

5-16-07

# PUBLIC INPUT SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO  
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.



Please Print:

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
1. ✓	SAM HILBERGER	141 Country Ridge Road Hardscrub 28739	TRAFFIC NOISE ON 64 WEST BLVD TO FURLEY FALLS
2.			
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**My name is Sam Highberger. I live up off Davis Mountain Road in Laurel Park. I am here to complain about the “traffic noises” coming from trucks, motorcycles, souped up cars, car stereos, and modified truck exhausts on 64 West between Blythe Street and Turley Falls Road—a 2-mile stretch. This is not just me that is complaining. I talked to over 60 people along that stretch of 64 West who also object to the noises. I have their signatures to prove it. I asked them to indicate on this petition what types of traffic noises that are the most annoying to them. I hope the Police Department will take note of their specific complaints and do something about it. As you know a first step would be to measure the amount of noise coming from different types of motor vehicles. If I can hear the noise as far away as Davis Mountain Road, then they must be over the current noise ordinance decibel levels. Many of the people I talked to would be happy to have the police mount a decibel reader on their property to do the measuring to prove it. I have talked to Sheriff Rick Davis about this problem. I think that more updated decibel equipment is needed so that squad cars can get a remote read- out from the equipment in their cars. This section of 64 West has not been properly policed for traffic noise for a long time and 60 people agree with me. If you need more signatures to prove it, I can easily get them.**

**For your information, I was just in the state of Oregon and learned that they have a state law that outlaws so called “jake brakes”, legally called “unmuffled engine brakes”. I stopped at a county courthouse in Oregon and got some information for you about that law. Cities as well as residents can request signs on the highway in Oregon to prohibit the use of unmuffled engine brakes. We saw the signs often in Oregon. I will give this information to your clerk. Please consider demanding a state law and signs outlawing such terrible noise as we have on West 64. Thank you for your attention.**

A PETITION & SURVEY FOR THE ELIMINATION OF EXCESSIVE TRAFFIC NOISE ON HIGHWAY 64 WEST BETWEEN BLYTHE STREET & TURLEY FALLS ROAD...

PLEASE SIGN YOUR NAME & ADDRESS, AND FILL IN THE CIRCLES YOU FEEL ARE THE MAIN NOISE SOURCES.

1	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	141 Country Ridge Road	W. Highberger	98	H'ville NC	697-1543
2	CAR STEREO	MODIFIED TRUCK EXHAUSTS		88 Laurelwood Cir.	West, H'ville	98	H'ville NC	697-1543
3	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	54 Laurelwood Cir.	West, H'ville	98	H'ville NC	693-7255
4	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Charles Gramum	98	H'ville NC	693-7255
5	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	98 Laurelwood Cir.	West, H'ville	98	H'ville NC	
6	CAR STEREO	MODIFIED TRUCK EXHAUSTS			David Nelson	98	H'ville NC	
7	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	54 Laurelwood Cir.	West, H'ville	98	H'ville NC	692-4591
8	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Robert G. Johnson	98	H'ville NC	
9	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	68 Laurelwood Cir.	West, H'ville	106	H'ville NC	
10	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Debra A. Wisda	106	H'ville NC	
11	TRUCKS	MOTORCYCLES	SOUPED-UP CARS		Kaysh Wisda	106	H'ville NC	
12	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Bob Falk	82	H'ville NC	
13	TRUCKS	MOTORCYCLES	SOUPED-UP CARS		Charles Gramum	82	H'ville NC	
14	CAR STEREO	MODIFIED TRUCK EXHAUSTS			John Westbrook	106	H'ville NC	
15	TRUCKS	MOTORCYCLES	SOUPED-UP CARS		George Westbrook	106	H'ville NC	
16	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Shirley Dockey	98	H'ville NC	
17	TRUCKS	MOTORCYCLES	SOUPED-UP CARS		Lila Bladney	98	H'ville NC	
18	CAR STEREO	MODIFIED TRUCK EXHAUSTS			Mary Highberger	141 Country Ridge Rd.	H'ville NC	28839



A DESEBEL READING OF 5: 60 after 11PM - 80 during the day. @ complainant property. Exceptions:

A PETITION & SURVEY, FOR THE ELIMINATION OF EXCESSIVE TRAFFIC NOISE ON HIGHWAY 64 WEST BETWEEN BLYTHE STREET & TURLEY FALLS ROAD...

