

ORDINANCE #16Per Commissioners' Minutes June 17, 1985AN ORDINANCEREGULATING USE OF FIRE HYDRANTS AND BLOW OFF VALVES OF THE
JONES COUNTY WATER SYSTEM

WHEREAS, the Board of Commissioners of Jones County is concerned for the health, safety and welfare of the residents and property located in Jones County, North Carolina, and desires to enact an ordinance regulating the use of fire hydrants and blow off valves located on the water system operated by Jones County, pursuant to Article Six of Chapter 153A of the General Statutes of North Carolina.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF JONES COUNTY as follows:

Section 1. Fire hydrants and blow off valves located on the Jones County Water System, whether purchased by the county or otherwise, are for the use of the county water system, and emergency vehicles for the protection of persons and property in Jones County, North Carolina.

Section 2. Fire Hydrants and blow off valves located on the Jones County Water System shall not be used to take unmetered water therefrom by any person, firm, or corporation except as provided in Section 1 hereof or unless specific authority therefore has been obtained from the Jones County Board of Commissioners.

Section 3. No person, firm or corporation shall willfully, knowingly or intentionally damage any fire hydrants and blow off valves or any part thereof which is located on the Jones County Water System.

Section 4. This ordinance shall be effective throughout all areas of Jones County not within an incorporated municipality.

Section 5. Any violation of this ordinance shall be a misdemeanor and upon conviction punishable by fine or imprisonment in the discretion of the court, as by law provided.

Section 6. This ordinance shall be effective immediately upon its adoption.

The foregoing ordinance was introduced by Commissioner Horace B. Phillips. After discussion, its adoption was moved by Commissioner Robert Jarman, seconded by Commissioner James Wynn, and unanimously adopted by the Board of Commissioners meeting in regular session this 17th day of June, 1985.

Horace B. Phillips, Chairman
Board of Commissioners

ATTEST:

Larry P. Meadows, Clerk
Board of Commissioners

MOTION made by Osborne Coward and seconded by Robert Mattocks and unanimously carried THAT the Board approves the following changes in street regulations in the Subdivision Ordinance and Mobile Home Ordinance:

STREETS

Type of Street Required:

Streets shall be laid out so as to intersect as nearly as possible at right angles. Street jogs with center line offsets of less than three hundred (300) feet shall be avoided. All measurements shall be from center line of the pavement or street to center line.

All subdivision lots shall abut on public streets, semi-improved private streets, or non-improved private streets.

All public streets shall be built to the standards of this ordinance and all other applicable standards of the county and the North Carolina Department of Transportation. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standards in this ordinance, whichever is more strict in regard to each particular item, and shall be put on such system. Public streets which are not eligible to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement is to be maintained by the developer for street maintenance until it is placed on the State system. This agreement shall state the one (1) year period with provisions for maintenance of the streets.

Subdivision Street Disclosure Statement:

All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the State System, before lots are sold, a statement explaining the status of the street shall be included with the final plat.

Semi-Improved Private Streets:

Subdivision streets may be designated private streets for the purpose of providing access from a public street or highway to not more than eight residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said private street is paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than eight residential lots. Semi-improved private streets constructed under the provisions of this Article shall conform to the specifications of the DIVISION OF HIGHWAYS, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF DIRT ROADS.

No private or public streets shall be allowed under the provisions of this Article if it is proposed that such private or public street shall connect to a previously approved unpaved private, or public street.

- (a) Disclosure - Prior to entering any agreement or any conveyance with any prospective buyer, the developer shall prepare and sign, and the buyer of the subject real estate shall receive and sign an acknowledgement of receipt of a separate instrument known as the Jones County Subdivision Streets Disclosure Statement which shall be made a part of the recorded deed of conveyance, recorded simultaneously with the recording of the deed of conveyance, or contained in restricted conveyances applicable to the subdivision

which restricts conveyances, where recorded prior to sale of any lots in the subdivision. Said statement shall be in substantially the following form, which shall be deemed sufficient for purposes of this section:

Non-Improved Private Streets:

Subdivision streets may be designated private streets for the purpose of providing access from a public street or highway to not more than four residential lots regardless of size, which lots shall not be further subdivided by said owner or subsequent owners until such time as the said private street is stabilized or paved and such further subdivision complies with the terms of this ordinance. It is the intent and purpose of this section that at no time shall a private unpaved street serve more than four residential lots. Non-improved private streets constructed under the provisions of this Article shall not be required to conform to the specifications of the DIVISION OF HIGHWAYS, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, except that a fifty-foot dedicated right-of-way shall be required.

JONES COUNTY
SUBDIVISION STREET DISCLOSURE STATEMENT

Pursuant to N. C. G.S. 136-102.6(f), (Name of Developer) as the developer and seller, of Lot _____ in the subdivision known as (Name of Subdivision), Jones County, North Carolina, makes the following disclosures pertaining to the status and maintenance of (Name of Street):

(1) (Name of Street) is designated a STREET.

(2) After the initial installation and construction of (Name of Street) by (Name of Developer), the responsibility of the maintenance of (Name of Street) shall be upon the developers/owners of the lots within the subdivision. In the event of failure of the responsible party to maintain said street, there is no responsibility on the part of either the State of North Carolina or Jones County as to such maintenance. The street will or will not be constructed to minimum standards, sufficient to allow their inclusion on the State Highway System for maintenance.

(3) (Name of Developer) will or will not construct said road to meet the North Carolina Department of Transportation Subdivision Road Minimum Construction Standards and as such, (Name of Street) will or will not meet the standards sufficient to allow its inclusion in the State Highway System for maintenance.

Delivery of this disclosure is by the developer and receipt of this disclosure by the buyer is acknowledged this _____ day of _____, 19_____.

Mobile Home lots will follow the same road requirements as noted above but that street or road would not require a maximum of a fifty-foot right-of-way.

ORDINANCE # 17

Per Commissioners' Minutes May 5, 1986

AN ORDINANCE AUTHORIZING THE PROCLAMATION
OF A STATE OF EMERGENCY AND THE IMPOSITION OF
PROHIBITIONS AND RESTRICTIONS DURING A
STATE OF EMERGENCY

Under the authority of Article 36A of Chapter 14, Chapter 166A, and Chapter 160A of the North Carolina General Statutes, the County of Jones ordains:

Section 1. State of Emergency; Restrictions Authorized.

(a) A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

(b) In the event of an existing or threatened State of Emergency endangering the lives, safety, health and welfare of the people within Jones County or any part thereof, or threatening damages to or destruction of property, the Chairperson of the Board of Commissioners of Jones County is hereby authorized and empowered under Section 14-288.13 and 166A-8 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 county, to place in effect any or all of the restrictions hereinafter authorized.

(c) The Chairperson 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 county and to specific hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, 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 of the people within the county.

Section 2. Proclamation Imposing Prohibitions and Restrictions:

(a) The Chairperson of the Board of Commissioners of Jones County by proclamation may impose the prohibitions and restrictions specified in sections 3 through 8 of this ordinance in the manner described in those sections. The Chairperson may impose as many of those specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Chairperson shall recite his findings in the proclamation.

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(b) The proclamation shall be in writing. The Chairperson shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the County Courthouse. The Chairperson shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The Chairperson shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

Section 3. Evacuation.

The Chairperson may direct and compel the evacuation of all or part of the population of the County of Jones, to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress of a 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 proclamation which shall be well publicized.

Section 4. Curfew.

(a) The proclamation 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 proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairperson finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson by proclamation removes the curfew.

Section 5. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages.

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchase of any alcoholic beverage within the area of the County described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as by anyone else within the geographical area described.

Section 6. Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances.

(a) The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Chairperson may exempt from some or all of the restrictions classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(b) "Dangerous weapon or substance" means:

(1) Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined

in G.S. 14-288.8(c)(5), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

(2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.

(3) Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.

(c) If imposed, the restrictions shall apply throughout the jurisdiction of the County or such part thereof as designated in the proclamation.

Section 7. Restrictions on Access to Areas.

(a) The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

(b) Areas to which access is denied or restricted shall be designated by the Sheriff and his subordinates when directed in the proclamation to do so by the Chairperson. When acting under this authority, the Sheriff and his subordinates may restrict or deny access to any area, street, highway or locations within the County if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

Section 8. The proclamation may prohibit or restrict:

(a) Movements of people in public places;

(b) The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and

(c) 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, within the area designated in the proclamation.

Section 9. Removal of Prohibitions and Restrictions.

The Chairperson shall by proclamation terminate the entire declaration of emergency or remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

Section 10. Superseding and Amendatory Proclamations.

The Chairperson in his/her discretion may invoke the restrictions authorized by this ordinance in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in Section 2.

Section 11. Termination of Proclamation.

Any proclamation issued under this ordinance shall expire five days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 2 for proclamations.

Section 12. In Case of Absence or Disability of Chairperson.

In case of the absence or disability of the Chairperson, the Vice-Chairperson of the Board of Commissioners, or such other person as may be designated by the Board of Commissioners, shall have and exercise all of the powers herein given the Chairperson.

Section 13. Penalty for Violation.

Any person violating any prohibition or restriction imposed by a proclamation authorized by this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Section 14. Repeal of Conflicting Ordinances.

All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 15. Territorial Applicability.

This ordinance shall NOT apply within the corporate limits of any municipality, or within any area of the County over which the municipality has jurisdiction to enact general police-power ordinances, unless the municipality by resolution consents to its application or the Mayor of the municipality has requested its application, in which event it shall apply to such areas as fully and to the same extent as elsewhere in the County.

Section 16. Validity.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17. Effective Date of Ordinance.

This ordinance shall take effect on the 5th day of May, 1986.

Horace B. Phillips

Horace B. Phillips, Chairman

Jones County
Board of Commissioners

ATTEST:

Larry P. Meadows
Clerk to Board of Commissioners

Per Commissioners Minutes July 21, 1986

Ordinance # 18

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives

SECTION A. Statutory Authorization

The Legislature of the State of North Carolina has in N.C.G.S. 153A-121(a) delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of County of Jones, North Carolina does ordain as follows:

SECTION B. Findings of Fact

The flood hazard areas of the County of Jones are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accomodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. Objectives

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water, and gas mains, electric, telephone and sewer lines, and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Hazard Boundary Map(FHBM)" means the official map issued by the Federal Emergency Management Agency where the Areas of Special Flood Hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means the official map of a community, on which the Federal Emergency Management Agency has delineated both the Areas of Special Flood Hazard and the Risk Premium Zones applicable to the community.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3.

"Mobile Homes" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Start of Construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L-97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "actual start" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the "actual start" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and the installation of utilities) is completed.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary,

or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

ARTICLE 3. General Provisions

SECTION A. Lands to Which this Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the County of Jones.

SECTION B. Basis for Establishing the Areas of Special Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map. (FHBM) or Flood Insurance Rate Maps (FIRM) Numbered 370379 0001 A through 370379 0008 A (8 maps) dated June 2, 1978, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

SECTION C. Compliance

No structure or land shall hereafter be located, or extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION D. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION E. Interpretation

In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements, (2) liberally construed in favor of the governing body, and, (3) deemed neither to limit nor repeal and other powers granted under state statutes.

