

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 447
HOUSE BILL 423

AN ACT TO REVISE, REORGANIZE AND AMEND THE CHARTER OF THE
CITY OF GOLDSBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Goldsboro is hereby revised, reorganized and amended to read as follows:

ARTICLE 1. GENERAL

Section 1. Incorporation and Corporate Powers. The City of Goldsboro shall continue to be a body politic and corporate by the name "City of Goldsboro". Under that name the city continues to be vested with all property and rights of property which now belong to the corporation; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract and be contracted with; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, given or in any other manner conveyed or dedicated to or acquired by it, and from time to time may hold, or invest, sell, exchange or dispose of the same; and shall have and may exercise in conformity with this Charter and other applicable statutes all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 2. Exercise of Power. All powers, functions, rights, privileges and immunities of the city, its officers, agencies or employees, shall be carried into execution as provided by this Charter, or if this Charter makes no provision, as provided by ordinance or resolution of the Board of Aldermen, and as provided by the general laws of North Carolina pertaining to municipalities, and their officers, agencies and employees; provided that the city may at its option elect to act and proceed under any other applicable laws of the State of North Carolina, which provides any additional or alternative methods and powers for such purpose.

Sec. 3. Existing City Boundaries. The corporate limits of the city shall be as follows until changed as provided by law:

BEGINNING at a point in the western right of way line of Atlantic Coast Line Railroad, the northwest corner of the City of Goldsboro, N. C., said point being marked with a concrete monument 183.13 feet North of County Road No. 1306 center line and runs; thence, southwardly with the western right of way line of Atlantic Coast Line Railroad, 65 feet from the center line, approximately 9350 feet to the North right of way line of West Holly Street; thence, along the North right of way line of Holly

Street North 65 degrees 48 minutes West 1023.8 feet; thence, South 19 degrees 16 minutes West along the western right of way line of Whitfield Avenue, shown on the original F. K. Borden Subdivision Map of 1907 by L. J. Schwab, as it parallels the Atlantic Coast Line Belt Line Railroad approximately 2660 feet to the North right of way line of West Mulberry Street; thence, westwardly with the said North right of way line of West Mulberry Street North 70 degrees 54 minutes West approximately 710 feet to the East right of way line of U. S. 117 Bypass Highway; thence, southwardly with the said East right of way line of U. S. 117 Bypass Highway approximately 500 feet to the North right of way line of West Walnut Street extended; thence, eastwardly with the North right of way line of West Walnut Street extended approximately 1000 feet to the West right of way line of Whitfield Avenue; thence, South 19 degrees 16 minutes West 146.7 feet to the West right of way line of Southern Railroad, said point being 30 feet from the center line; thence, with the West right of way line of said Southern Railroad South 51 degrees 27 minutes West 4168 feet to a point in the South right of way line of the Southern Railroad Old Main Line, said point being 100 feet from the center line of said railroad; thence, eastwardly with the southern right of way line of the Southern Railroad as it curves approximately 1825 feet to a concrete monument; thence, parallel with and 300 feet from the West right of way line of U. S. 117 Bypass Highway South 7 degrees 22 minutes East 3155 feet to a concrete monument; thence, North 82 degrees 38 minutes East 888.85 feet crossing U. S. 117 Bypass to an iron stake in the West right of way line of Beems Street, said point being 288.57 feet South of Crump Street; thence, South 60 degrees 57 minutes East 50.55 feet to an iron stake in the East right of way line of said Beems Street, said point being 296 feet from Crump Street; thence, South 69 degrees 24 minutes East 435.6 feet to an iron stake in the West right of way line of South George Street; thence, crossing South George Street North 62 degrees 33 minutes East 149.59 feet to a point in the East right of way line of South George Street, said point being 184.75 feet South of Crump Street; thence, South 69 degrees 24 minutes East approximately 620 feet to a concrete monument on the West side of Atlantic Coast Line Belt Line Railroad; thence, crossing Atlantic Coast Line Belt Line and Main Line Railroads South 87 degrees 12 minutes East approximately 1045 feet to an iron stake in the East right of way line of South John Street; thence, continuing South 87 degrees 12 minutes East parallel with and 130 feet South of Harris Street approximately 1265 feet to the property line between W. F. Nufer and the City of Goldsboro Golf Course property; thence, South 45 degrees 03 minutes West 1305 feet more or less with the line of W. F. Nufer and City of Goldsboro Golf Course; thence, with the Nufer-Golf Course line South 87 degrees 17 minutes West approximately 675 feet to the East right of way line of South John Street; thence, southwardly with the East right of way line of South John Street extended approximately 1215 feet to the boundary of Shamrock Subdivision, said point being the northwest corner of Lot No. 18 of Shamrock Subdivision; thence, with the following courses along the line between the Shamrock Subdivision and the City of Goldsboro Golf Course property, South 70 degrees 28 minutes East 68 feet, South 17 degrees 49 minutes East 554.40 feet, South 23 degrees 52 minutes East 468.03 feet to the North right of way line of Dixie Trail; thence,

eastwardly with the North right of way line of said Dixie Trail South 87 degrees 48 minutes East 1460 feet more or less to the eastern line of said City of Goldsboro Golf Course property; thence, with the East line of said Golf Course property North 1 degree 12 minutes East 840 feet more or less; thence, with the South line of Golf Course about South 87 degrees 48 minutes East 611 feet; thence, about North 73 degrees 00 minutes East 1350 feet more or less to the West right of way line of South Slocumb Street; thence, northwardly with the West right of way line of Slocumb Street 1735 feet more or less to point 35 feet South of the center of Bunch Drive; thence, South 81 degrees 12 minutes East 1445 feet along the southern right of way of Harris Street Extension; thence, North 12 degrees 33 minutes East 1190 feet more or less to the South property line of Lincoln Homes Housing Development; thence, eastwardly with the South line of said Lincoln Homes Housing Development to the West boundary line of Woodford-Terrace Subdivision; thence, with the West boundary line of said Subdivision South 18 degrees 41 minutes West 286.30 feet to a ditch, the southwest corner of Lot No. 17; thence, with the South line of Lot No. 17 South 63 degrees 43 minutes East 161.42 feet to an iron stake in the West right of way line of Franklin Street; thence, southwardly with the West right of way line of Franklin Street South 4 degrees 57 minutes West 640.83 feet, South 14 degrees 21 minutes West 402.28 feet to a concrete monument in the North right of way line of Harris Street; thence, crossing Harris Street South 18 degrees 41 minutes West 70 feet to the South right of way line; thence, eastwardly with the South right of way line South 70 degrees 26 minutes East 1271 feet to a point in Long Branch; thence, North 18 degrees 41 minutes East 10 feet; South 70 degrees 26 minutes East 682 feet to a point 150 feet East of Best Street; thence, along the East boundary of Section One of South Woodford Extended and Zollbrecht Subdivisions North 19 degrees 34 minutes East 185.51 feet, North 14 degrees 20 minutes East 124.81 feet, North 12 degrees 25 minutes West 416.10 feet, North 1 degree 02 minutes East 268.35 feet to Berry Street, North 14 degrees 02 minutes East 60.83 feet crossing Berry Street, North 4 degrees 34 minutes East 146.96 feet, North 84 degrees 13 minutes West 15.64 feet, North 32 degrees 20 minutes East 1933.52 feet crossing Juniper, Hawthorne and Mimosa Streets to a concrete monument 200.07 feet from Elm Street; thence, parallel with Elm Street and 200 feet therefrom South 56 degrees 11 minutes East 901.38 feet to a concrete monument; thence, South 36 degrees 32 minutes East 633.52 feet to a concrete monument; thence, South 33 degrees 58 minutes East 582.69 feet to a concrete monument; thence, South 33 degrees 58 minutes East 15 feet to the center of Stoney Creek; thence, up Stoney Creek North 43 degrees 02 minutes East 236.05 feet to the South right of way of Elm Street; thence, eastwardly with the various courses of Elm Street South right of way and Seymour Johnson Air Force Base boundary approximately 5950 feet to a concrete monument; said monument being in the West property line of Fornes property; thence, with Fornes line North 56 degrees 28 minutes East 629.12 feet to a concrete monument in the South right of way line of U. S. 70 Highway; thence, North 55 degrees 32 minutes East 354.94 feet to a concrete monument; thence, with the State Highway Commission property North 36 degrees 02 minutes West 2087.47 feet to a concrete monument in the East

