

**ORDINANCE AMENDING CHAPTERS 2, 10, 18, 26, 38, 42 AND 74
OF THE CITY CODE RELATED TO VARIOUS TECHNICAL CORRECTIONS**

BE IT ORDAINED, by the Mayor and Winston-Salem City Council as follows:

Revisions to all Chapters within the City Code

Section 1. The Winston-Salem City Code is hereby amended by deleting the following phrases where they appear “Community and Business Development Department”, “Housing Services Department”, “Housing and Neighborhood Services Department”, and “Neighborhood Services Department” and inserting in lieu thereof the following phrase “Community Development Department.”

Section 2. The Winston-Salem City Code is hereby amended by deleting the following phrases where they appear “Director of the Community and Business Development Department”, and “Community and Business Development Director” and inserting in lieu thereof the following phrase “Director of Community Development”.

Revisions to Chapter 2. Administration

Section 3. Section 2-2. Purchasing and contracts generally is hereby amended to read as follows:

“Sec. 2-2. - Purchasing and contracts generally.

- (a) It shall be unlawful for any employee of the city, except the authorized purchasing agent, to purchase supplies for or make any contracts of any nature in the name of the city, unless upon the resolution of the city council. The purchasing agent shall purchase all supplies and materials of any kind required by the city.
- (b) The city manager is authorized to take any action, including any action the city council is required or authorized to take under G.S. 143-128 et seq., to make, approve, award or execute contracts for construction or repair work not to exceed \$100,000.00, or for services or the purchase or apparatus, supplies, materials or equipment not to exceed \$100,000.00 for any such contract. For contracts previously approved by the city council or city manager, the city manager may also execute change orders and contract amendments, deemed by the city manager and city attorney to be necessary, in an amount not to exceed \$100,000 for the term of the contract. The city manager may exercise the authority granted herein only when there are funds in the city's adopted budget sufficient for such contract. Prior to execution, the chief financial officer shall preaudit and the city attorney shall approve such contract as to form and legality.
- (c) ~~A violation of this section, or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500.00 or imprisonment for not more than 30 days.~~

Effective July 1, 2018, contracts funded with federal grant or loan funds shall be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200).

(d) A violation of subsections (a) or (b) of this section, or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500.00 or imprisonment for not more than 30 days.”

Section 4. Sec. 2-3 Disqualification of contractors to bid on construction or repair contracts is hereby amended by adding subparagraphs (18) and (19) as follows:

“Sec. 2-3. - Disqualification of contractors to bid on construction or repair contracts.

(a) *Authority of city manager; grounds.* The city manager or his designee may disqualify a contractor(s) from bidding on city construction or repair contracts for any of the reasons listed below using the procedures outlined in subsection (c). For purposes of this section, the term "city" includes any city department, city board, agency, commission or a joint (interlocal) board, agency or commission which the city administers.

(18) A violation of the city’s ethics policy.

(19) A violation of any local, state or federal law, ordinance, or regulation applicable to the contract or the services rendered or provided in accordance therewith.”

Section 5. Sec. 2-313. Residency requirement is hereby amended to read as follows:

“Sec. 2-313. - Residency requirement.

- (a) Except as otherwise provided, no person shall be eligible to hold elective office in the city unless such person is a resident of the city.
- (b) Effective January 18, 1994, no person shall be hired, promoted, transferred or reclassified to the position of city manager, deputy city manager, assistant city manager, city attorney, or department, division or office head unless that person maintains his principal residence within the corporate limits of the city, or establishes his principal residence within the corporate limits of the city within 180 days of the effective date of the personnel action. Any city manager, deputy city manager, assistant city manager, city attorney, or department, division, or office head residing outside the corporate limits of the city prior to January 18, 1994, in compliance with the provisions of the city's previous residency ordinance adopted June 26, 1978, may continue to do so unless the employee is promoted, transferred or reclassified to another position which is subject to the residency requirement, or establishes his principal residence within the corporate limits of the city after January 18, 1994. Effective January 18, 1994, all persons hired, promoted, transferred or reclassified to a public safety position (sworn police personnel or fire suppression personnel below the level of department, division or office head) shall be required to maintain their principal residence in the county or any county contiguous to the county or establish their principal residence within one of such areas within 180 days of the effective date of the personnel action. There is no residency requirement for city employees not covered by this subsection. For purposes of this subsection, the city manager,

utilizing job descriptions and considering such factors as the city's need to maintain effective and efficient delivery of public service, will identify all department, division and office heads.