PLEASE SIGN YOUR NAME & ADDRESS, AND FILL IN THE CIRCLES YOU FEEL ARE THE MAIN NOISE SOURCES.

1	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	SM Highberg 141 Country Ridge Road
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Carol Kitchin 1978 Beward Road 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Antonia Piche 217 Ramirez Dr. 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Paul Swab 266 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Ruth L. Wong 206 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Kay Rachel 386 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	John J. Brown 392 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Ken Clark 364 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	W. J. White 362 Laurel Park Pl 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	D. Taylor 337 L.P. 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	James Buchanan 703 Davis Circle 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Judith D. Bennett 28791 711 Davis Circle
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Robert J. Bennett 28791 711 Davis Circle
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Robert A. Drake 28791 708 " "
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Dan M. Wiley 28791 708 " "
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	M. Hayes 73 Red Carson 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	James R. Blackmer Windsor Dr. 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Bellina M. Jughiano 2145 Pisgah Dr. 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		
	TRUCKS	MOTORCYCLES	SOUPED-UP CARS	TRUCK EXHAUSTS	Rebecca Ashford 39 LaSalle Ln. 28791
	CAR STEREO	MODIFIED	TRUCK EXHAUSTS		



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- 1 TRUCKS ● MOTORCYCLES ● SOUPED-UP CARS ● SM Highberg 141 Country Ridge Road 697-1145
- 2 CAR STEREO ● MODIFIED TRUCK EXHAUSTS
- 3 TRUCKS ○ MOTORCYCLES ● SOUPED-UP CARS ● Thomas O. Hadley 3B Westridge Ct.
- 4 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 5 TRUCKS ● MOTORCYCLES ● SOUPED-UP CARS ● Dawn Penn ZB " 4
- 6 CAR STEREO ● MODIFIED TRUCK EXHAUSTS
- 7 TRUCKS ● MOTORCYCLES ○ SOUPED-UP CARS ● Carl Puschner 215 A Keeley Ln
- 8 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 9 TRUCKS ● MOTORCYCLES ● SOUPED-UP CARS ● Greg S. Coor 106 HAWTHORN DR
- 10 CAR STEREO ● MODIFIED TRUCK EXHAUSTS
- 11 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Norma Jean Cooks 108 HAWTHORN DR
- 12 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 13 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Jim Mager 113 HAWTHORN DR
- 14 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Kent J. Jammin 220 Heathcote Rd
- 15 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Bill Chen 4706 Bowering Rd
- 16 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 17 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Elizabeth Hagerbach 164 Laurel Park Dr
- 18 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 19 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● John A Ferrand 158 LAUREL PARK DR
- 20 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 21 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Nancy Sinclair 182 Laurel Park Place
- 22 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 23 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Art Soyza 754 Hillside Lane
- 24 CAR STEREO ● MODIFIED TRUCK EXHAUSTS
- 25 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Clarence Wagon Hulbilly Lane
- 26 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 27 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Hill Billy Dave A.A.
- 28 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 29 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Barbara E. Hoeschild 105 Fairley Falls Rd
- 30 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 31 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Mark Howard 3125 Breard Hwy Hendersonville N
- 32 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 33 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Al H. Hester 1375 Fieba trail
- 34 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS
- 35 TRUCKS ○ MOTORCYCLES ○ SOUPED-UP CARS ● Richard Winter 3121 Breard Rd.
- 36 CAR STEREO ○ MODIFIED TRUCK EXHAUSTS




  
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PLEASE SIGN YOUR NAME & ADDRESS, AND FILL IN THE CIRCLES YOU FEEL ARE THE MAIN NOISE SOURCES.