SECTION F. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County of Jones or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION G. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing

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herein contained shall prevent the County of Jones from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. Administration

SECTION A. Establishment of Development Permit

- (1) A Development Permit shall be required in conformance with the provisions of this ordinance.
- (2) Application for a Development Permit shall be made to the Jones County Building Inspector on forms furnished by him and may include but not be limited to, the following:

plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities; and, the location of the foregoing. Specifically, the following information is required.

 - (a) elevation in relation to Mean Sea Level (MSL) of the lowest floor (including basement) of all proposed structures.
 - (b) elevation in relation to Mean Sea Level to which any non-residential structure will be floodproofed.
 - (c) certification by a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Article 5, Section B(2).
 - (d) description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (e) Provide a flood elevation or flood-proofing certification after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Jones County Building Inspector a certification of the elevation of the lowest floor or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Jones County Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further

progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be caused to issue a stop-work order for the project.

SECTION B. Designatin of Building Inspector

The Jones County Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. Duties of the Jones County Building Inspector shall include, but not be limited to, the following;

(1) Permit Review

- (a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (c) Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplain. For purposes of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
 - (i) If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.
 - (ii) If it is determined that there is an adverse effect, then technical justification (i.e., a professional engineering analysis) for the proposed development shall be required.
 - (iii) If the proposed development is a building, then the provisions of this ordinance shall apply.

SECTION C. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Article 3, Section B, Basis for Establishing the Areas of Special Hazard, then the Jones County Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Article 5, Section B of this ordinance.

SECTION D. Information to be Obtained and Maintained

- (1) Verify and record the actual elevation (in relation to Mean Sea Level) of the lowest floor (including basement of all new or substantially improved structures.
- (2) Vertify and record the actual elevation (in relation to Mean Sea Level) to which the new or substantially improved structures have been floodproofed. Certification of such

floodproofing shall be obtained in accordance with Article 5, Section B(2).

- (3) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Jones County Building Inspector and shall be open for public inspection.

SECTION E. Alteration of Watercourses

- (1) Notify adjacent communities and the N. C. Department of Natural Resources and Community Development prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

SECTION F. Interpretation of FHBM or FIRM Boundaries

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual physical conditions), the Jones County Building Inspector shall make the necessary interpretation.

ARTICLE 5. Provisions for Flood Hazard Reduction

SECTION A. General Standards

In all areas of special flood hazard, the following provisions are required:

- (1) Anchoring
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) All mobile homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, mobile homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- (2) Construction Materials and Methods
 - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (3) Utilities
 - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (c) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Subdivision Proposals
- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (b) All subdivision proposals shall have public utilities facilities such as sewer, gas, electric and water systems located and constructed to minimize flood damage.
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
 - (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

(5) Encroachments

The cumulative effect of any proposed development shall not adversely affect the area of special flood hazard. This determination is to be made in accordance with Article 4, Section B (1) (c).

SECTION B. Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Article 4, Section C, the following provisions are required:

- (1) Residential Construction - New construction or substantial improvement of any residential structure (including mobile home) shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) Nonresidential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure (including mobile homes) shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section A(2) (c).

JONES COUNTY BOARD OF COMMISSIONERS:

Horace B. Phillips, Chairman

Robert Jarman, Commissioner

Osborne Coward, Commissioner

Robert Mattocks, Commissioner

James E. Wynn, Commissioner

Certify: Larry P. Meadows

July 21, 1986
Date Adopted by Governing Body

ORDINANCE # 19

Per Commissioners Minutes July 21, 1986

JONES COUNTY DISASTER RELIEF AND ASSISTANCE PLAN

Annex A - Emergency Management Ordinance and Agreement
Appendix 1 - Jones County Emergency Management Ordinance

The County of Jones ordains: Article 1 Jones Emergency Management Agency.

Section 1. Short Title

This ordinance shall be known and may be cited and referred to as "Emergency Management Ordinance for the County of Jones."

Section 2. Intent and Purpose

(1) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the County of Jones' resources to combat disaster resulting from enemy actions or other disasters as defined herein.

(2) The Jones County Emergency Management Agency will be the coordinating agency for all activity in connection with Emergency Management; it will be the instrument through which the Jones County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(3) This Ordinance will not relieve any City or County Department of the moral responsibilities or authority given to it in the City or County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions

(1) The following definitions shall apply in the interpretation of this Article:

(a) "Emergency Management" in its broad meaning is to carry out the basic government functions of maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, and it shall also include such activity in connection with disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(b) "Attack" shall mean direct or indirect assault against the County of Jones, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical or biological warfare, or sabotage.

(c) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.

(d) "Emergency Management Forces" shall mean the employees, equipment and facilities of all City and County departments, boards, councils, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

(e) "Volunteer" shall mean contributing a service, equipment or facilities to the Emergency Management Agency without remuneration.

(f) "Emergency Management Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of Jones County Emergency Management Agency and assigned to participate in the Emergency Management activity.

(g) "Coordinator" shall mean the Coordinator of the Jones County Emergency Management Agency, appointed as prescribed in this Ordinance.

(h) "Regulations" shall include plans, programs and other emergency procedures deemed essential to Emergency Management.

Section 4. Organization and Appointments

(1) The organization shall consist of the following:

(a) An agency of Emergency Management within the executive department of the Jones County government under the direction of Jones County Board of Commissioners. The agency head of the Jones County Emergency Management Agency shall be known as the Coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.

(b) The employees and resources of all Jones County departments, boards, institutions, and councils will participate in the Emergency Management activities. Duties assigned to County departments shall be the same as or similar to the normal duties of the department, where possible.

(c) Volunteer personnel and agencies offering service to, and accepted by the county.

(2) The Jones County Board of Commissioners shall appoint a Coordinator of the Jones County Emergency Management Agency who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.

(3) The Coordinator shall designate and appoint Deputy Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act.

Section 5. Emergency Powers and Duties

(1) Coordinator of Jones County Emergency Management Agency.

(a) During any period when disaster or when Jones County has been struck by disaster, within the definition of this Ordinance, the Emergency Management Coordinator may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. This promulgation of regulations solely by the Coordinator will be only when immediacy of necessary

action precludes contact and discussion with the Jones County Commissioners. Such regulations may include, but shall not be limited to the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management forces, or to facilitate the mass movement of personnel from critical areas within the county.

2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

3. Such other regulations necessary to preserve public peace, health and safety.

4. Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

Section 6. Day to Day Duties and Responsibilities of the Coordinator

(1) The Coordinator shall be responsible to the Jones County Board of Commissioners in regard to all phases of the Emergency Management activity. The Coordinator shall be responsible for the planning, coordination and operation of the Emergency Management activities in Jones County. The Coordinator shall maintain liaison with the State and Federal authorities of nearby political subdivisions so as to insure the most effective operation of the Emergency Management plans. The Coordinator's duties shall include, but not be limited to, the following:

(a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Jones for Emergency Management purposes.

(b) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.

(c) Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such building or other property for the Emergency Management purposes and designating suitable buildings as public shelters.

(d) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.

(e) Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.

(f) Coordinating the activity of all other public and private agencies engaged in any Emergency Management activities.

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Section 7. Emergency Management Plans

(1) Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Jones County Board of Commissioners. In the preparations of these plans as it pertains to county organization, it is intended that the services, equipment and facilities and personnel of all existing department and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state of readiness at all times. The Emergency Operations Plan for War and the Disaster Relief and Assistance Plan shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.

(2) The Coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Coordinator a current list of three (3) persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(3) Each service chief and department head assigned responsibility in the Basic Plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and where needed volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the Basic Plan.

(4) Amendments to the Basic Plan shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Jones County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(5) When a required competency or skill for a disaster function is not available within local government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers in cooperation with the heads of local government department affects.

Section 8. No Municipal or Private Liability

(1) This ordinance is an exercise by the County of Jones of its governmental functions for the protection of the public peace, health, and safety, and the County of Jones nor agents and representatives if some, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply

with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Jones the right to inspect, designate and use the whole or any part of parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practive disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such persons.

Section 9. Violation of Regulations

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management oranization as herein defined in the enforcement of the provisions of this Ordinance or any regulations or plan issued thereunder.

Section 10. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislation intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 11. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 12. Effective Date

This Ordinance shall take effect on the 21st day of July, 1986.

Horace B. Phillips, Chairman

Robert Jarman, Commissioner

Osborne Coward, Commissioner

Robert Mattocks, Commissioner

Larry P. Meadows, Clerk to Board

James E. Wynn, Commissioner

ORDINANCE # 20

Per Commissioners' Minutes September 2, 1986

Amendments to Subdivision Rules & Regulations

ARTICLE IX (A) The first sentence shall read "A "subdivision" shall include any division of a tract or parcel of land into five or more lots, building sites, or other divisions for the purpose, etc."

ARTICLE IX (A-2) Add "and subsequent subdivisions of such five-acre parcels for development to evade the Jones County Subdivision Ordinance will be a violation of said Ordinance."

ORDINANCE # 21

Per Commissioners' Minutes October 20, 1986

CABLE TELEVISION ORDINANCE

(a) Franchise Required. It shall be unlawful for any person or other legal entity to engage in the construction, operation or maintenance of a cable television system in the unincorporated areas of Jones County unless such person or other legal entity for whom such action is being taken shall have first obtained and shall currently hold a valid franchise granted by Jones County pursuant to this ordinance and N.C.G.S. 153A-137.

(b) Violation of the provisions of this ordinance shall be punishable as provided in N.C.G.S. 14-4.

(c) This ordinance shall be effective immediately upon adoption.

Adopted this 20th day of October, 1986.

Horace B. Phillips

Chairman
Board of Commissioners of Jones
County

ATTEST:

Larry P. Meadows

Clerk

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ORDINANCE #22

Per Commissioners Minutes August 3, 1987

NATIONAL FLOOD INSURANCE
FLOOD DAMAGE PREVENTION ORDINANCE

Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Article 6 of Chapter 153A of the N. C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Commissioners of Jones County, North Carolina does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood hazard areas of Jones County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.,

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Area of shallow flooding" means a designated A0 or V0 Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a architect or professional engineer's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound and engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or floor resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"Remedy a Violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, within any twelve month period, where the cost

equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Jones County.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map, dated June 2, 1978, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Jones County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Jones County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR.

The Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Development Permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 4, Section C (10), the application for a development permit within the Zone A on the Flood Insurance Rate Map shall show:
 - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (b) if the structure has been floodproofed in accordance with Article 5, Section B (2), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include; a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Article 5, Section B (2).
- (5) A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

Duties of the Building Inspector shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the N. C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.
- (6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B (5).
- (7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B(5).
- (8) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section B (2).

- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Article 5, Section D (4), in order to administer the provisions of this ordinance.
- (11) All records pertaining to the provisions of this ordinance shall be maintained in the office of the local administrator and shall be open for public inspection.

SECTION D. ADMINISTRATIVE PROCEDURES.

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) Stop Orders: Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.
- (3) Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- (4) Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) Violations to be Corrected: When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violations of law in the property he owns.
- (6) Actions in Event of Failure to take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service.

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- (a) That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) That a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) Order to take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Jones County Board of Commissioners as established by Jones County shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the Jones County Board of Commissioners or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N. C. General Statutes.
- (3) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- (4) In passing upon such applications, the Jones County Board of Commissioners shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;

- (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatability of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the Jones County Board of Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) Conditions for Variances:
- (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
 - (d) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in A-zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (5).

- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connections with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (4) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
- (b) If Article 5, Section B(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (c) No manufactured homes shall be permitted, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2) and the elevation standards of Article 5, Section B(1) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B. are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Article 5, Section C (1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or flood-proofed in accordance with elevations established in accordance with Article 4, Section C (1). When base flood elevation data is not available from a federal, state or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

Amendment
See Page 143

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (A) ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
 - (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade.

If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,

- (b) be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Adopted on August 3, 19871

By: _____

Certified by: _____

Date: _____

Amendment to Ordinance # 22

Per Commissioners Minutes of March 5, 1990

Article 5 Section C (#1) is amended to read:

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a minimum distance to a stream of fifty (50) feet.

ORDINANCE # 23

Per Commissioners Minutes December 7, 1987
(Per Commissioners Minutes March 2, 1992 this Ordinance is Revoked)

TELEVISION CABLE SYSTEM
FRANCHISE ORDINANCE

WHEREAS, there has been filed with the Board of County Commissioners of Jones County an application by County Cable, Inc., a North Carolina Corporation, for a franchise for the construction, operation, and maintenance of a community cable television system in Jones County in order that its residents may receive a more broad coverage and better reception of television broadcasts than is normally possible; and

WHEREAS, the Board of County Commissioners of Jones County have discussed this matter with representatives of the applicant and have also sought advice and information in regard to the same; and

WHEREAS, the Board of County Commissioners of Jones County have reached a decision that the granting of a franchise might be beneficial to the citizens of Jones County.

NOW, THEREFORE, be it ORDAINED by the Board of County Commissioners of Jones County.

SECTION I. This Ordinance shall be known as the television cable system franchise ordinance, number II.

SECTION II. Definitions: For the purpose of this Ordinance, the following terms and their derivation shall have the meanings given herein. The word "shall" is always mandatory and not merely directory.

- (1) "County" shall mean Jones County.
- (2) "Company" shall mean the grantee of the rights under this franchise.
- (3) "Board of Commissioners" shall mean the Board of County Commissioners of Jones County.
- (4) "The System" shall mean a system for originating and relaying audio and/or video signals by means of electrical impulses.

SECTION III. Grant of Authority: In consideration of the faithful performance and observance of the conditions, restrictions, and reservations herein specified, a franchise is hereby granted by "County" to County Cable, Inc., the right and privilege for a period of twenty (20) years from the date of final passage of the ordinance to construct, erect, operate, and maintain an audio and video transmission and distribution system including towers, poles, lines, cables, necessary wiring, and other apparatus in, upon, along, across, above, over and under the streets, lanes, avenues, alleys, sidewalks, bridges, rights-of-way, and other public places now laid out or dedicated and accepted, and all extensions thereof, and additions thereto, in the unincorporated portions of the county for the sole

purpose of receiving, amplifying, and distributing television and related audio impulses only to said County and the inhabitants thereof in accordance with the laws and regulations of the United States of America, the State of North Carolina, and the ordinances and regulations of the County.

The Company agrees to provide cable television service to the residents of Jones County as outlined in Exhibit A.

SECTION IV. Use of Poles and Agreements Incident Thereto:

The poles used for the Company's distribution system shall be those erected and maintained by the power company and/or the telephone company and others, and such poles as shall be erected by the Company only where pole or poles of the power company and/or telephone company and others are not practicable, provided mutually satisfactory rental agreements can be entered into between the Company and the power company and/or the telephone company and others. It is understood that if and when the power company and/or telephone company with whom County Cable, Inc. contracts for use of poles goes underground with cables and lines, then County Cable, Inc. shall likewise place its cables and lines underground.

The Company's transmission and distribution system, poles, wires, and appurtenances shall be located, erected, and maintained as approved by the County so as not to endanger or interfere with the lives of persons, or to interfere with any improvements or other uses the County may deem proper to make, or hinder unnecessarily or obstruct the free use of streets, alleys, bridges, or other public property.

SECTION V. Compliance With Electrical Standards: Construction and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code of the National Board of Fire Underwriters, and an annual report shall be made to the County Manager that the Company has complied with such provisions and regulations.

SECTION VI. Conditions on Street Occupancy: In the maintenance and operation of its television transmission and distribution system in the streets, alleys, and other public places, and in the course of any new construction or addition to its facilities, the Company shall so proceed as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places, made by the Company in the course of its operations, shall be guarded and protected at all times by the placement of adequate barriers, fence or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by amber warning lights of approved types.

Whenever the Company shall take up or disturb any pavement, sidewalk, or other improvement of any street, avenue, alley, or other public place, the same shall be replaced and the surface restored

in as good condition as before entry within forty-eight (48) hours after completion of the Company's work. Upon failure of the Company to make such restoration within such time, or to begin such restoration within such time (if the restoration cannot be made within such time), or upon the Company's delay of more than twenty-four (24) hours in the construction of a restoration begun, the County may serve upon the Company notice of County's intent to cause the restoration to be made and unless the Company, within twenty-four (24) hours after receipt of such notice, begins or resumes the proper restoration to be made, including the removal of excess dirt, and the expense of same shall be paid by the Company upon demand of the County.

The Company shall at all times comply with any and all rules and regulations which the County has made or may make to apply to the public generally with reference to the removal or replacement of pavements and to the excavations in streets and other public places, not inconsistent with its use for the purposes contemplated by this ordinance.

In the event that at any time during the period of this franchise the County shall lawfully elect to alter, or change the grade of, any street, alley, or other public way, the Company, upon reasonable notice by the County, shall remove, relay, and relocate its poles, wires, cables, underground conduits, and other fixtures and appurtenances at its own expense.

SECTION VII. Company Rules: The Company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business not inconsistent with the provisions of this ordinance, and a copy of such services, rules, and regulations shall be kept on file at all times with the County Administrator.

SECTION VIII. Transmission and distribution of Signals: The Company shall have the right to originate and distribute any and all types of information the system is capable of conveying or distributing, except that any signal the Company originates shall not interfere with any signals originating on any Federal Communications licensed stations; but this provision shall include the right of distributing educational material, news, local items, and weather which shall be available to its subscribers, but no detrimental or subversive broadcasts shall be made.

The Company shall so operate its system that there will be no interference with television or radio reception through individually-owned receiving antennas.

SECTION IX. Rules of the Federal Communications Commission: The Company's distribution system shall conform to the requirements, rules, and regulations of the Federal Communications Commission, particularly with respect to freedom from spurious radiation.

SECTION X. Quality of Reception; Convenience and Necessity of Customers: The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscribers' receivers throughout the system essentially of the same quality as those received at the antenna site and/or transmitted by the Company.

Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments, or installations, the Company shall do so at such time as shall cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

The Company shall not, as to rates, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage.

SECTION XI. Time for Completion of System: The Distribution system of the Company to be installed shall not be abandoned either in whole or in part, without the consent of the Board of County Commissioners. The Company shall begin preliminary work on the system within thirty (30) days from the granting of this franchise and in the event of the failure of the Company to complete construction of a community cable television system and commence rendering service to its subscribers in the County as contemplated and provided for by this ordinance within a period of one (1) year from the effective date of this ordinance, the Board of County Commissioners shall have the right, on sixty (60) days notice to the Company, to declare this ordinance and the rights and franchise granted thereunder forfeited; provided, however, that failure to comply with this stipulation by reason of causes beyond the reasonable control of the Company shall not be sufficient ground to declare a forfeiture.

SECTION XII. Final Disposition Upon Termination: Upon termination of this franchise the Company shall, within one hundred twenty (120) days, move its posts, poles, television transmission and distribution system and other appurtenances from the streets, lanes, sidewalks, alleys, bridges, and other public places in Jones County and shall restore such streets, lanes, sidewalks, alleys, bridges, and other public places to their original condition, but the Company shall give to the County ninety (90) days notice of its intention to terminate this franchise.

SECTION XIII. Company Liability; Indemnification: The Company shall indemnify and hold the County harmless at all times during the term of this grant from and against all claims for injury or damages to persons or property or any other liability both real and

personal, caused by the construction, erection, operation, or maintenance of any structures, equipment, appliances, or product authorized or used pursuant to authority of this ordinance, or any other liability.

The Company shall, at all times during the existence of this permit or franchise, carry and require his contractors to carry:

(A) Insurance in such form and with such companies as shall be approved by the County Attorney to protect the County and itself from and against any and all claims for injury or damage to persons or property, both real and personal, caused by the construction, erection, operation, or maintenance of any structure, equipment, appliances, or products authorized or used pursuant to authority of this ordinance, and the amount of such insurance against liability due to damage to property shall be not less than One Hundred Thousand Dollars (\$100,000.00), as to any one person, and Three Hundred Thousand Dollars (\$300,000.00), as to any one accident, and against liability due to injury or death of persons, Two Hundred Thousand Dollars (\$200,000.00) as to any one person, and Four Hundred Thousand Dollars (\$400,000.00) as to any one accident. Riders for said policies shall be furnished to the County showing the interest of said County in said policies.

(B) Workmen's Compensation insurance in compliance with the laws of the State of North Carolina.

(C) Automobile insurance with personal injury limits of not less than \$150,000.00-\$300,000.00, and automobile property damage insurance with a limit of not less than \$25,000.00 to cover all automobile equipment.

The Company, upon receipt of due notice in writing from the County shall defend at its own expense any action or proceedings against the County in which it is claimed that the injury or damage arose from the Company's activities in the construction or operation of its television system, and in the event of a determination of liability, shall indemnify the County. More particularly, the Company does hereby agree to indemnify and hold harmless the County from any and all liability, claims, demands, or judgements growing out of any injury to any person or property as a result of the violation or failure on the party of the Company to observe its proper duty, or because of negligence in whole or in part arising out of the construction, repair, extension, maintenance, or operation of its distribution lines, amplifiers, or equipment of any kind or character used in connection with this permit or franchise, or by reason of any financial liability established by law against the County from the granting of this franchise, in the event of any such future contingent liability finally determined by law.

SECTION XIV. Term of Franchise; Non-Exclusive: This franchise shall be non-exclusive between Jones County and the Company and shall

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take effect and be in force for twenty (20) years from the date of its final passage by the Board of County Commissioners and the acceptance of its terms in writing by the Company, plus any extension of time approved by the governing body of the County.

SECTION XV. Default and Non-Compliance: If the Company shall fail to comply with any of the provisions of this franchise, or default if any of its obligations, except for causes beyond the reasonable control of the Company, as provided for in Section 12 hereof, and shall fail, within sixty (60) days after written notice from the County to correct such default or non-compliance, the County shall have the right to revoke this special privilege and all rights of the Company hereunder. In the event that the Company shall be adjudicated bankrupt or placed in receivership, the County at its options may declare this special privilege herein granted forfeited and terminated.

SECTION XVI. Sales and Service: It is further provided that the Company and its employees shall not engage in the sale, service, repair, rental, or leasing of television receivers, radio receivers, or television or radio receiver parts and accessories. The Company and its employees shall not require or attempt to influence its subscribers to deal with any particular firm or person in regard to sale, service, repair, rental, or lease of television receivers, radio receivers, parts and accessories.