right of way line of N. C. 102-U. S. 13 Highway; thence, with the East right of way of said highway North 63 degrees 22 minutes East 697.35 feet to a concrete monument; thence, North 40 degrees 02 minutes West 3592.07 feet to an iron stake, the northwest corner of Pine Hill Estate Subdivision; thence, North 54 degrees 36 minutes West 286.13 feet to a concrete monument in the East right of way line of Ridgewood Drive; thence, North 61 degrees 49 minutes West 217.07 feet to a concrete monument on the West bank of Stoney Creek; thence, North 53 degrees 40 minutes West 1751.53 feet to a concrete monument in the East property line of city-owned property known as Fairview Playground; thence, with said East line North 23 degrees 22 minutes East 868.10 feet to a concrete monument in the South right of way line of Atlantic and North Carolina Railroad; thence, North 23 degrees 22 minutes East 406.36 feet to a concrete monument; thence, North 76 degrees 48 minutes West 698.76 feet to a concrete monument; thence, North 15 degrees 00 minutes East 817.51 feet to a concrete monument in the South property line of Jefferson Park Subdivision; thence, with the line of said Subdivision to the corner of Lot No. 1 Block M of Jefferson Park No. 2; thence, with the East and South lines of Lots 1, 2, 3 and 4 Block M, crossing Cardinal Drive, with the lines Lots 1, 2 and 3 of Block L, crossing Dove Place to the South corner of Lot No. 1 Block X of said Jefferson Park Subdivision No. 2; thence, eastwardly with the North right of way line of Dove Place to Handley Place; thence, with the South and East line of Lot No. 5 Block N of Jefferson Park Subdivision No. 3; thence, crossing Quail Drive along the line between Lots No. 15 and 16 of Block 1 of said Subdivision; thence, crossing U. S. 70 Bypass Highway; thence, eastwardly along the North right of way line of U. S. 70 Bypass to the southeast corner of Lot No. 13 of Handley Acres Subdivision; thence, along the eastern and northern line of Lots 14 through 25 of said Handley Acres to Stoney Creek Drive; thence, crossing Stoney Creek Drive and along the northern line of Lots 49 through 41 of said Handley Acres; thence, along the western line of Lot 41 to the North right of way line of Banks Avenue; thence, westwardly with the North right of way of Banks Avenue as it curves to a point 200 feet at right angles to U. S. 70 Highway North right of way line; thence, parallel with and 200 feet from the North right of way of U. S. 70 North 67 degrees 24 minutes West 6673.84 feet to a point in the center of the Big Ditch, said point being South 67 degrees 24 minutes East 9 feet from a concrete monument on the West bank; thence, up the various courses of the Big Ditch as it meanders to the point of intersection of the center line of Lime Street, said point being North 85 degrees 26 minutes East 12 feet from a concrete monument on the West bank; thence, North 28 degrees 00 minutes West 1023.52 feet to a sanitary sewer outfall manhole; thence, parallel with Patetown Road North 34 degrees 33 minutes East 462.44 feet to a concrete monument; thence, North 51 degrees 03 minutes East 598.92 feet; thence, North 50 degrees 44 minutes West 247.86 feet to the center of Patetown Road; thence, North 50 degrees 44 minutes West 1121.26 feet along a ditch between Barden Village Subdivision, El Rancho Motel and Barden Farm to a concrete monument in the West right of way line of North William Street Extended; thence, North 79 degrees 50 minutes West 556.80 feet to a concrete monument 66 feet West of the center of Atlantic Coast Line Railroad and 183.13 feet

North of the center of County Road No. 1306, the point of beginning with all bearings referred to the true North meridian.

Sec. 4. Extension of City Boundaries. The boundaries of the city may be extended from time to time under the provisions of the General Statutes of North Carolina or by amendment to Section 3 of Article 1.

ARTICLE 2. CITY ELECTIONS

Section 1. Regular Municipal Elections. There shall be, at the regular municipal election to be held the first Saturday in May, 1963, and biennially thereafter, elected from among the duly registered and qualified voters of the city a mayor and five aldermen who shall hold their respective offices for a term of two years and until their successors are duly elected and qualified. In such regular municipal election, the candidate receiving the largest number of votes for mayor shall be declared the duly elected mayor for the ensuing term, and the five candidates receiving the largest number of votes for aldermen shall be declared the duly elected aldermen for the next ensuing term. In the event that there should be an equal number of votes for the candidates for the office of mayor, or an equal number of votes for two or more candidates for the offices of aldermen and such tie or ties must be resolved to determine the identity of the five aldermen to be declared elected to such office, then the question and result shall be determined by lot under the supervision of the Chairman of the Wayne County Board of Elections.

Sec. 2. Municipal Primary Election. The municipal primary election, if one be required, for the nomination of candidates for the offices of mayor and aldermen shall be held on the second Saturday in April, preceding the regular municipal election. Such municipal primary election shall be a nonpartisan primary and all residents of the city who are registered and qualified to vote in the regular municipal election shall be qualified and eligible to vote in the municipal primary election.

Sec. 3. Nomination of Candidates; Terms and Provisions. All candidates to be voted for at all regular municipal elections for mayor and aldermen shall be nominated in the municipal primary election or as otherwise provided under the following terms, provisions and conditions:

(a) Any person desiring to become a candidate for nomination for mayor or alderman shall, at least ten days prior to the day set for the municipal primary election, file with the Chairman of the Wayne County Board of Elections, a sworn statement of such candidacy on a form approved and furnished by said Chairman showing the name, address and length of residence in the city of the candidate, the office he seeks and the request that his name be placed on the official ballot or voting machine for nomination to such office. That at the time such statement is filed, the candidate filing same shall pay a filing fee of five dollars (\$5.00) to be turned over to the City Treasurer.

(b) That the two candidates receiving the highest number of votes for mayor, and the ten candidates receiving the highest number of votes for aldermen in the municipal primary election, shall be the nominees for their respective offices whose

names shall be placed upon the ballot or voting machine for such respective offices at the regular municipal election following.

(c) In the event there be an equal number of votes for two or more persons for either the office of mayor or aldermen, and the resulting tie or ties must be resolved in order to determine the identity of the candidates for the respective offices in the regular municipal election, then the result shall be determined by lot under the supervision of the Chairman of the Wayne County Board of Elections.

(d) If there be two or less candidates to file for nomination for the office of mayor, then it shall not be necessary to hold a municipal primary election for nominations for such office, and the one or two candidates that filed shall be certified by the Chairman of the Wayne County Board of Elections as the nominee or nominees for mayor to be voted for in the ensuing regular municipal election.

(e) If there be ten or less candidates to file for nomination for the offices of aldermen, then it shall not be necessary to hold a municipal primary election for nomination for such offices, and all of the candidates that filed shall be certified by the Chairman of the Wayne County Board of Elections as the nominees for aldermen to be voted for in the ensuing regular municipal election.

