Sec. 2-176. Powers and duties.

(a) The committee may act as the coordinating agency in all matters concerning veterans and their dependents, coordinating the activities of public and private facilities concerned with veterans' reemployment, education, rehabilitation and adjustment to peacetime living.

(b) The committee may cooperate with all national, state and local governmental and private agencies in securing services and benefits to which a veteran or his dependents may be entitled, to the extent feasible.

(Ord. of 10-28-13(1))

Sec. 2-177. Terms of office; vacancies; compensation.

Full terms for members shall be four (4) years. In no event may any member of the committee serve on said committee for a period of more than two (2) consecutive four-year terms. Initial appointments may be staggered to avoid having all terms expire simultaneously. Any member having served for two (2) consecutive four-year terms shall be ineligible for reappointment to the committee for a period of one (1) year after such member last served on the committee. Vacancies shall be appointed by the respective boards of selectmen. Each member shall serve until such member's successor has been appointed. Members shall serve without compensation.

(Ord. of 10-28-13(1))

Sec. 2-178. Officers.

The committee shall elect a chairperson, vice chairperson and a secretary, for two-year terms. The term of a chairperson shall be limited to four (4) consecutive years. A member having served four (4) years as chairperson shall be ineligible for reappointment as chairperson for a period of one (1) year after such member last served as chairperson.

(Ord. of 10-28-13(1))

Sec. 2-179. Meetings; rules and regulations; quorum.

The committee shall hold regular meetings and shall designate the time and place thereof and

may, from time to time, adopt and promulgate rules and regulations for the conduct of its meetings and execution of its duties. Four (4) members shall constitute a quorum.
(Ord. of 10-28-13(1))