SECTION XVII. Rates to Subscribers: The rates to subscribers will be \$8.00 per month for Basic service, unless more channels were to be offered, at which time the Company will make application to the Board of County Commissioners for approval.

The Company shall be permitted to increase said monthly rates for the basic service in an amount equal to, but not exceeding ten percent (10%) per year without permission of the Board of County Commissioners. Said Board shall be notified in writing at least thirty (30) days prior to any proposed increase in monthly rates in the basic service, such notice accompanied with supporting data justifying in the proposed increase. Any increase in the monthly rates for the basic service exceeding ten percent (10%) shall at all times be subject to the approval of the Board of County Commissioners if they so elect. Said Company shall have the right to set its own rates for the tiered services and pay TV without prior approval of the Board of County Commissioners.

SECTION XVIII. Remuneration to the County: The Company shall pay to the County as a franchise fee for the privilege of operating a community cable television system and as compensation for the rights enjoyed hereunder the sum equivalent to four percent (4%) of its gross annual revenue for each connection in Jones County. The payments hereunder shall be made within sixty (60) days of the end of each calendar year, beginning with the 1st day of January, 1988, and payments shall be made within said sixty day period of each succeeding calendar

year. The franchise payments herein provided for shall be in lieu of business, occupational or privilege licenses or taxes, but shall not be in lieu of ad valorem taxes assessed by the County with respect to real or personal property of the Company.

SECTION XIX. Assignment and Transfer: The Company shall not have the right to sell, assign or otherwise transfer this franchise except upon approval of the Board of County Commissioners.

SECTION XX. Records and Reports: The County shall have access at all reasonable hours to all accounting records relating to the property and the operation of the Company. The following records and reports shall be filed with the County Manager and in the local office of the Company:

- (1) Copies of such rules, regulations, terms and conditions adopted by the Company for the conduct of its business.
- (2) An annual summary report showing gross revenues received by the Company from its operations within the County during the preceeding fiscal year. Such report shall be submitted on or before sixty (60) days following the calendar year for which such report is covered.

SECTION XXI. Governmental Arrangements: The Company shall provide without charge and without a monthly fee, one connection to County buildings, fire houses, police stations, public and parochial schools and colleges and community buildings that are operated by Jones County.

SECTION XXII. Separability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XXIII. Any ordinance or part of any ordinance in conflict with this ordinance, to the extent of such conflict, is hereby repealed.

SECTION XXIV. Effective Date: This ordinance shall be in full force and effect from and after its date of publication following adoption thereof; provided that the Company shall file its acceptance of this franchise in writing with the Board of County Commissioners within ten (10) days from its adoption; otherwise, this ordinance to be null and void.

The foregoing Ordinance duly adopted upon motion duly seconded and all members of the Board of County Commissioners of Jones County voting in the affirmative, on this the 7th day of December, 1987.

SEE NEXT PAGE

Horace Phillips
 Chairman

J. R. Jarman

Donald P. Brock

Nolan B. Jones

ATTEST:

Larry P. Meadows
 Clerk

This franchise is hereby accepted this the 7th day of December, 1987.

County Cable, Inc.

By: Bill Braswell
 President

ATTEST:

Bonnie R. Braswell
 Secretary

Corporate Seal: _____

ORDINANCE # 24

Per Commissioners Minutes June 6, 1988

This Ordinance replaces Ordinance # 19

JONES COUNTY EMERGENCY MANAGEMENT ORDINANCE

The County of Jones ordains: Article 1 Jones County Emergency Management Agency.

Section 1. Short Title

This ordinance shall be known and may be cited and referred to as "Emergency Management Ordinance for the County of Jones".

Section 2. Intent and Purpose

(1) It is the intent and purpose of this Ordinance to establish an office that will insure the complete and efficient utilization of all of the County of Jones resources to combat disaster resulting from enemy actions or other disasters as defined herein.

(2) The Jones County Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management, it will be the instrument through which the Jones Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.

(3) This Ordinance will not relieve any City or County Department of the moral responsibilities or authority given to it in the City or County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions

(1) The following definitions shall apply in the interpretation of this Article:

(a) "Emergency Management" is the basic government functions of maintaining the public peace, health and safety during an emergency. This term shall include plans and preparations for protection, and relief, recovery and rehabilitation from effects of an attack by the forces of an enemy nation or the agents thereof, or a disaster as defined herein. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States.

(b) "Attack" shall mean direct or indirect assault against the City and the County of Jones, its government, its environs, or of the nation, by the forces of a hostile nation or the agents thereof, including assault by bombing, conventional or nuclear, chemical or biological warfare, terrorism or sabotage.

(c) "Disaster" includes but is not limited to actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.

(d) "Emergency Management Forces" shall mean the employees, equipment and facilities of all City and County departments, boards, councils, institutions and commissioners; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

(e) "Volunteer" shall mean contributing a service, equipment or facilities to the Emergency Management Agency without remuneration.

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(f) "Emergency Management Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of Jones County Emergency Management Agency and assigned to participate in the Emergency Management Activity.

(g) "Coordinator" shall mean the Coordinator of the Jones County Emergency Management Agency, appointed as prescribed in this Ordinance.

(h) "Regulations" shall include plans, programs and other emergency procedures deemed essential to emergency management.

Section 4. Organization and Appointments

(1) The organization shall consist of the following:

(a) An agency of Emergency Management within the executive department of the Jones County government under the direction of the Jones County Board of Commissioners. The agency head of the Jones County Emergency Management Agency shall be known as the Coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.

(b) The employees and resources of all City and Jones County departments, boards, institutions, and councils shall participate in the emergency management activities. Duties assigned to City or County department shall be the same as or similar to the normal duties of the department, where possible.

(c) Volunteer personnel and agencies offering service to, and accepted by the city and County.

(2) The Jones County Board of Commissioners shall appoint a Coordinator of the Jones County Emergency Management Agency who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.

(3) The Coordinator shall designate and appoint Deputy Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act.

Section 5. Day to Day Duties and Responsibilities of the Coordinator

(1) The Coordinator shall be responsible to the Jones County Board of Commissioners in regard to all phases of emergency management activity. The Coordinator shall be responsible for the planning, coordination and operation of the Emergency Management activities in Jones County. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation of the Emergency Management plans. The Coordinator's duties shall include, but not be limited to, the following:

(a) Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Jones for Emergency Management purposes.

(b) Development and coordination of plans for the immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.

(c) Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such building or other property for the Emergency Management purposes and designating suitable buildings as public shelters.

(d) Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.

(e) Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.

(f) Coordinating the activity of all other public and private agencies engaged in any Emergency Management activities.

Section 6. Emergency Management Plans

(1) Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Jones County Board of Commissioners. In the preparations of these plans as it pertains to city and county organization, it is intended that the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans and to maintain their portions of the plans in a current state of readiness at all times. These Plans shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.

(2) The Coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Coordinator a current list of three (3) persons as successors to his position. The list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(3) Each service chief and department head assigned responsibility in the Plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and where needed volunteers. Each chief shall formulate the Standing Operating Procedure to implement the plans for his service.

(4) Amendments to these Plans shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Jones County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.

(5) When a required competency or skill for a disaster function is not available within government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

Section 7. No Municipal or Private Liability

(1) This ordinance is an exercise by the County of Jones of its governmental functions for the protection of the public peace, health, and safety, and neither the County of Jones nor agents and representatives if some, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation

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promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.

(2) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Jones the right to inspect, designate and use the whole or any part of parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such person.

Section 8. Violations

it shall be a misdemeanor for any person to violate any of the provisions of this Ordinance or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued thereunder.

Section 9. Severability

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 10. Conflicting Ordinances, Orders Rules and Regulations Suspended

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 11. Effective Date

This Ordinance shall take effect on the 6th day of June, 1988.

Chairman, County Board of Commissioners

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MOTION made by Dewey Strayhorn and seconded by Robert Jarman and unanimously carried THAT the Board adopts the following County Massage Parlors Ordinance:

ORDINANCE # 25

COUNTY OF JONES, NORTH CAROLINA

ORDINANCE REGULATING MASSEURS, MASSAGE PARLORS, HEALTH SALONS

Section 1-1 Licensing provisions relative to masseurs, massage parlors, health salons and clubs.

(a) Purpose of Section. To protect the general health, safety, welfare and morals, the following licensing provisions hereinafter specified are ordained for the privilege of carrying on the business, trade, or profession of masseur or masseuse and for the operation or carrying on the businesses, trades or professions commonly known as massage parlors, health salons, physical culture studios, clubs or establishments, or similar establishments by whatever name designated, wherein physical culture, massage hydrotherapy or other physical treatment of the human body is carried on or practiced. The provisions of this section shall not apply to a regularly established and licensed hospital, sanitarium, nursing home or medical clinic nor to the office or clinic operated by a duly qualified and licensed medical practitioner, osteopath or chiropractor in connection with his practice of medicine, chiropractic or osteopathy, provided, however, that such office or clinic is regularly used by such medical practitioner, chiropractor or osteopath as his principal location for his practice of medicine, chiropractic or osteopathy.

(b) Definitions. Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

- (1) Massage means the manipulation of body muscle or tissue rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (2) A male person who applies manual or mechanical massage or similar treatment to the human body trunk or limbs shall be deemed, within the terms of the section, a "Masseur"; and a female person so engaged, a "Masseuse".
- (3) Massage business means any establishment or business wherein massage is practiced, including establishments, commonly known as health clubs, physical culture studios and massage parlors.
- (4) Business or profession of Massage includes the massage or treatment of any person for a fee or in expectation of a gratuity from the person massaged.
- (5) Massagist means any person engaged in the business or profession of massage.
- (6) Private parts shall mean the penis, scrotum, mons veneris, vulva or vaginal area.

(c) Licensing.

- (1) No person, partnership, corporation or association shall operate a massage business as herein defined unless such person, partnership, corporation or association shall first have applied for and received a privilege license from the County Tax Assessor.

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- (2) No person shall engage in the business or profession of massage unless such person shall have first applied for and received a privilege license from the County Tax Assessor.

(d) Application for a license. Any person, partnership, corporation, or association desiring to operate a massage business as herein defined or any person desiring to engage in the profession of masseur, masseuse, or massagist as hereinddefined shall file an application for a license addressed to the Board of Commissioners via the County Manager. Such application shall be in writing and shall set forth the following:

- (1) Name and address of applicant. If such applicant be a corporation, the address or addresses of such corporation and its officers.
- (2) Qualifications. These must be submitted together with required exhibits annexed to said applications proving such qualifications.

(e) Qualifications of applicant for license. An applicant hereunder, prior to making application for a license, must have the following qualifications:

- (1) The applicant may be male or female and shall be required to provide written recommendations showing proof of good moral character; and, in case the applicant is a corporation, such corporation must be created in or domesticated by the laws of this state and the officers thereof shall provide written recommendations showing proof of good moral character.
- (2) Each applicant must furnish a health certificate from a medical doctor which shall accompany such application as an exhibit. Should the applicant be a corporation, it shall furnish such certificate to cover its officers, agents or employees who will be actually engaged in operating the massage business. Each employee who files an application to engage in the profession of masseur, masseuse or massagist as herein defined, shall likewise obtain a health certificate from a medical doctor.