Sec. 4. Appointment of Registrars and Judges of Elections. On or before the first meeting in March, 1963, and biennially thereafter, the Board of Aldermen shall appoint a registrar and two judges of elections for each voting precinct within the city, to serve in such capacity in the next ensuing municipal primary election and regular municipal election and also in any special election held during their term of office. Such appointment shall be for a term of two years and until their successors are appointed and qualified. Any vacancy in the office of registrar shall be filled by the Chairman of the Wayne County Board of Elections, and any vacancy in the offices of judges of elections shall be filled by the registrar of the precinct involved on the day of such primary or election following the creation of such vacancy. Appointments shall be for the unexpired term of the office vacated.

Sec. 5. Duties of the Registrars and Judges of Elections. The registrar and judges of elections in each precinct within the city shall open the polls on the day of every municipal primary election, regular municipal election and special election at 6:30 A. M. and shall close the same at 6:30 P. M. They shall have charge of and supervise such elections and shall have the registration book or list for the precinct containing a list of all persons registered and qualified to vote therein. They shall also keep a poll book in which shall be entered the names of all persons who vote in such primary or election. As soon as practical after the closing of the polls, the votes for each candidate shall be counted by them, or under their supervision, such count to be open to the public, and the results of the vote shall be certified in duplicate over their signatures or suitable forms, which shall then be placed in envelopes and sealed. One of the envelopes containing the certified count shall be immediately mailed to the Chairman of the Wayne County Board of Elections addressed to his office in Goldsboro. The other shall be kept by the person appointed by the registrar and judges of elections from

among themselves as the precinct's member of the City Board of Canvassers, and shall be carried and delivered to the meeting of the City Board of Canvassers.

Sec. 6. Meeting of the Board of Canvassers. The City Board of Canvassers, appointed one from each precinct as provided in Section 5, shall meet on the Tuesday following the municipal primary election, if one, and on the Tuesday following the regular municipal election at the hour of 11:00 A. M. in the courtroom of the City Hall. Any member failing to attend without reasonable cause shall be guilty of a misdemeanor. A majority of them shall constitute a quorum. The Board shall organize by electing one member chairman and one member secretary, and then shall proceed to open the sealed certified count of the vote for each precinct, canvass the same and judicially declare the results of the primary or election as the case may be. The Chairman of the Wayne County Board of Elections shall attend such meetings bringing with him his duplicate of the certified count for each precinct mailed to him as herein provided. In the event that any duplicate certified count placed in the hands of any member of the Board of Canvassers has been lost, destroyed or for any reason cannot reasonably be made available, then the other duplicate copy in the hands of the Chairman of the Wayne County Board of Elections shall be used in the canvass in lieu of such missing copy. In the event of any tie or ties in the vote for any candidate necessitating a determination by lot as provided in Section 1 or 3 (c) hereof, such determination shall be made in such manner immediately after the canvass under the supervision of the Chairman of the Wayne County Board of Elections. The results of the official canvass should be turned over to the city clerk who shall record the same in minute book of the city.

Sec. 7. Registration; Requirements; Period of; Challenges. All persons of the age of 21 or over who have resided in the State for one year, in the City of Goldsboro for four months and in the precinct in which they offer to register for 30 days next preceding the municipal primary election or regular municipal election shall be eligible to register, but there shall be no registrations between the municipal primary election and the regular municipal election, except those who become of age between the municipal primary election and regular municipal election, who may register with the Chairman of the Wayne County Board of Elections.

The registrars of the several precincts of the city shall obtain the registration books or lists for their respective precincts from the Chairman of the Wayne County Board of Elections by 9:00 A. M. on the third Saturday preceding the municipal primary election, and thereafter register therein the names of all persons applying for registration who are entitled to register and vote. The registration books or lists shall be kept open from and including 9:00 A. M. on such third Saturday before the municipal primary election through and including 5:00 P. M. on Saturday preceding the municipal primary election. On each of the three Saturdays in which the registration books are open the registrars of the several precincts shall be at their respective polling places with their respective registration books or lists between the hours of 9:00 A. M. and 5:00 P. M. to register voters. Registration may be made on days other than Saturday during the period the registration books or lists are open by contacting the registrar of the precinct in

which the applicant resides, or if he cannot be found registration may be made during such period in the office of the Wayne County Board of Elections in the courthouse in Goldsboro during its regular office hours. Any duly registered and qualified voter who has moved from the precinct in which he last voted shall, during the registration period, obtain from the registrar of such former voting precinct a proper transfer addressed to the registrar of the precinct where the voter then lives listing such information as might be required by the election officials, and upon presentation of such transfer the registrar of the precinct in which the voter then resides shall enter the name of the voter on his registration book or list, and such name shall be stricken from the former precinct registration book or list at the time the transfer is delivered to the voter transferring his registration.

The Saturday preceding the day of the municipal primary election shall, in addition to being the last day for the registration of voters, also be Challenge Day, at which time the registration books or lists shall be open to the electors of the respective precincts for the challenge of the qualification of any person whose name appears thereon. Where a person is challenged, the registrar of the precinct shall enter upon the registration book or list opposite the name of the person challenged the word "challenged", and the registrar shall appoint a time and place on or before the Wednesday preceding the election day, when he, together with the judges of elections of the precinct, shall hear and decide the challenge, giving personal notice to the person so objected to, if reasonably possible, and if not, by leaving a copy of such notice at his residence. If any person challenged shall be found not duly qualified, the registrar shall remove his name from the registration book or list. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general laws regulating elections for members of the General Assembly.

Sec. 8. Division of City into Precincts or Wards. For the purpose of municipal primaries and elections of the City of Goldsboro, the city shall be divided into such number of precincts or wards and in such manner and with such polling places as the Board of Aldermen may from time to time determine and designate by proper resolution. The existing precincts or wards and their respective polling places shall be continued as such until changed by the Board of Aldermen by such resolution.

Sec. 9. Primaries and Elections to be Conducted by Wayne County Board of Elections. All municipal primary elections, regular municipal elections and special elections of the City of Goldsboro shall be held and conducted and supervised by the Wayne County Board of Elections. Such elections and the registration of voters in connection therewith shall be conducted under the terms, conditions and provisions of this Article. Any necessary procedure not provided for in this Act shall be taken under the general law.

In conducting municipal primary elections, regular municipal elections and special elections, and for the purpose of the registration of voters, the Wayne County Board of Elections and the duly appointed election officials shall use the registration books or lists of Wayne County, so far as the same apply to the election precincts within the corporate limits of the city, and all persons duly registered in such registration books

or lists at the close of the registration period, who live within the corporate limits of the City of Goldsboro, shall be entitled to vote in his precinct in all such elections.

The Wayne County Board of Elections may also use for such election and registration purposes its voting machines, pertinent records and other facilities and furnish such additional official personnel as may be needed besides the duly appointed registrars and judges of elections.

Sec. 10. Method of Voting; Voting Machines. Voting machines of any type approved by the State Board of Elections shall be used in all municipal primaries and elections.

Sec. 11. Number of Candidates Required to be Voted For. In all municipal primary elections and regular municipal elections, the voter must vote for as many candidates for aldermen as there are positions to be filled, if there be that many candidates, and unless he does so his vote will not be counted.

Sec. 12. Expenses of Conducting Registration and Election. The Board of Aldermen of the City of Goldsboro is hereby expressly authorized and empowered to pay all election officials and other related personnel such compensation as shall be fixed by the Wayne County Board of Elections, but not to exceed the amount paid such officials and personnel in the holding of County and State elections. The Board of Aldermen is also expressly authorized to pay Wayne County and the Wayne County Board of Elections for the reasonable expense borne by either or both bodies by virtue of holding any such city registration and municipal primary or elections.