- (c) Subsection 2-313(b) to the contrary notwithstanding, the city/county purchasing director, emergency management director, ~~inspections superintendent~~, planning and development services director and utilities superintendent director shall maintain their personal residences in Forsyth County. All persons hired, promoted, transferred or reclassified to one of these five positions shall be required to maintain their principal residence in the county or establish their principal residence in the county within 180 days of the effective date of the personnel action.
- (d) This section is not intended to limit or restrict the area of recruitment for city personnel, it being the desire of the city council that the best qualified personnel available should be sought for positions in city employment.
- (e) ~~This section shall not apply to county employees who may become city employees on account of any consolidation services until two years following the date of the consolidation.~~
Due, in part, to the impermanence of annexations, it shall be the policy of the City of Winton-Salem to refrain from approving annexation petitions (satellite or contiguous) that are initiated for the sole purpose, as determined by the City, of allowing a person, seeking to be hired, promoted, transferred or reclassified to a city position, to establish or maintain residence within the corporate limits of the city.
- (f) This section shall not apply to county employees who may become city employees on account of any consolidation of services until two years following the date of any such consolidation.

Revisions to Chapter 18 Civil Defense

Section 6. Sec. 18-4 Financial responsibility for emergencies involving hazardous materials. is hereby amended to read as follows:

“Sec. 18-4. - Financial responsibility for emergencies involving hazardous materials.

- (a) *Generally; billing and collection of costs.* The spilling of hazardous materials is dangerous and prejudicial to public health and safety and shall constitute a nuisance under G.S. 160A-193. The property owner or the person exercising or having control over the hazardous materials that created the emergency and nuisance shall be financially responsible for any expense incurred by the city during the abatement, containment and control of the hazardous materials. The city/county office of emergency management shall be responsible for billing and collecting from the owner or other persons all such costs of equipment and materials associated with a hazardous materials response by the office of emergency management.
- (b) *Lien for payment of charges.* Failure of the person in default to pay the charges assessed shall give the city the right to levy a lien upon the land or the premises where the hazardous material response arose. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes. The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. The additional lien

established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection, as it relates to the additional lien, shall not apply if the person in default can show that the nuisance was created solely by the actions of another.”

Section 7. Sec. 26-8 Bulk Containers is hereby amended as follows:

“Sec. 26-8. - Bulk containers. **The bulk container program, codified herein, shall remain in effect until January 1, 2019. On said date, this section of the city code shall be repealed without further action, removed from the city code and reserved for future use. Any existing contracts at the time of the repeal will be honored until they expire. The repeal of this section of the city code and the removal of the same from the city code shall not impact bulk container service to city departments.**

- (a) *Use; maintenance.* Users of bulk containers shall keep such containers in a sanitary manner, shall keep the ground area around the containers clean and free of litter and shall place only garbage or refuse (crushable material) into bulk containers. Placement of materials such as wood, metal, tires, etc., in bulk containers is prohibited and shall result in discontinuance of service by the city.
- (b) *Location and placement.* Bulk containers shall be located so as to provide easy ingress and egress by a container tender truck to the containers. The location of the container shall be free from any overhanging wires or other obstructions which have less than 35 feet of vertical clearance and 40 feet linear clearance of overhead obstruction in the dumping area. All screens or enclosures shall be open on one side for easy access and provide a three-foot clearance on all sides from the bulk container. Portable packing units shall not be serviced by the city.
- (c) *Service levels and fees.* The city will offer the option to rent dumpsters to contracted customers receiving bulk container collection from city forces at a fee posted in the rate chart of subsection 26-8(c). The rental fee for the container will include minor repairs consistent with normal dumpster usage. There will be a \$60.00 delivery fee for up to three containers delivered at once. Service to each city owned dumpster must be provided by city forces.

Service levels provided and fees charged for collection and disposal of bulk containers shall be as follows:

Type of Service	Number of Containers	Number of Pickups Per Week	Fee*
(1) Multifamily residential developments (excluding apartment and mobile home developments)	No more than 1 8-cubic yard container per 20 units	1	No charge

		1 4-cubic yard	2	\$1,320.00 annually
		1 4-cubic yard	3	\$1,980.00 annually
		1 4-cubic yard	4	\$2,640.00 annually
		1 4-cubic yard	5	\$3,300.00 annually
		1 6-cubic yard	2	\$1,560.00 annually
		1 6-cubic yard	3	\$2,340.00 annually
		1 6-cubic yard	4	\$3,120.00 annually
		1 6-cubic yard	5	\$3,900.00 annually
		1 8-cubic yard	2	\$1,800.00 annually
		1 8-cubic yard	3	\$2,700.00 annually
		1 8-cubic yard	4	\$3,600.00 annually
		1 8-cubic yard	5	\$4,500.00 annually
(2)	Apartments developments, mobile home developments, business,	1 4-cubic yard	1	*\$560.00 annually

	commercial and other non-residential establishments			
		1 4-cubic yard	2	\$1,220.00 annually
		1 4-cubic yard	3	\$1,880.00 annually
		1 4-cubic yard	4	\$2,540.00 annually
		1 4-cubic yard	5	\$3,200.00 annually
		1 6-cubic yard	1	*\$680.00 annually
		1 6-cubic yard	2	\$1,460.00 annually
		1 6-cubic yard	3	\$2,240.00 annually
		1 6-cubic yard	4	\$3,020.00 annually
		1 6-cubic yard	5	\$3,800.00 annually
		1 8-cubic yard	1	*\$800.00 annually
		1 8-cubic yard	2	\$1,700.00 annually
		1 8-cubic yard	3	\$2,600.00 annually