- |   |            |                                  |                         |                                  |                |                                  |                         |                               |                 |
|---|------------|----------------------------------|-------------------------|----------------------------------|----------------|----------------------------------|-------------------------|-------------------------------|-----------------|
| 1 | TRUCKS     | <input checked="" type="radio"/> | MOTORCYCLES             | <input checked="" type="radio"/> | SOUPED-UP CARS | <input checked="" type="radio"/> | <i>S. W. Highberger</i> | <i>141 Country Ridge Road</i> | <i>697-1145</i> |
|   | CAR STEREO | <input checked="" type="radio"/> | MODIFIED TRUCK EXHAUSTS | <input checked="" type="radio"/> |                |                                  |                         |                               |                 |
| 2 | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            | <i>Robert Stewart</i>   | <i>105 Lee Haven</i>          |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
| 3 | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            | <i>Robert Stewart</i>   | <i>116 Belmont</i>            |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
| 4 | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            | <i>Nan Osman</i>        | <i>107 Men's Acres</i>        |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
| 5 | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            | <i>Roy Smith</i>        | <i>111 Fern Acres Lane</i>    |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
| 6 | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            | <i>Wilbur Edgar</i>     | <i>25 Walton Dr</i>           |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |
|   | TRUCKS     | <input type="radio"/>            | MOTORCYCLES             | <input type="radio"/>            | SOUPED-UP CARS | <input type="radio"/>            |                         |                               |                 |
|   | CAR STEREO | <input type="radio"/>            | MODIFIED TRUCK EXHAUSTS | <input type="radio"/>            |                |                                  |                         |                               |                 |



provisions of the vehicle code for use upon highways in this state.

(b) The commission is authorized to provide a uniform system of marking and signing highways within the boundaries of this state.

(c) The commission is authorized to determine the character or type of traffic control devices to be used in this state.

(2) The authority granted under this section is subject to all of the following:

(a) The system of marking and signing established under this section shall correlate with and, as far as possible, conform to the system adopted in other states. The commission may include in the system signs and signals that show internationally recognized and approved symbols.

(b) So far as practicable, all traffic control devices in this state shall be uniform as to type and location.

(c) All traffic control devices placed or operated in this state shall conform to specifications approved by the commission.

(d) Stop signs and yield signs shall be illuminated at night or so placed as to be illuminated by the headlights of approaching vehicles or by street lights. [1983 c.338 §164; 1985 c.16 §53; 1993 c.522 §2]

**810.210 Placement and control of traffic control devices.** (1) The Oregon Transportation Commission is vested with exclusive jurisdiction over the installation at railroad-highway grade crossings of signs, signals, gates, protective devices or any other device to warn or protect the public at a railroad-highway crossing. The commission is granted exclusive authority under this subsection to determine the character or type of device to be used.

(2) Each road authority shall place, maintain and control traffic control devices used upon its own highway as the road authority considers necessary for the safe and expeditious control of traffic, necessary to carry out the provisions of the vehicle code or local traffic ordinances or necessary to regulate, warn or guide traffic. The commission shall act as road authority under this section in lieu of the Department of Transportation. The authority granted under this subsection is subject to all of the following:

(a) All traffic control devices erected and used under this subsection shall conform to the state manual and specifications established under ORS 810.200.

(b) The commission has general supervision with respect to the placing, construction and operation of traffic control devices under this subsection for the purpose of obtaining, so far as practicable, uniformity as

to type and location of traffic control devices throughout the state.

(c) Only the commission has authority over a state highway whether or not the state highway is within the jurisdiction of another road authority. No traffic control device shall be erected, maintained or operated upon any state highway under this subsection by any authority other than the commission, except with the written approval of the commission.

(d) When the governing body of a city makes a determination that placement or construction of a traffic control device on a highway within the city selected as a state highway under ORS 373.010 is necessary to carry out the provisions of the vehicle code or to regulate, warn or guide traffic, the city governing body shall submit written findings and recommendations to the Director of Transportation in support of placing or constructing the traffic control device on the state highway. If the director approves the findings and recommendations, the director shall notify the city governing body in writing and proceed to place or construct the traffic control device in accordance with the findings and recommendations. If the director does not notify the governing body of disapproval within 90 days after receipt of the findings and recommendations, the findings and recommendations shall be considered approved and the director shall proceed to place or construct the traffic control device in accordance with the findings and recommendations.

(e) The commission is authorized to classify, designate and mark both interstate and intrastate highways within the boundaries of this state. [1983 c.338 §165; 1985 c.16 §54; 1993 c.522 §3; 1993 c.741 §84; 1995 c.733 §88]

**810.212 Requirements for certain speed limit signs.** Any sign that is posted on a highway in this state that expresses a speed limit in kilometers per hour shall also show the speed limit in miles per hour. The limit in miles per hour shall be printed above the limit in kilometers per hour and shall be of equal size lettering. [1993 c.284 §2]

**810.214 Signs prohibiting unmuffled engine brakes.** (1) The Oregon Transportation Commission shall adopt uniform standards for posting signs prohibiting the use of unmuffled engine brakes as described in ORS 811.492.