Sec. 13. Special Elections. The Board of Aldermen shall have power to call at any time any special election for any purpose authorized by law, but no such special election shall be held until notice thereof has been published at least once each week for four successive weeks preceding the election in some newspaper of general circulation in Wayne County which is qualified to carry legal notices, or if there be no such newspaper, by posting such notice at three public places in the City of Goldsboro 30 days preceding the election. Such special elections shall be controlled and governed by the same provisions of this Article applicable to regular municipal elections, except that elections on such questions as the issuance of bonds, extension of the corporate boundaries, the sale of alcoholic beverages, and any other questions which are specifically provided for and controlled by the General Statutes of North Carolina shall be held under the provisions of the applicable Sections of such General Statutes.

ARTICLE 3. BOARD OF ALDERMEN

Section 1. Composition. The Board of Aldermen shall consist of five members who shall be elected from the city at large in the manner provided by Article 2.

Sec. 2. Qualification and Terms; Vacancies; Salary. (a) Members of the Board of Aldermen shall serve for a term of two years, beginning the day and hour of the organizational meeting of the Board, but members shall continue to serve until their successors are elected and qualified.

(b) No person other than a qualified voter and resident of the city shall be eligible to be nominated or elected to or to serve on the Board of Aldermen.

(c) If any elected aldermen shall for any reason fail or refuse to qualify, or there be any vacancy after election and qualification, or if any alderman shall be unable to discharge the duties of his office, the remainder of the Board shall choose some person for the unexpired term, or during his or her disability, as the case may be, to act as alderman. Aldermen so selected shall have all of the powers and authority given under this Charter to regularly elected aldermen.

(d) Each member of the Board of Aldermen shall receive as annual salary the sum of four hundred dollars (\$400.00) payable in semiannual installments.

Sec. 3. Powers and Duties. (a) The Board of Aldermen shall direct the exercise of all the powers of the city, except as otherwise provided by this Charter.

(b) In addition to other powers conferred upon it by law, the Board may adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or appropriate for the preservation and promotion of the health, comfort, convenience, good order, better government and general welfare of the city and its inhabitants.

Sec. 4. Oath of Office; Organizational Meetings. The organizational meeting of the Board of Aldermen shall be held on Tuesday following the day of the regular municipal election at 5:00 P. M., at which time they will take their oath before the mayor or the city clerk to faithfully perform the duties of their office. After taking such oath, the aldermen shall select from among themselves one to act as mayor pro tem, and shall take such other organizational steps as may be deemed expedient. The organization of the Board of Aldermen shall take place notwithstanding the absence, death, refusal to serve or nonelection of one or more of its members; provided at least three of the persons entitled to be members are present and take their oath. Any member not present may take his or her oath at a later date.

Sec. 5. Regular and Special Meetings. (a) The Board shall fix suitable times for its regular meetings, which shall be as often as twice monthly. The mayor, the mayor pro tem or any two members of the Board may at any time call a special meeting by signing a written notice stating the time of the meeting to be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the Board may also be held at any time when all members of the Board are present and consent thereto. It shall not be necessary to state in the notice of a special meeting the business to be transacted; and any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) Except where otherwise specifically provided by this Charter, the Board shall have authority to determine the time and place of Board meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers. All meetings shall be held within Wayne County, except in the case of an emergency. In the event the Board is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may at its

election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

(c) The mayor shall preside at all meetings of the Board of Aldermen, at which he is present, but shall have no right to vote except to break a tie vote. In the absence of the mayor, the mayor pro tem shall preside, and in the absence of both, any other alderman or city official present may be designated by the Board to preside over the meeting. Neither the mayor pro tem nor any other alderman while acting as presiding officer shall lose his or her right to consider and vote on any question arising during such tenure as presiding officer.

Sec. 6. Meetings; Quorum; Votes; Attendance of Members. (a) All meetings of the Board shall be public meetings. The Board shall not by executive session or otherwise formally consider or vote on any question in private session.

(b) A majority of the members elected to the Board shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody. The affirmative vote of a majority of the members of the Board shall be necessary to adopt any ordinance. All other matters voted upon shall be by a majority vote of the Board members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or involving his financial interest.

(c) Final voting of the Board shall be by roll call and entered into the minutes where required by law or requested by the mayor or any member of the Board. The mayor shall announce the result of each vote of the Board.

(d) Members of the Board shall attend all regular meetings and all special meetings of which they have had notice as prescribed in this Charter. Any member who shall be absent from any such meeting without cause satisfactory to the Board shall forfeit and pay for the use of the city the sum of ten dollars (\$10.00) for each such absence. The Board shall have the power to compel the attendance of absent members by ordering them by proper resolution to be taken into custody.

Sec. 7. Continuance of Public Hearing. Any public hearing set before the Board for a certain date may be continued to a later date when a quorum is not present or for any other reason deemed sufficient by the Board. Such continuance and the date thereof shall be announced to the meeting by the presiding officer, and it shall not be necessary to further advertise such public hearing.

Sec. 8. Ordinance Procedure. Except as herein otherwise provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by applicable provisions of general law.

Sec. 9. Publication of Ordinances. Except where otherwise required by general law, it shall not be necessary to publish the ordinances and resolutions passed by the Board of Aldermen other than entering a copy thereof in the official minute book of the city.

Sec. 10. Adoption of Ordinances or Code by Reference. The Board of Aldermen is hereby authorized to adopt by reference the provisions of any portion of any recognized standard code prepared by the various technical trade associations,

relating specifically, but not limited to, building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable codes and any other codes which embrace rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of such codes in full; provided that at least one copy of each such code which is incorporated or adopted is kept in the office of the city clerk for public use, examination and inspection. Any existing ordinance which has incorporated by reference the provisions of any such code is hereby expressly validated.

Sec. 11. Code of Ordinances. (a) The "Code of Ordinances of the City of Goldsboro, North Carolina", published in loose-leaf book form by Municipal Code Company in 1959, and the amendments thereto, is hereby declared and designated anew as the official Code of Ordinances of the City of Goldsboro, containing the ordinances of the city of a general and permanent nature. The Board of Aldermen may from time to time revise, amend, repeal, or add to the same, or to adopt any entirely new code and cause the same to be published in similar or different form, and such existing revised, amended or new code shall constitute the Code of Ordinances of the City of Goldsboro, and shall be admissible in evidence in any court and have the same effect as the original of such ordinances.

(b) The official copy of the Code of Ordinances, including all ordinances amending or supplementing the Code shall be kept in the office of the city clerk, and it shall be his duty to insert such amendments or supplements when the same have been printed for such purpose in their proper place in the published Code.

ARTICLE 4. MAYOR

Section 1. Qualifications; Term; Salary. (a) The mayor shall be a qualified voter and resident of the city and shall be nominated and elected in the manner provided in Article 2 herein, unless appointed to fill a vacancy in the manner hereinafter provided.

(b) The term of the mayor shall be for a period of two years beginning immediately after the election and upon the taking of his or her oath, before any officer authorized by law to administer the same, to faithfully perform the duties of the office,

(c) The annual salary of the mayor shall be that fixed by the Board of Aldermen and shall be payable in semimonthly installments.

Sec. 2. Vacancy. Should any person duly elected or appointed to the office of mayor refuse to serve, or should there occur a vacancy in said office for any reason, the Board of Aldermen shall appoint some qualified person to fill the office for the term or the unexpired portion thereof.

Sec. 3. Duties of the Mayor. The mayor shall preside over all meetings of the Board of Aldermen at which he is present. He shall be the judge of the mayor's court as the same is referred to and authorized in this Charter. He shall be recognized as the head of the city government for all ceremonial purposes. He shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by general laws of North Carolina, by this Charter and the ordinances of the city.

Sec. 4. Mayor Pro Tem; Duties. The mayor pro tem shall, during the absence or disability of the mayor, perform all of the duties of the mayor, including those relating to the mayor's court.