		1 8-cubic yard	4	\$3,500.00 annually
		1 8-cubic yard	5	\$4,400.00 annually
*Reflects a \$100.00 discount for the first container with one collection per week.				
(3)	Rental fee	4-, 6-, 8-cubic yard		\$14.00 monthly for each container
There will be a \$60.00 delivery fee for up to three dumpsters at one delivery.				
(4)	Churches and non-profit organizations	1 4-cubic yard	1	\$560.00 annually
		1 4-cubic yard	2	\$1,320.00 annually
		1 4-cubic yard	3	\$1,980.00 annually
		1 4-cubic yard	4	\$2,640.00 annually
		1 4-cubic yard	5	\$3,300.00 annually
		1 6-cubic yard	1	\$780.00 annually
		1 6-cubic yard	2	\$1,560.00 annually
		1 6-cubic yard	3	\$2,340.00 annually

		1 6-cubic yard	4	\$3,120.00 annually
		1 6-cubic yard	5	\$3,900.00 annually
		1 8-cubic yard	1	\$900.00 annually
		1 8-cubic yard	2	\$1,800.00 annually
		1 8-cubic yard	3	\$2,700.00 annually
		1 8-cubic yard	4	\$3,600.00 annually
		1 8-cubic yard	5	\$4,500.00 annually

The preceding chart indicates basic collection service per week. Collections in addition to the maximum of five pick-ups per week are offered at an extra charge of \$30.00 per bulk container. Any unscheduled collections are \$30.00 per bulk container.

(d) *Capacity.* Bulk containers serving residential properties shall have a minimum capacity of six cubic yards, except that four-cubic-yard capacity containers presently being served as of the effective date of Ordinance No. 3772 shall continue to be served, but, if replaced, shall be replaced with one of a minimum capacity of six cubic yards.

(e) *Surfaces for placement of bulk containers; access drives.*

(1) All bulk containers presently being served by the city shall be positioned on paved surfaces within six months of the effective date of the ordinance from which this subsection is derived. Any replacement of an existing surface or new construction of a surface for the placement of bulk containers, following the effective date of the ordinance from which this subsection is derived, shall meet the following requirements:

- a. All surfaces constructed for the placement of bulk containers shall be constructed of concrete with a thickness of at least eight inches; and
- b. All surfaces constructed for the placement of bulk containers shall be at least 16 feet in length and at least 12 feet in width.

- (2) The assistant city manager/public works or his designee may alter the requirements contained in subsections (e)(1)a and b of this section where conditions prohibit or impair the construction of paved or concrete surfaces which meet the requirements set out therein.
- (3) All bulk containers served by the city shall have an all-weather access drive from the public street to the bulk container. Such access drive may be paved, but must, at a minimum, be well-graded and graveled.
- (4) The violation of this subsection (e) is a misdemeanor. In addition, the violation of this subsection may result in the discontinuance of bulk container collection service by the city.”

Revisions to Chapter 42 Motor Vehicles

Section 8. Sec. 42.2. Penalties is hereby amended to read as follows:

“Sec. 42-2. - Penalties.

- (a) Except as provided herein, the following shall be deemed to be expressly incorporated by reference within each section of this chapter: A violation of this section, or any part thereof, shall constitute a class 3 misdemeanor and shall subject the offender to a fine of not more than \$500.00.
- (b) The provisions of subsection (a) of this section shall not apply to any section, or part thereof, that regulates the operation or parking of vehicles. A violation of any section, or part thereof, that regulates the operation or parking of vehicles shall constitute an infraction and any such offender shall be required to pay a penalty of not more than \$50.00.
- (c) This section shall not apply to articles IV, V, VI and VII of this chapter. The provisions of subsection (a) shall apply to Section 42-176 (h) of Article IV, but shall not apply to the remainder of Article IV, and to Articles V, VI and VII of this chapter.”

Section 9. Sec. 42-341. Definitions in particular the definition of abandoned motor vehicle is amended to read as follows:

“Sec. 42-341. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a vehicle that:

- (1) Has been left upon a public street or highway in violation of a law or ordinance that regulates or prohibits parking, or that requires the display of a valid license plate or registration sticker; or
- (2) Is left on property owned or operated by the city longer than 24 hours; or

- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or on U.S. Highway 52, Interstate Highway 40, Business Interstate Highway 40, Peters Creek Parkway, Silas Creek Parkway; or U.S. Highway 421 within the corporate limits of the city, for longer than 48 hours; or
- (5) Is determined by law enforcement to be a hazard to the motoring public.”

Section 10. This ordinance shall become effective upon adoption.