(f) Issuance of license. If such application is submitted in proper form and is apporved by the County Manager, then the County Tax Assessor is authorized to issue a business license to such applicant. Provided if an applicant is refused a license by the County Manager, his application will be forwarded to the Board of Commissioners for determination concerning the issuance of a license to said applicant. If the application is submitted in proper form and meets the requirements of this Ordinance, the Board shall issue a license.

Each applicant for a license issued pursuant to this section shall be required to apply for a license for each year thereafter. Upon application for the re-issuance of license, each applicant shall satisfy all requirements herein provided for the issuance of the initial license, except no additional proofs of good character shall be required.

(g) Employer to use only licensed employees. No person, corporation, partnership or association licensed under this ordinance shall permit any person to massage or treat any person upon the premises operated by the licensee unless the person giving such massage or treatment has been issued a license as required by section C-1 & 2 of this ordinance.

(h) The privilege license for a massage business shall be One Hundred Dollars, (\$100.00) annually and the privilege license for a massagist shall be Fifty Dollars, (\$50.00) annually. All such licenses shall run for the period of January 1st through December 31st of the calendar year in which issued.

(i) Enforcement and revocation of license.

- (1) It shall be the duty of the Sheriff or an officer of the County that the Sheriff may delegate to inspect periodically the premises licensed under this section, to determine any violations to its provisions, and to otherwise enforce said section.
- (2) Whenever the Sheriff shall have good cause to believe there exists grounds for revocation of any license acquired hereunder, he shall submit a written recommendation of revocation to the Board of Commissioners and by registered mail shall forward, at least ten (10) days prior to a hearing, a copy of his recommendation to the licensee. The recommendation shall state the specific grounds for the revocation of the license.
- (3) Cause of revocation of the license shall exist for the failure of the licensee to perform any duty required by the ordinance, for violation of any provisions of this ordinance, or for conviction of the licensee of any crime involving moral turpitude.
- (4) The Board of Commissioners, whenever it has good cause to believe there exists grounds for revocation of any license acquired hereunder, may, upon its own motion, set a hearing as hereinabove provided, to show good cause why such license should not be revoked. Written notice stating the specific alleged grounds for revocation shall be forwarded by registered mail to the licensee, at least ten (10) days prior to such hearing, which shall be held in exactly the same manner as if initiated by the Sheriff.
- (5) Prior to revocation of any license by the Board of Commissioners the licensee shall be given an opportunity to appear and be heard, either personally or through his attorney, to rebut any evidence against him, and to present evidence and witnesses in his defense. After a hearing the Board of Commissioners may revoke said license, upon a finding by the Board of a cause for revocation.

(j) Prohibited Acts.

- (1) It shall be unlawful for any person to massage or to offer to massage the private parts of another for hire.
- (2) Patronage of massage parlors by minors.
 - (a) Restricted. It shall be unlawful for any minor person under the age of eighteen (18) years to patronize any massage parlor or similar establishment licensed hereunder unless such person carries with him at the time of patronage, a written order directing the treatment to be given signed by a regularly licensed physician.

(b) Duty of operator. It shall be the duty of the operator of such massage parlor or similar establishment licensed hereunder to determine and have verification of age of the person patronizing such establishment, and violation of this section shall be grounds for the revocation of the license of the establishment.

(c) Hours of Operation. No masseur or masseuse or any person or party in any of the businesses licensed or regulated by this article shall engage in such business, trade, profession, occupation or calling except within and between the hours of 8:00 A.M. and 11:00 P.M.; nor shall any operator of a massage parlor or establishment or business above enumerated, and not specifically excepted hereunder, operate the same except within and between the aforesaid hours.

(k) Severability. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

(1) Penalty for Violation.

Violation of any of the provisions of subsections c-1, c-2, g, j-1, j-2, (a,b, and c) of this Ordinance by any firm, person or corporation engaging in the massage business as defined herein in subsection b-3, or by any person engaging in the professions of masseur, masseuse, or massagist as herein defined in subsection b-2, b-5 shall constitute a misdemeanor and upon conviction shall be punished by a fine not to exceed fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days. Each and every violation shall constitute a separate and distinct offense.

(m) Effective date. Done by unanimous vote of the Board of Commissioners this the 4th day of December, 1989 and effective January 1, 1990.

ATTEST:

Larry P. Meadows
Larry P. Meadows, Clerk
Board of County Commissioners

Noian Jones
Noian Jones, Chairman
Board of County Commissioners

ORDINANCE #26

(Amended June 21, 2004--Ordinance #52)

Per Minutes of the Jones County Board of Commissioners
November 16, 1992:

ORDINANCE
ESTABLISHING FINANCING
OF THE E-911
EMERGENCY TELEPHONE SERVICE
JONES COUNTY, NORTH CAROLINA

ENACTMENT

This is an ordinance establishing and providing for the financing of the E-911 Emergency Telephone Service for Jones County, North Carolina.

PREAMBLE

WHEREAS, in the opinion of the Jones County Board of Commissioners, County-wide local 911 emergency telephone service will promote the health, safety and general welfare of the citizens of Jones County, and

WHEREAS, County-wide local emergency telephone service will reduce the response time of emergency service agencies, and

WHEREAS, the Jones County Board of Commissioners has solicited public comment and has given due notice of public hearing and has conducted such public hearing, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF JONES AS FOLLOWS:

AUTHORITY

The provisions of this ordinance are adopted under authority granted by the Public Safety Telephone Act of the North Carolina General Statutes. (Chapter 62A)

JURISDICTION

The jurisdiction of this ordinance includes the entire geographic area of Jones County. The municipal areas within Jones County are included in this ordinance as evidenced by a resolution from each town requesting to be included in this ordinance.

CHARGES

An E-911 service fee will be added to the regular monthly bill for each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the area served or which will be served by the E-911 service. Beginning April 1, 1993, the service provider shall bill subscribers a "911 Service Charge" of \$1.00 monthly. (Amended 6/21/04)

PAYMENT AND COLLECTION OF CHARGES

The service supplier shall, on behalf of Jones County, collect the charges from those subscribers to whom it provides exchange telephone service in the area

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served by the 911 service. As part of its normal monthly billing process, the service supplier shall collect the charges for each month or part of the month an exchange access facility is in service. The service supplier may list the charge as a separate entry on each bill. If a service supplier receives a partial payment for a monthly bill from a subscriber, the service supplier shall apply the payment against the amount the subscriber owes the service supplier first.

A service supplier has no obligation to take any legal action to enforce the collection of the 911 charges for which any subscriber is billed. However, a collection action may be initiated by the local government that imposed the charges and reasonable costs and attorneys' fees associated with that collection action may be awarded to the local government collecting the 911 charges.

Jones County shall remain ultimately responsible to the service supplier for all 911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the County, the service supplier shall provide a list of amounts uncollected along with the names and addresses of telephone subscribers who have not paid the 911 charge.

Any taxes due on 911 service provided by the service supplier will be billed to the local government subscribing that service.

ADMINISTRATION

The service supplier is entitled to a one percent (1%) administrative fee as compensation for collecting the charges. The service supplier shall remit the rest of the charges it collects during a month to the County within ten days after the last day of each month.

EMERGENCY TELEPHONE SYSTEM FUND

The County shall deposit the charges in a separate, restricted fund. The Fund shall be known as the Emergency Telephone System Fund. The fiscal officer may invest money in the Fund in the same manner that other money of the local government may be invested. The fiscal officer shall deposit any income earned from such an investment in the Emergency Telephone System Fund.

PAYMENTS FROM FUND

Money from the Emergency Telephone System Fund shall be used only to pay for:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software and database provisioning, addressing, and non-recurring costs of establishing a 911 system, and
- (2) The rates associated with the service supplier's 911 service and other service supplier recurring charges.

The following expenses are not eligible for payment from the Fund: the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring, training, and compensating dispatchers, and the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.

The County may contract with a service supplier for any term negotiated by the service supplier and may make payments from the Emergency Telephone System Fund to provide any payments required by the contract.

TELEPHONE RECORDS

The telephone service supplier shall provide subscriber telephone numbers, names, and service addresses to 911 systems when required by the County. Although customer numbers, names and service addresses shall be available to 911 systems, such information shall remain the property of the disclosing service supplier. The total cost of the system shall include expenses paid to service suppliers to provide and maintain 911 information. This information shall be used only in providing emergency response services to 911 calls. The County may not release a telephone number required to be provided under this section to any person for purposes other than including the number in the emergency telephone system database or providing the number to permit a response to police, fire, medical, or other emergency situation.

To the extent necessary to provide 911 service, private listing customers of a service supplier in a 911 service area waive the privacy afforded by unlisted and nonpublished numbers when the 911 service is established.

LIMITATION OF LIABILITY

The service supplier, including any telephone company and its employees, directors, officers and agents, is not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of a service supplier or of any of its employees, directors, officers, or agents, except for willful or wanton misconduct, in connection with developing, adoption, implementing, maintaining, or operating any 911 system.

MISUSE OF 911 SYSTEM; PENALTY

Any person who intentionally calls the 911 number for other than purposes of obtaining public safety assistance commits a misdemeanor.

DEFINITIONS

(1) "911 system" or "911 service" means an emergency telephone system that provides the user of the public telephone system the ability to reach a public safety answering point by dialing the digits 911. The term 911 system or 911 service also includes "Enhanced 911 service", which means an emergency telephone system that provides the user of the public telephone system with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic local identification features.

(2) "911 charge" means a contribution to the local government for the 911 service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, and nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing 911 service pursuant to this chapter.

(3) "Addressing" means the assigning of a numerical address and street name (the street name may be numerical) to each location within a local government's geographical area necessary to provide public safety service as determined by the local government. This address replaces any route and box number currently in place in the 911 database and facilitates quicker response by public safety agencies.

Ordinance #26

(4) "Exchange access facility" means the access from a particular telephone subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks and centrex network access registers, all as defined by tariffs of telephone companies as approved by the North Carolina Utilities Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or Wide Area Telecommunications Service (WATS), Foreign Exchange (FX) or incoming only lines.

(5) "Local government" means any city, county or political subdivision of North Carolina and its agencies.

(6) "Public agency" means the State and any city, county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within the State which provides or has authority to provide firefighting, law enforcement, ambulance, medical or other emergency services.

(7) "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, suicide prevention, civil defense, poison control, or other emergency services.

(8) "Service supplier" means a person or entity who provides exchange telephone service to a telephone subscriber.

(9) "Telephone subscriber" or "subscriber" means a person or entity to whom exchange telephone service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription.

EFFECTIVE DATE

This ordinance shall become effective and be in full force from and after the 16th day of November, 1992. Adopted by the Jones County Board of Commissioners this the 16th day of November, 1992.



Nolan B. Jones, Chairman
Board of County Commissioners

ATTEST: 

Cora Davenport
Clerk to the Board

File: Ordinance. 911

Jones County Commissioners Minutes August 15, 1994:

MOTION made by Leslie Strayhorn and seconded by Robert Mattocks and unanimously carried THAT the Board approves the following Jones County Ordinance. (#27)

ORDINANCE REGULATING ADULT ORIENTED BUSINESSES

ORDINANCE # 27

Article I. Authority and Jurisdiction

The provisions of this Ordinance are adopted by the Jones County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, (45-50) and further Article VI of Chapter 153A, Section 135 of the General Statutes. From and after the effective date hereof, this Ordinance shall apply to every building, lot, tract, or parcel of land within Jones County exclusive of the jurisdiction of any incorporated municipality.