(2) The commission is authorized to provide a uniform system of posting signs within the boundaries of the state. Any sign posted shall inform the driver that the use of unmuffled engine braking is prohibited and shall give the dollar amount of the maximum fine provided for violation of ORS 811.492.



erating speed of 10 miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway.

(3) The offense described in this section, improper movement of heavy equipment across a rail crossing, is a Class B traffic violation. [1983 c.338 §651; 1985 c.16 §319; 1995 c.383 §73; 1997 c.249 §233; 2001 c.522 §7]

**811.475 Obstructing rail crossing; penalty.** (1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person does either of the following:

(a) Drives onto any railroad or rail fixed guideway system grade crossing when there is not sufficient space on the other side of the railroad or rail fixed guideway system grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, railroad trains or rail fixed guideway system vehicles; or

(b) While driving a commercial motor vehicle, fails to negotiate the rail crossing because of insufficient undercarriage clearance.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class B traffic violation. [1983 c.338 §652; 1995 c.383 §74; 2001 c.492 §5; 2001 c.522 §8]

#### (Miscellaneous)

**811.480 Illegal backing; penalty.** (1) A person commits the offense of illegal backing if the person backs a vehicle the person is driving when it is not safe to do so or when it causes interference with other traffic upon a highway.

(2) The offense described in this section, illegal backing, is a Class D traffic violation. [1983 c.338 §653; 1995 c.383 §75]

**811.485 Following too closely; penalty.** (1) A person commits the offense of following too closely if the person does any of the following:

(a) Drives a vehicle so as to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and condition of, the highway.

(b) Drives a truck, commercial bus or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city and fol-

lows another truck, commercial bus or motor vehicle drawing another vehicle without, when conditions permit, leaving sufficient space so that an overtaking vehicle may enter and occupy the space without danger. This paragraph does not prevent a truck, commercial bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.

(c) Drives a vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether or not towing another vehicle without operating the vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger.

(2) This section does not apply in the case of a funeral procession. Except for the funeral lead vehicle, vehicles participating in a funeral procession shall follow the preceding vehicle as closely as is reasonable and safe.

(3) The offense described in this section, following too closely, is a Class B traffic violation. [1983 c.338 §654; 1991 c.482 §20]

**811.490 Improper opening or leaving open of vehicle door; penalty.** (1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:

(a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with pedestrians and bicycles on sidewalks or shoulders.

(b) Leaves a door open on the side of a vehicle available to traffic, or to pedestrians or bicycles on sidewalks or shoulders for a period of time longer than necessary to load or unload passengers.

(2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic violation. [1983 c.338 §655; 1985 c.16 §320]

**811.492 Engine braking; penalty; exception.** (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a highway and uses an unmuffled engine brake.

(2) The offense described in this section, engine braking, is a Class A traffic violation.

(3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property. [1993 c.314 §7]

**811.495 Unlawful coasting on down-grade; exception; penalty.** (1) A person commits the offense of unlawful coasting or



grating speed of 10 miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway.

(3) The offense described in this section, improper movement of heavy equipment across a rail crossing, is a Class B traffic violation. [1983 c.338 §651; 1985 c.16 §319; 1995 c.383 §73; 1997 c.249 §233; 2001 c.522 §7]

**811.475 Obstructing rail crossing; penalty.** (1) A person commits the offense of obstructing a rail crossing if the person is operating a vehicle and the person does either of the following:

(a) Drives onto any railroad or rail fixed guideway system grade crossing when there is not sufficient space on the other side of the railroad or rail fixed guideway system grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, railroad trains or rail fixed guideway system vehicles; or

(b) While driving a commercial motor vehicle, fails to negotiate the rail crossing because of insufficient undercarriage clearance.

(2) The offense described in this section is applicable whether or not a traffic control device indicates to proceed.

(3) The offense described in this section, obstructing rail crossings, is a Class B traffic violation. [1983 c.338 §652; 1995 c.383 §74; 2001 c.492 §5; 2001 c.522 §8]

**(Miscellaneous)**

**811.480 Illegal backing; penalty.** (1) A person commits the offense of illegal backing if the person backs a vehicle the person is driving when it is not safe to do so or when it causes interference with other traffic upon a highway.