ARTICLE 5. CITY MANAGER

Section 1. Appointment; Qualifications; Term and Compensation. The Board shall appoint the city manager, who shall be the administrative head of the city government. He shall be responsible for the administration of all city offices, positions, departments, boards, commissions and agencies created by or under this Charter. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the Board, and shall receive such compensation as it may fix.

Sec. 2. Powers and Duties. The city manager shall (1) be the administrative head of the city government; (2) see that within the jurisdiction of the city the laws of the State and the ordinances, resolutions and regulations of the Board are faithfully executed; (3) attend all meetings of the Board and recommend for adoption such measures as he shall deem expedient; (4) make reports to the Board from time to time upon the affairs of the city and keep the Board fully advised of the city's financial condition and its future financial needs; (5) perform such other duties and have such other powers as may now or hereafter be conferred upon him by ordinance or other direction of the Board of Aldermen.

Sec. 3. Absence or Disability. Should the position of city manager be vacant, or in the event of the prolonged absence, illness or other incapacity of the manager, the Board may designate one of its number, the mayor or any other person, as temporary manager, and the person so designated shall have all the powers and authority of the manager while he shall serve in the capacity. If the mayor or any member of the Board serves as manager for a temporary period, he shall receive such additional compensation as the Board may determine.

ARTICLE 6. CITY CLERK

Section 1. Appointment; Term and Compensation. The city clerk shall be appointed by the Board of Aldermen at its first regular meeting in May after the regular municipal election, and biennially thereafter. He shall receive such compensation and be required, before taking office, to subscribe to such oath of office and to give such bond as the Board may from time to time determine.

Sec. 2. Powers and Duties. The clerk shall keep regular and fair minutes of the proceedings of the Board of Aldermen, preserve and keep the books, records and documents of the city committed to his care during his period in office and deliver them to his successor and to perform generally those duties and exercise those powers as may be prescribed by the Board of Aldermen.

ARTICLE 7. CITY TREASURER

Section 1. Appointment; Term and Compensation. The city treasurer shall be appointed by the Board of Aldermen at its first regular meeting in May after the regular municipal election, and biennially thereafter. He shall receive such compensation and be

required, before taking office, to subscribe to such oath of office and to give such bond as the Board may from time to time determine.

Sec. 2. Powers and Duties. The city treasurer shall collect, receive and hold all moneys and securities belonging to the city which ought to be paid or delivered into the city treasury, and shall safely keep the same for the use and benefit of the city; shall disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him and shall submit said account to the Board of Aldermen whenever requested to do so. On the expiration of his term of office, he shall deliver to his successor all the moneys, securities and other property entrusted to him for safekeeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer. All orders on the treasury shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the sources whence are derived the moneys received by him. The city treasurer shall also exercise such other powers and perform generally such other duties as may be prescribed by the Board of Aldermen.

ARTICLE 8. CITY ATTORNEY

Section 1. Appointment; Term and Compensation. The city attorney shall be appointed by the Board of Aldermen at its first regular meeting in May after the regular municipal election, and biennially thereafter. He shall receive such compensation and be required, before taking office, to subscribe to such oath of office and to give such bond as the Board may from time to time determine.

Sec. 2. Powers and Duties. The city attorney shall (1) serve as legal advisor to the Board of Aldermen, the city manager, and all city departments, officers and agencies; (2) represent as counsel the city, its officers, agents or employees in any legal action arising out of or connected with the proper functions of the city, its officers, agents or employees, unless disqualified to so act; (3) approve as to form all ordinances and resolutions, including initiated or referred ordinances, prior to their introduction; (4) exercise such other powers and perform generally such other duties as may be prescribed by the Board of Aldermen.

ARTICLE 9. TAX COLLECTOR

Section 1. Appointment; Term and Compensation. The city tax collector shall be appointed by the Board of Aldermen during the month of May after the regular municipal election, and biennially thereafter, from a list to be submitted by the city manager, and he shall receive such compensation and be required, before taking office, to subscribe to such oath of office and give such bond as the Board may from time to time determine.

Sec. 2. Powers and Duties. The city tax collector shall collect all taxes, license fees, assessments and other subjects of taxation due the city, and shall pay all money collected over to the city treasurer each day and receive a receipt therefor. He shall have such other powers, duties and responsibilities as may be placed upon his

office by the general laws of North Carolina, this Charter and as prescribed by the Board of Aldermen.

ARTICLE 10. POLICE

Section 1. Appointment; Term and Compensation. The chief of police and assistant chief shall be appointed by the Board of Aldermen during the month of May after the regular municipal election, and biennially thereafter, from a list to be submitted by the city manager, and they shall receive such compensation and be required, before taking office, to subscribe to such oath of office and give such bonds as the Board may from time to time determine.

Sec. 2. Powers and Duties. (a) The chief of police, acting under the city manager, shall have supervision and control of the police force and shall enforce discipline therein.

(b) The chief of police and each member of the police force shall have – for the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process – the powers of peace officers vested in sheriffs and constables. They shall have such other powers, duties and responsibilities as may be placed upon their office by the general laws of North Carolina, this Charter and as prescribed by the Board of Aldermen. Such powers may be exercised within the corporate limits of the city and one mile beyond, upon city real property wherever located and within the limits of the watershed of the city water supply.

(c) If in the exercise of any powers or in the performance of any duties herein or otherwise by law vested in or assigned to them, any police officer shall pursue and continually follow within Wayne County any person who has violated or believed to have violated any law, then in such circumstances, such officer shall have all of the powers and authority and be governed by the laws of North Carolina applicable to sheriffs and constables in their respective districts.

ARTICLE 11. FIRE DEPARTMENT

Section 1. Appointment; Term and Compensation. The fire chief and assistant chief shall be appointed by the Board of Aldermen during the month of May after the regular municipal election, and biennially thereafter, from a list to be submitted by the city manager, and they shall receive such compensation and be required, before taking office, to subscribe to such oath of office and give such bonds as the Board may from time to time determine.

Sec. 2. Powers and Duties. The chief of the fire department shall be responsible for the efficiency and discipline of the fire department. All orders shall pass through him and he shall see that the rules and regulations applicable to the department are carried out. The fire department shall protect the life and property of the people. The chief, in case of an emergency, may cause the blowing up or pulling down or destroying of any building, and no person shall be held civilly or criminally liable for acting in such cases in obedience to such order. The chief of the fire department and its other officers shall have full police powers during fires and are authorized to make arrests for interference with their operations. In the absence of the chief, the assistant chief shall

have the powers and duties of the chief. The fire department and its officers shall have such additional powers and duties as may be conferred upon them by general law and by ordinance or other direction of the Board of Aldermen consistent with such general law or this Charter.

ARTICLE 12. BUILDING AND OTHER INSPECTORS

Section 1. Appointment; Term and Compensation. A building inspector, and electrical inspector and such other inspectors as may be deemed necessary shall be appointed by the Board of Aldermen from time to time. They shall serve at the pleasure of the Board and shall have such powers and duties as are given them under the general law and as may be prescribed by ordinance or direction of the Board of Aldermen consistent with the general law. Their compensation shall be determined by the Board.

ARTICLE 13. COURTS

Section 1. Mayor's Court. The Mayor of the City of Goldsboro, and during his absence for any cause, the mayor pro tem is hereby continued and re-established as an inferior court to be known as the "Mayor's Court", and as such court, such mayor shall be a magistrate and conservator of the peace.

Sec. 2. Jurisdiction. Within the corporate limits of the city and within one mile thereof the Mayor's Court shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the State and the ordinances of the city, and shall have exclusive original jurisdiction as to all offenses arising from the violation of this Act or of any city ordinance or rule or regulation made by the Board of Aldermen in pursuance thereof.