Article II. Purpose

For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Jones County, this Ordinance is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined located in Jones County. Further the regulations of this Ordinance, have been made with reasonable consideration among other things, as to the character of the County and its areas and their peculiar suitability for these businesses.

Article III. Abrogation

These regulations shall not repeal, impair, abrogate, or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in Jones County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

Article IV. Definitions

For the purpose of this Ordinance, the following definitions apply:

(a) Adult arcade - An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

(b) Adult bookstore - An establishment that has as a substantial portion (over 25% of total retail space) of its stock-in-trade and offers for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified

anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(c) Adult Business - An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or quest on its premises to exhibit any specified anatomical areas before any other person or persons.

(d) Adult motion picture theater - An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(e) Adult theater - A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

(f) Massage - Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(g) Massage Business - Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.

(h) Sexually Oriented Business - A Sexually Oriented Business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage parlors, as defined by this ordinance.

(i) Specified Anatomical Areas - Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(j) Specified Sexual Activities - Specified sexual activities shall be defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

(k) Total Retail Space - Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

Article V. Scope and Provisions of Ordinance

A. Adult Business.

(i) An adult business shall be defined as any business activity, club or other establishment which permits any employee, member, patron or quest on its premises to exhibit any specified anatomical areas before any other person or persons.

(ii) No adult business shall be permitted in any building:

(a) located within 1,000 feet in any direction from a building used as a dwelling.

(b) located within 1,000 feet in any direction from a building in which an adult business or a sexually oriented business is located.

(c) located within 1,000 feet in any direction from a building used as a church, synagogue, or other house of worship.

(d) located within 1,000 feet in any direction from a building used as a public school or as a state licensed day care center.

(e) located within 1,000 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

B. Sexually Oriented Business

(i) A Sexually Oriented business shall be further defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Regulated businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage parlors, as defined in Article IV "Definitions", "h".

(ii) No Sexually Oriented Business shall be permitted in any building:

(a) located within 1,000 feet in any direction from a building used as a dwelling.

(b) located within 1,000 feet in any direction from a building in which an adult business or a sexually oriented business is located.

(c) located within 1,000 feet in any direction from a building used as a church, synagogue, or other house of worship.

(d) located within 1,000 feet in any direction from a building used as a public school or as a state licensed day care center.

(e) located within 1,000 feet in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.

C. Nonconforming Adult Business and Sexually Oriented Adult Business

Any adult business or sexually oriented business lawfully operating on the effective date of this ordinance, that is in violation of this Ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty days (180) or more it may not be reestablished. If two (2) or more adult businesses or sexually oriented adult businesses are within 1,000 feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 1,000 feet of the adult business or sexually oriented business.

Article VI. Interpretation of Terms and Definitions

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural number include the singular.
- (c) The word "person" includes an owner, firm, joint venture, association, organization, partnership, corporation, trust, and company, as well as an individual.
- (d) The word "owner" when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by entirety of the whole or part of such building or land.
- (e) The word "lot" includes the words "plot" or "parcel".
- (f) The word "building" includes the word "structure".
- (g) The word "shall" is always mandatory and not merely directory.
- (h) The words "located", "used", or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be located, used or occupied".
- (i) The word "dwelling" shall mean a structure or portion thereof which is used exclusively for human habitation.

Article VII. Severability

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence,

paragraph or section of this ordinance is declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the board of commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Article VIII. Enforcement

(a) Any person who violates this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with Section 14-4 (a) of the North Carolina General Statutes.

(b) This ordinance may be enforced against any person who is in violation by an appropriate equitable remedy issuing from a court of competent jurisdiction as provided for in Section 153A - 123(d) of the North Carolina General Statutes.

(c) This ordinance may be enforced against any person who is in violation by injunction and order of abatement as provided for in Section 153A - 123(e) of the North Carolina General Statutes against any person who is in violation.

(d) Each day's continuing violation of this ordinance by any person is a separate and distinct offense.

(e) As used herein, "person" shall include:

(i) The agent in charge of the building, premises, structures or facility.

(ii) The owner of the building, premises, structure or facility when such owner knew or reasonably should have known the nature of the business located therein.

(iii) The owner of the business; or the manager of the business.

This Ordinance, adopted August 15, 1994 by the Jones County Board of Commissioners, shall take effect and be in force from and after its adoption, with the original duly filed with the Clerk to the Board in the County Manager's Office.



Nolan B. Jones, Chairman
Jones County Board of Commissioners



Cora Davenport, Clerk
Jones County Board of Commissioners

RESOLUTION

WHEREAS, after comprehensive study of potential deleterious secondary effects of certain types of sexually oriented adult businesses, the Board of Commissioners of Jones County finds that it is appropriate and necessary to prevent those deleterious secondary effects which can reasonably be expected to result from the inappropriate location or concentration of such businesses, and

August 15, 1994

WHEREAS, it is not the intent of the Board of Commissioners of Jones County to regulate or restrict the content of any communicative materials, including sexually oriented materials, or to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to The Constitution of The United States, or to deny reasonable access to the distributors and exhibitors of sexually oriented entertainment to their intended market; and

WHEREAS, the Board of County Commissioners of Jones County continues to be concerned that the location of adult businesses and sexually oriented businesses within Jones County without adequate time, place, and manner regulations could have a deleterious effect on the quality of county neighborhoods; and

NOW THEREFORE, the Board of Commissioners of Jones County finds that the use of property for adult businesses and sexually oriented adult businesses as defined hereinafter is not compatible with existing residential, religious, recreational, and educational uses of property in Jones County.

Resolution Adopted this the 15th day of August, 1994.



Nolan B. Jones, Chairman
Jones County Board of Commissioners

Per Commissioners Minutes May 15, 1995

ORDINANCE # 28

AN ORDINANCE NAMING PUBLIC ROADS IN JONES COUNTY

WHEREAS, the Board of Commissioners of Jones County, North Carolina, desiring the protection, health, safety and welfare of the residents and the property located in Jones County, North Carolina, desires to enact an Ordinance naming the public roads in Jones County for the certainty of emergency vehicles, postal authorities, law enforcement authorities and others.

NOW, THEREFORE IT IS ORDAINED by the Board of Commissioners of Jones County that the following public roads are given the official names as stated;

<u>NC DOT ROAD NUMBER</u>	<u>OFFICIAL NAME</u>
SR 1002	Ten Mile Fork Rd (South of Hwy 41 East)
SR 1002	Wyse Fork Rd (North of Hwy 41 East)
SR 1003	Comfort-Richlands Hwy
SR 1004	Beaufort Rd
SR 1004	Island Creek Rd
SR 1004	Murphy Rd
SR 1005	Dover Road
SR 1100	Hunter Creek Rd
SR 1101	Great Lake Rd
SR 1102	Hwy 58 Loop Rd (West of Hwy 58 South-Maysville)
SR 1103	Blueberry Farm Rd
SR 1105	Catfish Lake Road
SR 1107	Foscue Lane
SR 1108	Ravenwood Lane
SR 1109	Larry Avenue (Garnet-Heights)
SR 1109	York Avenue (Garnet-Heights)
SR 1109	
SR 1110	Mill Creek Rd
SR 1111	Mill Creek Lane
SR 1112	Riggstown Rd
SR 1113	Riggs Lane
SR 1114	Lee's Chapel Rd
SR 1115	Pole Pocosin Rd
SR 1116	White Oak River Rd
SR 1117	Emmett Lane
SR 1118	Gibson Bridge Rd
SR 1119	Davis Field Rd
SR 1120	Piney Grove Rd
SR 1121	Oak Grove Rd
SR 1121	Oliver's Cross Road
SR 1122	McDaniel Road
SR 1123	Francks Field Rd
SR 1124	Greentown Rd
SR 1125	Whitaker Rd
SR 1126	Eubanks Rd
SR 1127	Stroud Rd
SR 1128	Killingsworth Rd
SR 1129	Chinquapin Chapel Rd
SR 1130	Pleasant Hill Rd
SR 1131	Plantation Rd
SR 1132	Stone's Chapel Rd
SR 1133	Stilley Rd
SR 1134	Old Comfort Hwy
SR 1135	Schoolhouse Rd
SR 1136	Shivar's Lane
SR 1137	Houston Rd
SR 1138	Banks Extension Rd

SR 1139	Ralph Banks Rd
SR 1140	Huffman Town Rd
SR 1141	Eagle Nest Farm Rd
SR 1142	Weyerhaeuser Road
SR 1144	Alonza Mills Rd
SR 1145	Les Mills Rd
SR 1146	Piketown Rd
SR 1146	Watering Pond Rd
SR 1147	Mary Tate Rd
SR 1148	Potters Hill Rd
SR 1149	Curran Howard Rd
SR 1150	Small Town Rd
SR 1151	Kings Road
SR 1152	Adams Rd
SR 1153	Vine Swamp Rd
SR 1154	Dixon Rd
SR 1155	Two-Mile Rd
SR 1156	Burney Town Rd
SR 1157	Guinea Town Rd
SR 1158	Phillips Rd
SR 1159	Old Kinston-Trenton Rd
SR 1160	Gooding Loop Rd
SR 1162	Eubanks Extension Rd
SR 1163	Hill Road
SR 1164	Quinn Rd
SR 1165	Mayfield Rd
SR 1171	Hussey St.
SR 1172	Davis St.
SR 1173	Railroad St.
SR 1174	Koonce St.
SR 1300	Middle Rd
SR 1301	Pine Street Rd
SR 1302	Gilbert Rd
SR 1303	Cobb Rd
SR 1306	Silo Road (South of Wyse Fork Rd to Lenoir County Line)
SR 1306	Webb Farm Rd (North of Wyse Fork Rd)
SR 1307	Foy Drive
SR 1308	Blonnie Brown Rd
SR 1309	Caswell Station Rd
SR 1310	British Rd
SR 1311	Roy White Rd
SR 1312	Tilghman Rd
SR 1313	Burkett Rd
SR 1314	Jenkins Rd
SR 1315	Taylor Rd
SR 1316	McDaniel Fork Rd
SR 1317	Green Rd
SR 1319	Henderson Rd
SR 1320	Kingfield Rd
SR 1321	Brimmage Rd
SR 1322	Old New Bern Rd
SR 1324	Wooten Rd
SR 1325	Curtis Rd
SR 1326	Andrews Rd
SR 1327	Spann Rd
SR 1328	Johnson Field Rd
SR 1329	Ben Banks Rd
SR 1330	Simmons Loop Rd
SR 1331	Hilliard Rd
SR 1332	Claude Banks Rd
SR 1333	Scott Rd
SR 1334	Tillman Lane
SR 1335	Simmons Lane
SR 1336	Old Hwy 17 Loop Rd
SR 1337	Goshen Rd
SR 1337	Pollock Street
SR 1338	Goshen Lane

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- SR 1339 Trent Street (School Lane)
- SR 1340 Crump Farm Rd
- SR 1341 Trentwoods Rd
- SR 1342 Heath Rd
- SR 1343 Landfill Rd
- SR 1344 Hughes Plantation Rd
- SR 1346 Jerkins Rd
- SR 1348 King St. Extension (Haiti)
- SR 1350 Second Street (Haiti)
- SR 1351 First Avenue (Haiti)
- SR 1356 Barber Road
- SR 1357 Bender-Burkott Rd
- SR 1359 Owens-Smith Dr.
- SR 1360 Stanford Avenue
- SR 1361 Reedy Road
- US Hwy 258 Kinston Hwy
- _____ Austin Ave (Garnet-Heights)
- _____ East Rock Creek Rd
- _____ Hoke Lane (Hoke King Subd)
- _____ Murrell Lane (Off Colonial St)
- _____ Paul Drive (Off Spann Rd)
- _____ Rock Creek Lane
- _____ West Rock Creek Rd

This Ordinance shall be effective upon its adoption and is adopted unanimously by the Jones County Board of Commissioners on May 15, 1995.