(2) The offense described in this section, illegal backing, is a Class D traffic violation. [1983 c.338 §653; 1995 c.383 §75]

**811.485 Following too closely; penalty.** (1) A person commits the offense of following too closely if the person does any of the following:

(a) Drives a vehicle, so as to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon, and condition of, the highway.

(b) Drives a truck, commercial bus or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city and follows another truck, commercial bus or motor vehicle drawing another vehicle without danger. This paragraph does not prevent a truck, commercial bus or motor vehicle drawing another vehicle from overtaking and passing a vehicle or combination of vehicles.

(c) Drives a vehicle when traveling upon a roadway outside of a business or residence district or upon a freeway within the corporate limits of a city in a caravan or motorcade whether or not towing another vehicle without operating the vehicle so as to leave sufficient space between vehicles to enable a vehicle to enter and occupy the space without danger.

(2) This section does not apply in the case of a funeral procession. Except for the funeral lead vehicle, vehicles participating in a funeral procession shall follow the preceding vehicle as closely as is reasonable and safe.

(3) The offense described in this section, following too closely, is a Class B traffic violation. [1983 c.338 §654; 1991 c.482 §20]

**811.490 Improper opening or leaving open of vehicle door; penalty.** (1) A person commits the offense of improper opening or leaving open a vehicle door if the person does any of the following:

(a) Opens any door of a vehicle unless and until it is reasonably safe to do so and it can be done without interference with the movement of traffic, or with pedestrians and bicycles on sidewalks or shoulders.

(b) Leaves a door open on the side of a vehicle available to traffic, or to pedestrians or bicycles on sidewalks or shoulders, for a period of time longer than necessary to load or unload passengers.

(2) The offense described in this section, improper opening or leaving open a vehicle door, is a Class D traffic violation. [1983 c.338 §655; 1985 c.16 §320]

**811.492 Engine braking; penalty; exception.** (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a highway and uses an unshifted engine brake.

(2) The offense described in this section, engine braking, is a Class A traffic violation, if the person is not in violation of this section if the person uses an unshifted engine brake in an emergency situation to avoid imminent danger to a person or to property. [1993 c.314 §7]

**811.495 Unlawful coasting on down-grade; exception; penalty.** (1) A person commits the offense of unlawful coasting on







# employee handbook



A GUIDE TO  
HENDERSON COUNTY'S  
PERSONNEL POLICIES  
AND  
EMPLOYEE BENEFITS



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# Chapter 1. Introduction

## 1.1. Summary

We are pleased to introduce the revised Henderson County employee handbook. This handbook has been designed to outline and summarize basic personnel policies, employee benefits, employee responsibilities, and employee privileges. This handbook is intended to be useful for all Henderson County employees.

Henderson County is committed to providing a quality workplace for employees. It is our goal to:

- Provide management that is skilled, fair, and concerned about the welfare of our employees.
- Equitably compensate each employee in accordance with our classification and compensation plan.
- Give fair opportunity to current employees for transfer or promotion from within the County.
- Discuss willingly and frankly any problems, complaints, or questions regarding County personnel policies.
- Provide information to employees regarding any changes that may affect them or their families.

The foundation of this handbook is the Personnel Resolution that was approved and put into effect by the Henderson County Board of Commissioners. This handbook revokes and supersedes all prior handbooks, amendments, and any policy or communication related to the employee handbook.

This handbook was developed to provide general guidelines about Henderson County Government's policies and procedures for employees; however, it does not contain promises to any employee about how any particular situation will be handled. It is a guide to assist employees in becoming familiar with some of the benefits and obligations of employment, including our policy that all employees of Henderson County are "at-will" employees. (see 1.2, below). None of the guidelines in this handbook are intended to give rise to contractual rights or obligations, nor are they to be construed as a guarantee of employment for any specific period of time or any specific type of work. These guidelines, except the policy of employment at-will, are subject to modification, amendment, or revocation by Henderson County Government at any time, without advance notice.

It is the intention of Henderson County Government to adhere to all State and Federal laws. Any personnel policy found to be in conflict with a State or Federal law will be changed to ensure compliance with the law.

Amendments may be made periodically in the following process:

- approved by the County Manager,
- reviewed by the Office of the County Attorney,
- approved by the County Commission (if required by Statute), and
- communicated to all Henderson County employees.