Sec. 3. Appeals. Appeals from the Mayor's Court may be made by any persons dissatisfied with the judgment thereof as in cases of appeal from judgments rendered by a justice of the peace. In case of an appeal from a judgment involving the violation of a city ordinance or rule or regulation made pursuant thereto, the mayor shall, upon request of the person appealing, or the court to which the appeal is made, add to the record in the case a true copy of such ordinance or rule or regulation made pursuant thereto, along with his certificate under his hand and seal that the same was in force at the time of the alleged violation of the same.

Sec. 4. Powers Generally. Except as herein otherwise provided, the Mayor's Court shall be and is hereby vested with all of the powers and made subject to the provisions relating to Mayor's Courts contained in Chapter 160, Sections 13-15, of the General Statutes of North Carolina, as amended.

ARTICLE 14. TAXATION

Section 1. General Authority to Levy and Collect Taxes. To raise revenue for defraying expenses incident to the proper government of the city, the Board may annually levy and collect (1) an ad valorem tax on real and personal property (including intangible property not exempt from taxation) and on all other property subject to ad valorem tax; (2) a tax on all businesses, trades, professions, avocations and franchises carried on or enjoyed within the city; and (3) any other taxes permitted by general law.

Sec. 2. Levy; Collection and Payment of Ad Valorem Property Taxes. (a) Except as otherwise herein provided, ad valorem property taxes shall be imposed and collected in the manner provided by general law.

(b) Ad valorem property taxes shall become due and payable on the date provided by general law, and interest shall be charged for late payment in the amounts and during the periods provided by general law. In the discretion of the Board of Aldermen, discounts may or may not be allowed for prepayment of taxes, but if allowed, such discounts shall not be for any longer period or for any greater amounts than provided by general law, though they may be for shorter periods and for lesser amounts.

(c) The Board may make rules and regulations for the payment of the tax on any particular parcel or parcels of real estate or personal property listed in the name of any person, firm or corporation without requiring the payment of all of the taxes listed by such person, firm or corporation. The property upon which taxes are so paid shall be released or exempt from the lien of the unpaid portion of taxes.

(d) If for any reason the making out of tax statements is delayed so that persons cannot ascertain the full amount of their taxes in time to take advantage of the discounts herein provided for, the Board may revise the schedule of discounts and penalties, either or both, as in its judgment may be fair and proper, but the maximum discount or penalty thus fixed by the Board shall not exceed the maximum provided for by Subsection (b).

Sec. 3. Additional Remedies for Collection of Privilege License Taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the tax collector may employ the remedies of levy upon personal property, attachment and garnishment in the manner of and subject to the limitations provided in G. S. 105-385(c) through (g).

ARTICLE 15. INVESTMENT OF FUNDS

Section 1. Investment of Proceeds of the Sale of Bonds and Other Surplus Funds. (a) The Board of Aldermen or the mayor, the city manager and the treasurer acting jointly with authority granted by ordinance shall from time to time carefully analyze the amount of cash in the general fund of the city and in all special funds of the city credited to any special purpose, and all proceeds from the sale of bonds heretofore or hereafter issued by the city. When, in the opinion of the Board of Aldermen or the mayor, city manager and treasurer acting jointly, it is determined that the cash in any fund is in excess of the amount required to meet current needs, the Board or the mayor, manager and treasurer acting jointly, may deposit excess funds at interest with an official depository in the city upon terms authorized by applicable laws of the United States and the State of North Carolina, or invest in shares of any building and loan association organized and licensed under the laws of the State of North Carolina, or in shares of any Federal savings and loan association organized under the laws of the United States and having its principal office in this State; or invest excess funds in bonds or certificates of indebtedness or treasury bills of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United

States of America, when the payment of principal and interest thereon is fully guaranteed by the United States of America, or in bonds of the City of Goldsboro, North Carolina, or in certificates of deposit issued by banks or official depositories within the City of Goldsboro, North Carolina. No funds may be invested, however, in building and loan associations unless and until authorized by the Insurance Commissioner, or in case of shares of a Federal savings and loan association, unless and until authorized by an officer of the Federal Home Loan Bank.

(b) The funds shall be so invested that, in the judgment of the Board or of the mayor, manager and treasurer acting jointly, they may be readily converted into money as needed. Earnings from the investment of proceeds of sale of bonds may be applied to the payment of the interest or principal of the bonds from the sale of which the proceeds were derived or may be applied as increment to the proceeds. Earnings received on deposits and the income from investments, other than the investment of the proceeds from the sale of bonds, unless otherwise required by law, shall be paid into the city's general fund. Nothing in this Section shall be construed as permitting moneys realized from the investment of the proceeds of the sale of City of Goldsboro bonds to be used for any purpose other than the purpose for which the bonds were authorized.

(c) The Board of Aldermen or the mayor, manager and treasurer acting jointly, may make deposits in designated depositories to the extent that the depositories have qualified to receive such deposits under the law, and may purchase and sell the securities or investments hereinabove set out privately and without notice, but no such securities or investments shall be purchased at more than the market price thereof nor sold at less than the market price thereof. The city may pay all costs of every nature incident to the purchase and sale of securities.

(d) When the United States Government securities hereinabove mentioned are purchased and sold in New York City, New York, and it is not deemed practical to transport any or all of such securities from New York to Goldsboro and from Goldsboro to New York, the Board is authorized to name a bank or banks with which such securities may be left in a safekeeping account, either in the name of the city or in the name of a Goldsboro bank designated by the Board as a bank which may hold for the city such securities in its customer's account with a New York bank or banks likewise designated by the Board. No security shall be required for the protection of securities or investments thus held for safekeeping. No city officer or employee, including the officer or employees having charge or custody of city funds or the surety or sureties on any official bond, shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner hereinabove authorized.

ARTICLE 16. SALE AND DISPOSITION OF PROPERTY

Section 1. Sale of City Property. The Board of Aldermen may sell or exchange all city property, both real and personal, which in its opinion is not required for municipal purposes. All such sales or exchanges shall be subject to confirmation or rejection by the Board and shall be at public auction after advertisement as hereinafter described, except that where otherwise authorized and provided by general law such

sale or exchange may be made under the authority and provisions of such general law, and that as to the following such sale or exchange may be by private sale or otherwise, as the Board may determine to be for the best interest of the city.

(a) Cemetery Lots.

(b) Real or personal property where the value does not exceed the sum of one thousand dollars (\$1,000.00), or if jointly owned, where the value of the city's interest therein does not exceed such sum.

(c) Where the city is selling to or exchanging with any other governmental unit or the agency thereof within the United States.

(d) Where the property has been acquired for delinquent taxes and the sale is being made to the former owner.

Sec. 2. Resolution of Sale. The Board shall in the resolution ordering the sale or exchange of any property set forth the manner and terms of sale.

Sec. 3. Advertisement. Whenever advertisement is required for the sale or other disposition of city property, notice of such sale, describing the property to be sold, the time, place and terms of the sale, the amount of deposit required and other information deemed pertinent, shall be run once a week for four consecutive weeks preceding the sale in a newspaper having general circulation in the city and which is qualified to carry legal notices. A copy of such notice shall also be posted at the Wayne County Courthouse for 30 days preceding the sale,

Sec. 4. Lease of City Property. Any property owned by the city, whether originally acquired for governmental or other purposes, may be rented or leased by the Board for a term of not to exceed ten years if, in the opinion of the Board of Aldermen, the property will not be needed by the city for the period of the lease. A lease may be made privately by the Board or publicly after notice is given in such manner and for such length of time as prescribed by the Board. In any case, however, where the lessee enters into a binding obligation to erect upon property owned by the city improvements to cost not less than one hundred thousand dollars (\$100,000.00), the Board may rent or lease such property for a term not to exceed 40 years, and such lease may be made by the Board either privately or publicly and upon such terms as in the judgment of the Board will promote the best interest of the city.