 Nolan B. Jones, Chairman
 Board of County Commissioners

ATTEST: 
 Cora Davenport, Clerk
 Board of County Commissioners

Ordinance # 29

AN ORDINANCE GRANTING A FRANCHISE TO HOME TOWN CABLE, INC FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN JONES COUNTY, NORTH CAROLINA.

WHEREAS, HOME TOWN CABLE, INC. has applied to Jones County for a franchise to construct, operate and maintain a cable television system within certain areas of the County as shown on the attached map; marked Exhibit A, and incorporated herein by reference; and

WHEREAS, Jones County, in response to HOME TOWN CABLE, INC. proposal for a nonexclusive franchise to serve Jones County with cable television facilities and services, has undertaken an evaluation of the existing and proposed cable television facilities and services; and

WHEREAS, Jones County has determined that a grant of a franchise to HOME TOWN CABLE, INC. should be approved and that the ordinance hereinafter set forth should be adopted.

NOW THEREFORE, be it enacted by Jones County that a cable vision television franchise be granted to HOME TOWN CABLE, INC. under the terms and conditions as hereinafter set forth:

I.

SHORT TITLE

This Ordinance shall be known as the Jones County Cable Television Ordinance # 29.

II.

DEFINITIONS

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the singular include the plural. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. Whenever the masculine gender is used, it includes the feminine gender.

A. "Basic Cable Service" means the lowest priced service tier which includes the retransmission of local television broadcast signals.

B. Cable Service or "CATV Service" means the one way transmission to subscribers of video programming or other programming service, and subscriber interaction, if any, which is required for selection of such video programming or other programming service.

C. "Cable System" or "CATV Service" means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming
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and which is provided to the multiple subscribers within a community, but such terms do not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations: (2) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right of way: (3) a facility of a common carrier which is subject, in whole or in part, to the provisions considered a cable system (other than for purposes of section 621) (c) of the Cable Communications Policy Act of 1984 to the extent such facility is used in the transmission of video programming directly to subscribers: or (4) any facilities of any electric utility used solely for operating its electric utility systems.

D. "Commission" is the local governing board of Jones County.

E. "Jones County" means the elected board or council thereof.

F. "Class IV Channel" means a signaling path to provide a cable communication system to transmit signals of any type from a subscriber to another point in the cable communications system.

G. "FCC" means the Federal Communications Commission and any legally appointed or elected successor.

H. "Grantee" or "Franchise" or "Company" or "CNN" means Cable Communications Network.

I. "Gross Operating Revenues" means any and all charges for periodic services, for installations, relocations of outlets, and all compensation and other consideration received from Subscribers; provided, however, that this shall not include any taxes on service furnished by the Grantee herein imposed directly upon any subscribers or user by the Local or other governmental unit and collected by the Grantee on behalf of said governmental unit.

J. "Installation" means the connection of the system from feeder cable to subscriber terminal.

K. "Monitoring" means observing a communication signal, or the absence of a signal, where the observer is neither the subscriber nor the programmer, whether the signal is observed by visual or electronic means, for any purposes whatsoever. Monitoring shall not include system wide, non-individually addresses sweeps of the system for the purpose of verifying system integrity, controlling return path transmission or billing for pay services.

L. "Person" means an individual, partnership, association, organization, corporation or any lawful successor, transferee of assignee of said individual, partnership association, organization of corporation.

M. "Property of Grantee" means all property owned and
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installed or used by a Grantee in the operation of a CATV system or service located in Jones County under the authority of a franchise granted pursuant hereto.

N. "Rates" means those charges assessed by the Grantee to the subscribers of users of the cable television system. Rates refer not only to charges assessed but also to charges if set at zero.

O. "State" means the State of North Carolina.

P. "Street" or "Road" or "Right-of-way" means the surface of and the space above and below any publicly owned or maintained property or right of way, including, but not limited to any street, road, highway, freeway, land, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within Jones County.

Q. "Subscriber" means any person or entity lawfully receiving any portion of the cable television services of a Grantee pursuant to this ordinance.

III.

FRANCHISE REQUIRED, GRANTED OF NON-EXCLUSIVE AUTHORITY

A. It is unlawful for any Person to engage in the construction, operation or maintenance of a CATV System or the provision of a CATV SERVICE in Jones County unless such a Person or the Persons for whom such action is being taken shall have first obtained and shall currently hold a valid franchise. Any violations of this provision shall be a misdemeanor and punishable as provided by law for violation of a municipal ordinance.

B. This franchise shall be separate and apart from, and in addition to any pole agreement that may be in existence between Grantee and the Carolina Telephone & Telegraph Company, Carolina Power & Light Company or any other provider of utility services.

IV.

TERRITORIAL AREA INVOLVED

This franchise shall be non-exclusive and covers only the area in Jones County shown on the attached map and any area henceforth added thereto during the term of this franchise.

V.

ACCEPTANCE, EFFECTIVE DATE

A. Within thirty (30) days after Jones County has taken final action to approve the granting of this franchise, the Grantee shall file with the County Manager or his designee an acceptance acknowledged before a notary public. Such acceptance shall acknowledge that the Grantee agrees to be bound by and to comply with the provisions of this ordinance and shall be in a form acceptable to Jones County.

B. Concurrent with the filing of the written acceptance, the Grantee shall file with the County Manager or designee the proof of insurance as specified in Section XVII hereof.

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C. The franchise granted pursuant to this ordinance shall take effect and be in full force from and after final passage by Jones County, subject to the approval by Jones County of the acceptance and evidence of insurance as herein provided.

VI.

TERM OF FRANCHISE

The franchise granted herein shall commence immediately upon final passage by the Board of Commissioners of Jones County and acceptance as herein provided by the Grantee. The franchise is for a one year term and shall automatically renew for an additional fourteen years unless the County, after notice to the Grantee and hearing, determines prior to the expiration of said one year term, that Grantee has failed to provide cable television service in accord with the terms of this ordinance and franchise.

VII.

TRANSFER OF CABLE TELEVISION SYSTEM

The franchise granted herein shall not be transferred or assigned without the prior written consent of the governing body of Jones County, except to a company controlling, controlled by, or under common control with Grantee. Provided, however, that such consent shall not be unreasonably withheld.

VIII.

PAYMENT OF JONES COUNTY

The Grantee shall pay to Jones County annually, within twenty (20) days following the end of the year during the term of the franchise, an amount equal to four percent (4%) of the monthly billing received by the Grantee from Subscribers located in Jones County, or the maximum payment permitted under applicable law. This fee shall be in addition to any other tax or payment owed to Jones County by the Grantee. The Grantee shall pay all costs of publication of this Ordinance in any modification of the County's ordinances and additionally, shall pay the cost of any such publications of amendments to same. The Grantee shall also pay to the County any and all costs or expenses, including reasonable attorney's fees incurred by the County in the preparation, issuance, modification, administration or enforcement of this Ordinance.

IX.

RATES AND CHARGES

A. Except as and to the extent elsewhere provided herein, the Grantee shall not, as to rates, charges, service, facilities, rules, regulations, or in other respects, make or grant any preferences or advantages to any Person connected to its system, nor subject any such Person to any prejudice or disadvantage; provided that nothing herein contained shall be deemed to prevent the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within

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such classification would be entitled, including the classification of courtesy accounts provided at no charge.

B. Before putting any rate charges into effect the Grantee shall be required to notify all customers at least thirty (30) days before such rate changes are to become effective.

C. The Grantee shall provide, upon written request from Jones County, and at no charge, one outlet of Basic Cable Service to all public and educational buildings within 300 feet of the Grantee's cable trunk line, including the Jones County courthouse, fire and police stations, libraries, and all public school buildings.

D. Grantee shall file with Jones County schedules which describe all services offered, all rates and charges of any kind, and all terms and conditions relating thereto. The Commissioners reserve the right and authority to comment, whether publicly or in private, regarding Grantee's schedule of rates and charges.

X.

LIMITATION OF FRANCHISE

In addition to the limitations otherwise herein, the Grantee is subject to the following limitations.

A. The Grantee shall at all times during the life of any franchise hereunder be subject to all lawful exercise of the police power by Jones County and other duly authorized regulatory state and federal bodies and shall comply with any and all ordinances which Jones County has adopted or shall adopt applying to the public generally, and shall be subject to all laws of the State of North Carolina and the United States.

B. Time shall be of the essence in any franchise granted hereunder. The Grantee shall not be relieved of its obligations to promptly comply with a provision of the ordinance by the failure of Jones County to enforce prompt compliance. Failure of Jones County to enforce any breach by the Grantee shall not constitute a waiver of those violations by Jones County.

C. Any franchise granted hereunder shall not relieve the Grantee of any obligations under any pole or conduit-use agreements from others maintaining poles or conduit in the streets or roads of Jones County, whenever the Grantee finds it necessary to make use of said poles or conduits.

D. Neither the granting of any franchise nor any governing provision of such franchise shall constitute a waiver or bar to the exercise of any governmental right or power of Jones County, or a waiver of any rights of the Grantee.

E. Nothing in this ordinance shall in any way or to any extent be construed to waive, modify or abridge Jones County right of eminent domain in respect to the Grantee.

XI.

INITIAL SERVICE AREA; ADDITIONS

A. The Grantee of the franchise hereunder shall make service available to all potential subscribers who are located within Jones County within 90 days from the effective date of the franchise; provided, however, the Grantee shall not be required to extend its cable plant and provide service to any resident who lives in any area of Jones County having fewer than twenty (20) homes per mile of cable plant required to serve such homes, as measured from the end of Grantee's existing trunk cable. Grantees may elect, but has no obligations, to offer cable television service to areas not meeting the above standard.

XII.

CONDITIONS ON USE OF STREETS AND ROADS

A. All transmissions and distribution structures, lines, and equipment erected by the Grantee within Jones County shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys or other public ways and places.

B. The poles used for the distribution system shall be, to the extent possible, those erected and maintained by either the power company or the telephone company or both, whenever an agreement can be reached with the owners of such poles or Grantee may have to install poles.

C. The installation of lines and facilities, including service drops to subscribers, shall be made underground in areas where the telephone and power lines are underground. Any existing above ground facilities shall be placed underground when required by Jones County and when both telephone and power lines are also placed underground.

D. The Grantee shall, at its expense, protect, support, temporarily disconnect or relocate in the same street or other public place, any property of the Grantee when required by Jones County or State by reason of traffic conditions, public safety, street closing or abandonment, highway or streets construction, change of establishment of lines, signal lines, or any other types of structures or improvements; and the County shall not be liable for any disturbance of the Grantee's installations resulting therefrom. The Grantee may do such tree trimming or other maintenance as shall be necessary to maintain its lines and cables and other property in good working order.