It is your responsibility to ensure that you have the most up-to-date version of the handbook. All questions pertaining to information found in this handbook should be referred to the Human Resources Director.



## **1.2. Policy of At-Will Employment**

Henderson County does not offer tenured or guaranteed employment. Either the County or the employee can terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this Handbook or any verbal statement to the contrary. No entity except the Board of Commissioners can enter into any kind of employment relationship or agreement that is contrary to the previous statement. To be enforceable, the arrangement reflecting such relationship or agreement must be in writing, having been first lawfully adopted by the Board, and be lawfully executed by the County.

## **1.3. Policies for Employees of Certain Officials**

Certain officials have the jurisdiction under the North Carolina General Statutes to create, maintain, and administer separate personnel policies and procedures for their offices. These officials include the Clerk to the Board of Commissioners, the County Assessor, the County Attorney, the Register of Deeds, the Sheriff, and (until 1 October 2007) the Tax Collector and Delinquent Tax Collector. In most of these cases, these officials have adopted most or all of these procedures and policies as their own, and will have informed you of any deviation from this document.

Other offices – Travel and Tourism, Cooperative Extension, Soil and Water Conservation, and Elections – have agreed by contract to follow this manual to the same extent as for other Henderson County employees, except to the extent that their operation is controlled by North Carolina or Federal law.

Offices subject to the North Carolina State Personnel Act shall remain so subject to the extent of any conflict between the terms of this handbook and such Act. This handbook and the Resolution under which it is adopted shall not in any circumstances be deemed or interpreted to be a “substantially equivalent” policy pursuant to N.C. Gen. Stat. §126-11.

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## Chapter 2. **State and Federal Policies**

### **2.1. Equal Employment Policy**

Henderson County maintains an equal employment opportunity policy and does not discriminate in hiring practices or terms and conditions of employment. All applicants and employees receive equal employment opportunities and all personnel decisions, actions, and conditions affecting employees, including, but not limited to assignment, transfer, promotion, and compensation, will be governed by the principles of equal opportunity.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or discipline because of political or religious opinions or affiliations or because of race, religion, national origin, sex, age (as defined by Federal law), disability, veteran status or other non-employment related factor shall be prohibited.

The Human Resources Director has been designated as the Equal Employment Opportunity (EEO) Officer for Henderson County. The EEO Officer has overall responsibility for the implementation and monitoring of the County's Equal Employment Policy, as well as authority over the internal procedures employees use to settle EEO and harassment claims.

### **2.2. Equal Employment Opportunity Grievance Procedures**

It is the policy of Henderson County to establish a procedure for employees to follow in order to bring grievances of discrimination or harassment to the attention of management.

Procedure:

1. If there is a question or complaint regarding employment practices that you are unable to resolve with your immediate supervisor, you are encouraged to make that question or complaint known to the Equal Employment Opportunity (EEO) Officer (who is the Human Resources Director), on a form supplied by the Henderson County Human Resources Department. You will be asked to state in writing the nature and detail of the complaint. Any employee filing a complaint will not be subject to retaliation.
2. The EEO Officer will investigate the complaint with your supervisor or department head and any other person with knowledge of the situation.
3. You will be advised in writing of the results of the investigation and Henderson County's decision regarding the complaint.
4. A record of the complaint and findings will become a part of the complaint investigation record, and the file will be maintained separately from your personnel file.

The Equal Employment policy stated herein may be more extensive than your rights under Federal or North Carolina law. No additional legal rights beyond those granted by Federal or North Carolina law are granted by this Policy.

### **2.3. Workplace Harassment / Sexual Harassment**

Henderson County believes that you should be provided with a working environment free from unlawful harassment. It is the policy of Henderson County Government that verbal or physical conduct by any



employee that unlawfully harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment will not be tolerated.

If you believe you are being subjected to sexual, racial, religious, national origin, age, disability, or other illegal harassment, or believe you are being discriminated against, you must bring this to the County's attention. The nature of unlawful harassment often makes it impossible to detect unless the person being harassed registers his or her discontent with the appropriate authorities. **You** have the responsibility to report the unlawful harassment as soon as possible to the appropriate supervisor, or to your department head, or to the Human Resources Director. You may decide to which of these three persons the report will be made.

All complaints of unlawful harassment must be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. In all cases, you will be advised of the findings following the investigation.

Any employee, supervisor, or department head who is found to have engaged in unlawful harassment of another employee will be subject to appropriate disciplinary action, up to and including discharge.