Sec. 5. Releases and Quitclaims. (a) The City Manager is hereby authorized to execute releases of persons, firms and corporations because of damages to personal property belonging to the city when the full amount of damages to such property is ascertained and statement thereof has been furnished to the Manager by the City Attorney, and the amount of such release does not exceed five hundred dollars (\$500.00). In the event that a draft or check is presented to the city which constitutes a release, instead of a regular release form, the Manager may direct that such draft or check be handled as other payments to the city and, when approved by the Manager, it shall constitute a release to the extent stated on the draft or check.

(b) The city may quitclaim any rights it may have in property not needed for public purposes upon report by the City Attorney and City Manager and adoption of

a resolution by the Board of Aldermen, both finding that the property is not needed for public purposes, and that the city's interest has no readily ascertainable monetary value.

ARTICLE 17. PLANNING, ZONING AND BUILDING REGULATIONS

Section 1. Authority Within Corporate Limits. The Board of Aldermen may exercise within the corporate limits any planning, subdivision, zoning and building regulation powers (including plumbing, heating or electrical regulation powers) now or hereafter conferred by law upon cities and city governing bodies generally, or specifically conferred by law upon it or upon the City of Goldsboro.

Sec. 2. Extraterritorial Authority. (a) For the purpose of promoting the orderly growth, expansion and development of the City of Goldsboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals and general welfare of the citizens of such area, the Board of Aldermen is hereby authorized to exercise any planning, subdivision, zoning and building regulation powers (including plumbing, heating or electrical regulation powers) now or hereafter conferred upon the City of Goldsboro and vested in the Board by this Charter, the General Statutes or any other statute applicable to the City of Goldsboro, not only within the corporate limits of the city but also within the territory beyond the corporate limits, as now or hereafter fixed, for a distance of one mile in all directions. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, subdivision or building regulation powers (including plumbing, heating or electrical regulation powers) within the corporate limits of the city. Such powers shall include the power to adopt such ordinances and regulations as may be considered necessary or expedient by the Board to regulate, control and restrict:

- (1) The height, number of stories and size of buildings and other structures.
- (2) The percentage of a lot that may be occupied.
- (3) The size of yards, courts and other open spaces.
- (4) The density of population.
- (5) The location and use of buildings, structures, and land for trade, industry, residences or other purposes.
- (6) The installation of water and sewer lines.
- (7) The construction of buildings, including plumbing, heating and electrical installations.
- (8) The laying out, location and width of streets.
- (9) The names of streets, and the city may provide street name signs in the area.

(b) Before the Planning Board of the City of Goldsboro shall be authorized by the Board of Aldermen to study and prepare any zoning ordinance or any ordinance to repeal or amend any existing zoning ordinance which applies to any property beyond the corporate limits of the city and within one mile thereof in all directions, there shall be added to the Planning Board an equal number of members who reside in such territory outside the corporate limits of the city, such additional outside

members to be named by the Board of County Commissioners of Wayne County for such period as the Commissioners may deem proper. Such additional outside members shall serve from time to time during their term whenever the occasion arises under the terms of this Article. While serving in such capacity in matters pertaining to such outside territory, such outside additional members shall have equal voice right and privileges with the regularly appointed members who reside within the city.

(c) The governing body is further authorized in order to properly enforce the provisions of any planning or zoning ordinances that may be enacted affecting the area beyond the corporate limits as herein defined, to require, that prior to the beginning of any construction, reconstruction or alteration of any building or structure, that a permit be obtained therefor from the Building Inspector of the City of Goldsboro. The permit shall be issued by said Building Inspector if the proposed structure complies with such requirements as may have been adopted by the governing body of the city of Goldsboro for the area wherein the structure is to be situate. Permit and inspection fees shall be as provided by applicable ordinance.

Sec. 3. Authority to Require Installation of Certain Improvements Prior to Approval of Plats. (a) In connection with subdivision or platting controls, the Board of Aldermen may require the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage and other utility mains as a condition precedent to approval of the plat. The requirements may provide for tentative approval of the plat previous to such improvement and installation, but any such tentative approval shall not be entered on the plat. The requirements may provide that in lieu of completion of the work and installations prior to final approval of the plat, the Board may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the city the actual construction and installation of the improvements and utilities within a period specified by the Board and expressed in the bond. The city is empowered to enforce the bond by all appropriate legal and equitable remedies. Requirements adopted hereunder may be applied throughout the area over which the city is authorized by law to exercise platting or subdivision controls.

(b) The requirements may provide, in lieu of the completion prior to the final approval of a plat of such work and installation on land within the corporate limits of the city, for an assessment under this Charter or under Article 9, of Chapter 160, of the General Statutes or other statutory authorization whereby the city may do the work and make the installations at the cost of the owners of the property within the subdivision.

(c) No ordinance relating to zoning shall be enacted under the provisions of this Charter without a public hearing first being held.

ARTICLE 18. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

Section 1. Authority to Make Local Improvements. The Board of Aldermen shall have authority to make the local improvements described in this Charter, as in its discretion it may deem appropriate, with or without any petition so to do and to assess

the total cost against the abutting property. The procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

Sec. 2. Separate Proceedings Not Required. One or more local improvements may be made in a single proceeding, and assessments for one or more local improvements may be combined.

Sec. 3. Definitions. Certain words and phrases will be used with the following meanings with reference to local improvements, unless some other meaning is plainly intended.

(a) A "street" is the entire width between property lines of every way or place, of whatever nature, when any part thereof is dedicated or open to the use of the public as a matter of right for the purpose of vehicular or pedestrian traffic, and whether such portion devoted to traffic be divided by any railroad, or other utility right of way, parkway or in any other manner.

(b) A "sidewalk" is the part of a street which is used or to be used for pedestrian traffic.

(c) A "storm sewer" is a conduit above or below ground for the passage of storm water and may include a pumping station and outlet where deemed necessary and may also include the building of culverts over or the enclosing of streams where needed to carry off storm water.

(d) A "sanitary sewer" is an underground conduit for the passage of sewage and may include a pumping station and outlet.

(e) A "water main" is a pipe for the passage of city water for public hydrants and private and public use and consumption.

(f) A "lateral" is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, being either a sewer lateral or water lateral, but does not include a building connection, that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixture to be served.

(g) A "roadway" is the part of a street which is used or to be used for vehicular traffic.

(h) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Sec. 4. Improvements Described. The Board of Aldermen shall have authority to make the following local improvements:

(a) Roadway paving improvements, which include the grading, regrading, paving, repaving and widening of roadways, or the improvement thereof with any treatment designed to provide an improved wearing surface with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and, in any case where the improvement is made, if the Board so directs, it may include the construction or reconstruction of curbs, gutters, drains and sidewalks.

(b) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved roadways and sidewalks

torn up or damaged by the laying or construction of such mains, and, in any case where the improvement is made and the Board so directs, the laying of water laterals.

(c) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying where necessary of parts of roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and, in any case where the improvement is made and the Board so directs, the laying of sanitary sewer laterals.

(d) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and, in any case where the improvement is made and the Board so directs, the laying of storm sewer laterals.

(e) Sidewalk improvements, which include the grading, regrading, construction, reconstruction and repair of paved or other improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvements, and, in any case where the improvement is made, if the Board so directs, it may include the construction or reconstruction of curbs, gutters and drains, and the construction or reconstruction of all such portions of driveways as in the judgment of the Board ought to be laid in the street area.

(f) Grass plot improvements, which include the grading and planting of grass plots in a street.