E. Whenever the Grantee takes up or disturbs any pavement, sidewalk, or other facility repairs to such shall be performed by Grantee in accordance with standards, regulations, and policies of the State. Any opening or obstruction in the streets
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shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which shall be clearly designated by warning lights of approved type.

F. In the event of the failure by the Grantee to complete any work required by this section or any work required by the Jones County ordinance within the time established and to the satisfaction of Jones County, Jones County may cause such work to be done and the Grantee shall reimburse Jones County the costs thereof within thirty (30) days after receipt of an itemized list of such costs.

G. Any poles, cable, electronic equipment or other appurtenances of the Grantee to be installed in, under, over, along, across, or upon a street shall be located so as to cause minimum interference with the rights of other users of the streets or of owners property which is adjoining any of the streets.

H. The Grantee shall, upon reasonable notice from any Person holding a building moving permit issued by Jones County, temporarily alter its facilities to permit the moving of such building. The actual cost of such altering shall be borne by the person requesting the altering and the Grantee shall have the right to request payment in advance. For this provision of the ordinance, "reasonable notice" shall be construed to mean at least seventy-two (72) hours prior to the move.

I. In the event the continued use of a street is denied for any reason, the Grantee will make every effort to provide service over alternate routes.

J. If, at any time, in case of fire or disaster in Jones County, it shall become necessary in the judgement of the County Manager or his designee to cut or move any of the wires, cable, amplifiers, appliances or appurtenances thereto of the Grantee, such cutting or moving may be done and any repairs rendered necessary thereby shall be made by the Grantee, at its sole expense.

XIII.

CONSTRUCTION AND OPERATIONAL STANDARDS

A. Grantee shall construct, install, operate and maintain its system in a manner consistent with all laws, ordinances, governmental requirements and FCC technical standards.

B. All installation and maintenance of electronic equipment shall be of a permanent nature, durable and installed in accordance with the applicable sections of the current edition of the National Electric Safety Code and all state and local codes where applicable.

C. Nothing in this ordinance shall authorize the Grantee to construct, erect or operate and maintain in Jones County new poles where existing poles are servicing the area. The Grantee does have the right, however, to construct, erect, operate and

maintain poles where none exists at the time the Grantee seeks to install its network. The Grantee shall obtain permission from Jones County before constructing or erecting any new poles or underground conduit.

D. The Grantee shall put, keep and maintain all parts of the system in good condition throughout the entire franchise period.

E. The Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and if possible, shall be preceded by notice and shall occur during periods of minimum system use.

F. Grantee shall not allow its operations to interfere with television reception of persons not served by Grantee, nor shall the system interfere with, obstruct or hinder in any manner, the operations of the various utilities servicing the residents within the confines of Jones County.

G. Nothing herein relieves Grantee of obligation to obtain encroachment agreements and rights of way easements where needed.

XIV.

SIGNAL QUALITY REQUIREMENTS

The Grantee shall:

A. Produce a picture, whether in black and white or in color, that is undistorted, free from ghost images, and accompanies with proper sound on typical standard production television sets in good repair, and in compliance with FCC standards.

B. Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross modulations in the cables or interfering with other electrical systems.

C. Limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than two business days after notice, except for cause beyond Grantee's reasonable control.

D. Demonstrate by instruments and otherwise to subscribers that a signal of adequate strength and quality is being delivered.

XV.

COMPLAINT PROCEDURES

A. The Grantee shall maintain a business office or representative which Subscribers may telephone during regular business hours without incurring toll charges, so that complaints regarding Cable Service may be promptly reported to the Company. Should a Subscriber have a unresolved complaint regarding Cable Service, the Subscriber shall be entitled to file his complaint with the County Manager or his designee. The Grantee shall notify each Subscriber at the time of initial subscription to the service

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of the procedures for reporting and resolving such complaints.

B. When there have been several similar complaints or where there exists other evidence, which, in the judgment of Jones County, casts doubt on the reliability or quality of Cable Service, Jones County shall have the right and authority to require Grantee to test and analyze upon written notice to the Grantee. Grantee shall fully cooperate with Jones County in performing such testing and shall prepare results and a report within thirty (30) days after receipt of the notice.

C. The rights of Jones County under this section shall be limited to requiring tests, analyses and reports covering specified subjects and characteristics based on said complaints or other evidence when under such circumstances as Jones County has reasonable grounds to believe that the complaints or other evidence require that tests be performed to protect the public against substandard cable service.

XVI.

RIGHTS OF INDIVIDUALS

A. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or other users, or any citizen on the basis of race, color, religion, national origin, sex, or sexual orientation. Grantee shall comply at all times with all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are incorporated and made part of this ordinance by reference.

B. No signals of a Class IV cable communications channel shall be transmitted from a subscriber terminal for purposes of Monitoring Individual viewing patterns or practice without the express written permission of the Subscriber. No person shall be required to grant such permission. The Grantee however, shall be entitled to:

1. Conduct system wide or individually addressed "sweeps" for the purpose of verifying system integrity, provided such sweeps do not monitor or reveal what subscribers are viewing; and

2. Conduct individually addressed sweeps for the purpose of controlling return-path transmission, or billing for pay purposes.

C. Pursuant to the requirements of the Cable Communications Policy Act of 1984, the Grantee shall be required to notify Subscribers annually as to their rights of subscriber privacy under the Act. The Grantee shall be prohibited from disclosure of any personally identifiable information except as provided for under the Act.

XVII.

LIABILITY AND INDEMNIFICATION

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A. The Grantee shall indemnify and save harmless Jones County, its officers and employees, from and against any others, and against all liability to others, and costs and expenses incurred in connection therewith and in defending the same (including court costs and reasonable attorneys' fees) arising out of the construction, maintenance and operation of its cable system in Jones County, provided that Jones County gives the Grantee prompt notice in writing of any such claims, demand, actions, suits and proceedings without limitation.

B. The Grantee shall maintain and by its acceptance of the franchise specifically agrees that it will maintain throughout the term of franchise, liability insurance for bodily injury and property damages, combined single limit, in the amount of \$500,000 arising out of and/or resulting from and incident to the construction, operation, maintenance or dismantling of the cable system. Jones County shall be a named insured or additional insured as appropriate in such policy.

C. Evidence of insurance coverage in the form of a certificate of insurance shall be kept on file with the County Manager or his designee, and said policies shall provide that the same shall not be cancelled without a minimum of ten (10) days notice to the county.

XVIII.

UNAUTHORIZED CONNECTIONS OR MODIFICATIONS

A. It is unlawful for any Person to make any connections, extension, or division whether physically, acoustically, inductively, electronically, or otherwise with or to any segment of a franchised broadband telecommunications network established pursuant to this Franchise for any purpose whatsoever, without the express consent of the Grantee.

B. It is unlawful for any Person to willfully interfere, tamper, remove, obstruct, or damage any part, segment of content of a franchised cable television system network for any purpose whatsoever.

C. Any person convicted of a violation of this Section shall be guilty of a misdemeanor, and punishable as by law provided for violation of a municipal ordinance.

XIX.

REPORTS

A. The Grantee shall file annually with Jones County not later than four (4) months after the end of its fiscal year during which it was accepted as a franchise hereunder and within four (4) months after the end of each subsequent fiscal year, except as otherwise required, a copy of its report to its stockholders (if it prepares such a report), an annual summary fiscal year report showing gross revenues received by the Grantee from its operations within Jones County, both the amount including revenues from within
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Jones County and amount of revenues excluding revenues from within Jones County during its preceding fiscal year and a letter containing audited gross revenues data compiled by a firm of Certified Public Accountants acceptable to Jones County showing the gross revenues of its operations within Jones County during the preceding fiscal year.

XX.

DEFAULT AND NON-COMPLIANCE

If the Grantee shall fail to comply with any of the provisions of this franchise, or default in any of its obligations, except for causes beyond the reasonable control of the Grantee, and shall fail, within sixty (60) days after written notice from the County to correct such default or non-compliance, the County shall have the right to revoke this special privilege and all rights of the Grantee hereunder. In the event that the Grantee shall be adjudicated bankrupt or placed in receivership, the County at its option may declare this special privilege herein granted forfeited and terminated.

Upon expiration of this franchise or termination for cause of this franchise, the Grantee shall, within one hundred twenty (120) days, move its posts, poles, television transmission and distribution system and other appurtenances from the streets, lanes, sidewalks, alleys, bridges, and other public places in the County and shall restore such streets, lanes, sidewalks, alleys, bridges, and other public places to their original conditions; and if Grantee shall fail, without just cause beyond its reasonable control, to remove its property within said time, the property is automatically forfeited to Jones County.

XXI.

MISCELLANEOUS PROVISIONS

A. Grantee agrees to comply fully with all local ordinances, state and federal laws and with all rules issued by all regulatory agencies now or hereafter in existence.

B. If any section, sentence, clause or phrase of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remainder of this ordinance, and any portion in conflict are hereby repealed.

C. The captions to sections are inserted solely for information and shall not affect the meaning or interpretation of the ordinance.

D. This ordinance shall be in effect from and after final adoption by the Board of Commissioners.

E. The parties acknowledge one another's reservation of rights under all applicable law.

F. Jones County retains the right to audit Grantee's revenue records at anytime during normal business hours upon a seventy-two (72) hour written notice. If the audit shows that the
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fees have been improperly calculated, Grantee pays for the cost of the audit.

G. Notwithstanding anything to the contrary otherwise stated herein, this grant of franchise shall be null and void and of no effect unless within 120 days after final adoption of this ordinance and franchise by the County, the Grantee shall have procured all grants, certificates of approval and permits necessary for the operation of this franchise and shall have commenced actual service to subscribers within said period of time; provided, however, for good cause shown by the Grantee in writing to Jones County, said county in its sole discretion may extend the deadline for such period as to the County seem appropriate.

"CHANNEL LINE UP"

CHANNELS

- 2# Trinity Cable
- 3# The Nashville Network
- 4# Public Broadcast
- 5# Cable News Network
- 6# WTBS (Atlanta)
- 7# CBS (Local)
- 8# Black Entertainment
- 9# NBC (Local)
- 10# TNT Movies
- 11# FOX (Local)
- 12# WGN
- 13# CBN
- 14# ESPN Sports
- 15# ABC (Local)
- 16# HBO (Extra Charge)
- 17# Cinamax (Extra Charge)

Note: Four more channels will be added to line up within one year from start date of franchise.

RATES AND CHARGES

Basic Channels \$14.95
 Each Movie Channel \$12.95
 Plus All State and Local Taxes and Franchise Fees

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INITIALLY ADOPTED THIS THE 15th DAY OF MAY, 1995, BY
JONES COUNTY.

JONES COUNTY

By: Nolan B. Jones
Nolan B. Jones, Chairman

ATTEST: Cora Davenport
Cora Davenport, Clerk
Board of County Commissioners

FINALLY ADOPTED ON THE 5th DAY OF June, 1995

ATTEST:

Cora Davenport
Cora Davenport, Clerk
Board of County Commissioners

ACCEPTED ON _____
HOME TOWN CABLE, INC.

BY: _____
(Franchise President)