**Sexual Harassment:** Each director, supervisor, and employee has a responsibility to maintain the workplace free of any form of sexual harassment. Sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is prohibited. Such conduct includes, but is not limited to:

1. Unwanted flirtations, touching, advances, or propositions;
2. Verbal abuse of a sexual nature;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading words to describe an individual;
5. The display of sexually suggestive objects or pictures, including nude photographs.
6. The suggestion of some reward in return for sexual favors.

As with any form of unlawful harassment, you have the responsibility to report sexual harassment to an appropriate authority as soon as possible. You may report to either your supervisor, department head, or the Human Resources Director. Your complaint of sexual harassment must be investigated promptly and impartially, with confidentiality maintained to the greatest extent possible. You will be advised of the findings following the investigation.

Any employee, supervisor, or department head who is found to have engaged in sexual harassment of another employee will be subject to appropriate disciplinary action, up to and including discharge.

#### **2.4. Americans with Disabilities Act (ADA)**

Henderson County Government complies with the Americans with Disabilities Act of 1990, Public Law 101-336 (ADA), which prohibits discrimination on the basis of disability. The ADA prohibits employers with 15 or more employees from discriminating against qualified job applicants and employees who are or become disabled.

Henderson County Government is committed to providing reasonable accommodations to qualified individuals with disabilities, unless it would impose an undue hardship on the County. If you have a disability, you may request a reasonable accommodation at any time during the application process or during the period of employment. You, your health professional, or any other representative acting on

your behalf may request an accommodation. This may be done verbally or by completing a reasonable accommodation request form. This form may be obtained from your supervisor or the Henderson County Human Resources Department.

Reasonable documentation from an appropriate healthcare or rehabilitation professional will be required to establish that you have an ADA-qualified disability, and that the disability necessitates a reasonable accommodation.

Henderson County also has adopted an ADA grievance policy. A copy of this policy is available from the Henderson County Human Resources Department.

### **2.5. Title VI of the Civil Rights Act of 1964**

Henderson County Government complies with Title VI of the Civil Rights Act of 1964. To report any complaints or to receive additional information about Title VI, contact the Human Resources Director.

### **2.6. HIPAA**

Henderson County Government complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and has adopted and follows guidelines involving the protected health information of employees, dependents, and patients.

### **2.7. Small Pox Policy**

Henderson County Government offers certain County employees the small pox vaccine in order that there be sufficient immunized personnel to assist the public in the event of an outbreak. For more detailed information, reference the Small Pox Policy in its entirety in the Henderson County Administrative Manual.

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## Chapter 3. Code of Ethics

It is the policy of Henderson County Government to uphold, promote, and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, all county employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their county position or powers for improper personal gain.

### 3.1. *Ethical Conduct*

You are required to maintain the highest ethical standards in the conduct of your official duties. This also applies to non-work situations when you identify yourself as a County employee (i.e., wearing a County identification badge, distributing a County business card, wearing a County uniform, driving a County vehicle, etc.). In order to fulfill this requirement, the following points are made:

- Personal characteristics such as honesty, courtesy, dependability, sobriety, industry, and use of sound judgment are required for all employees in all classes of work in County government.
- There shall be no activity which is in conflict with the interest of your official duties.
- You cannot use your position with the County for private interest.

### 3.2. *Conflict of Interest*

Employment with Henderson County Government is a public trust. You must not have any financial interest in, or receive any financial benefit from, any acquisition or expenditure related to County activities that interferes or conflicts with the full discharge of your duties. Even if no interference or conflict with the full discharge of your duties would or may exist, you must make full disclosure to the County Manager of any financial interest you or any relative have in, or any financial benefit you or any relative receive, any acquisition or expenditure related to County activities. For the purpose of this policy, “relative” means parent, step-parent, foster parent, parent-in-law, child, spouse, brother, brother-in-law, foster brother, step-brother, sister, sister-in-law, foster sister, step-sister, grandparent, son-in-law, daughter-in-law, grandchild, or other person who resides in the same household. A court-appointed legal guardian or an individual who has acted as a parent substitute is also included within this definition.

### 3.3. *Political Activity*

You may join or affiliate with civic organizations of a partisan or a political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and the laws of the United States of America.

However, you may not:

- Engage in any political activity while on duty;
- Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;