Sec. 5. Water and Sewer Mains between Streets. Whenever the Board finds it in the public interest, and it will be more economical and the interest of the property owners will best be served by construction of either water or sanitary sewer mains, or both, between streets rather than in a street, they may be constructed between streets. The cost of the construction of such water or sewer mains and laterals shall be assessed according to the street frontage in the same manner and to the same extent that it would be assessed if the improvements were constructed in a street; provided that the city shall provide the rights of way for construction and maintenance of such mains at its own expense without assessing the cost thereof.

Sec. 6. Inclusion of More than One Improvement in Single Proceeding. (a) Any proceeding may include one or more local improvements on one or more streets, but all improvements included in one procedure shall be practically uniform in cost and kind. A proceeding may include improvements on only one side of a street.

(b) The proceeding may provide for making any one or more local improvements in or on a street or streets and for the assessment of the cost thereof, except the city's portion, wholly against the property abutting one side of such street or streets or otherwise against such abutting property as may be designated in the petition, if one, and if not in the resolution ordering the proceeding, in any of the following cases: (1) In any case where there is a park land or unimproved land abutting one side or a part of one side of a street; or (2) where the land abutting one side or a part of one side of a street is of such a nature or is devoted to such a purpose that a special assessment against it cannot be made, or, if made would probably exceed the value of the land assessed; or (3) where the owners of all the property to be assessed agree thereto.

Sec. 7. Resolution Ordering Improvements; Publication. (a) After the public hearing, if the Board determines to make the improvements proposed, it shall adopt a resolution which shall contain:

(1) If the improvements are to be made by petition, a finding by the Board as to the sufficiency of the petition, which finding shall be final and conclusive.

(2) If the improvements are to be made without petition, a finding by the Board of such facts as are required in order to authorize improvements without petition.

(3) A general description of the improvements to be made, and the designation of the street or streets or parts thereof where the work is to be done.

(4) If the improvements directed to be made includes the construction of water mains or sewers, and in order to provide the mains or sewers in the street or streets to be improved it is necessary to extend them beyond the limits of the street or streets, the resolution shall contain a provision for the necessary extension of such mains or sewers, and a further provision that the cost of such extension shall eventually be assessed against the lots or parcels of land abutting the street or streets in which such extensions are made, but that assessments shall not be made until such time as the Board shall thereafter determine by appropriate resolution.

(5) If the improvement directed to be made is the paving of a roadway or part thereof, or the construction of sidewalks, the resolution may, but need not, contain a direction that the owner of each lot abutting the part of the street to be improved connect his lot by means of laterals with water mains, gas or sewer pipes, or any one or more thereof, located in the street adjacent to his premises in accordance with the requirements governing the laying of laterals, and that unless the owners cause laterals to be laid on or before a date specified in the resolution, the date to be not less than 30 days after the date of the resolution, the Board will cause the same to be laid.

(6) A designation of the proportion of the cost of the improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid.

(b) The resolution after its passage shall be published at least once in some newspaper of general circulation in the city which is qualified to carry legal notices, or if there be no such newspaper, the resolution shall be posted in three public places in the city for at least five days, except that in any case where the Board directed that the notice should be served or mailed instead of being published, the resolution ordering the improvements need not be either published or posted.

Sec. 8. Details of Construction; Contracts for Construction. The Board shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary to be determined in making any local improvements and to determine whether any work to be done by the city shall be done by contract or by the city. The Board shall have power, also, unless otherwise limited, to determine the number of water, sewer and gas laterals that shall be laid to any lot on any street to be improved. If the work or any part thereof is to be done by contract, the Board may let all of the work in one contract, or it may divide it into several contracts and may let contracts separately.

Sec. 9. Determination as to Cost of Improvements. Upon completion of the improvements, the Board shall ascertain the total cost. In addition to other items of cost, there may be included therein the cost of all necessary legal services, the amount of interest paid during construction, the amount of damages paid or to be paid for injury to property by reason of any change of grade or drainage, including court costs and other expenses incidental to the determination of damages, and the cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for property damage, including the cost of moving or altering any building. The determination of the Board as to the total cost of any improvement shall be conclusive.

Sec. 10. Corner Lot Exemptions. The Board shall have authority to determine the amount and applicability of assessment exemptions for corner lots and to distinguish between different classifications of property uses. The exemptions for paving sidewalk and storm sewer improvements shall not exceed 60 feet and shall be limited to residential uses, and the exemptions for water mains and sanitary sewers shall not exceed 150 feet for residential uses and 100 feet for business uses. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 11. Preliminary Assessment Roll. The Board shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each lot, the name or names of the owner or owners of each lot as far as the same can be ascertained; provided that a map of the improvements on which is shown the frontage and location of each affected lot, together with the amount assessed against each lot and the name or names of the owner or owners thereof as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately. After the preliminary assessment roll has been completed, it shall be filed in the office of the City Clerk, and there shall be published in some newspaper of general circulation in the city which is qualified to carry legal notices, or if there be no such newspaper, the City Clerk shall cause to be posted in three public places in the city a notice of the completion of the assessment roll, setting forth a description in general terms of the improvements, the amount of each assessment and stating the time fixed for the meeting of the Board for the hearing of objections to the special assessments, such meeting to be not earlier than ten days after the first publication or from the date of posting of said notice. Any number of assessment rolls may be included in one notice. In any case where the preliminary notice was served or mailed instead of being published, this notice need not be published or posted but may be served or mailed. The serving or mailing of notices shall be completed not less than five days prior to the date fixed for the hearing of the assessment roll, and the return of the person serving or

mailing the same shall, in the absence of fraud, be conclusive that the same were served or mailed.

Sec. 12. Hearing; Revision; Confirmation; Lien. At the time appointed for that purpose or at some other time to which it may adjourn, the Board shall hear objections to the preliminary assessment roll of all persons interested who may appear and offer proof in relation thereto. Then or thereafter, the Board shall either annul or sustain or modify in whole or in part the assessment, either by confirming the preliminary assessment against any or all lots or parcels described thereon, or by cancelling, increasing or reducing the same. If any property is omitted from the preliminary roll, the Board may place it on the roll and levy the proper assessment. The Board may thereupon confirm the assessment roll. Whenever the governing body shall confirm assessments for local improvements, the City Clerk shall enter on the Board minutes and on the assessment roll the date, hour and minute of confirmation, and from the time of confirmation the assessments shall be a lien on the property assessed of the same nature and to the same extent as county and city taxes and shall be superior to all other liens and encumbrances. After the assessment roll is confirmed, a copy of the same shall be delivered to the City Tax Collector.

Sec. 13. Appeal to Superior Court. If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of the assessment, he may, within ten days after the confirmation of the assessment roll, give written notice to the Board that he takes an appeal to the Superior Court of Wayne County, in which case he shall within 20 days after the confirmation of the assessment roll serve on the mayor or City Clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested shall be exclusive.

Sec. 14. Power to Correct Error in Assessment. If it shall appear after confirmation of any assessment roll that an error has been made, the City Clerk shall cause to be published one time in some newspaper of general circulation in the city, or if there be no such newspaper, the City Clerk shall cause to be posted at three public places in the city a notice referring to the assessment roll in which the error was made, naming the owner or owners of the lot or parcel of land affected by the error if the same can be ascertained, and naming the time and place fixed for a hearing by the Board for the correction of the error, such meeting not to be earlier than ten days from the publication or from the date of the posting of the notice. At the time fixed in the notice or at some subsequent time to which the Board may adjourn, the Board, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct the error, and the assessment then made shall have the same force and effect as if it had originally been properly made. No notice and hearing shall be necessary if the correction does not increase an assessment against any property not owned by the city, or if all of the property owners affected by the correction waive notice in writing.

Sec. 15. Reassessment. The Board shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the improvements involved, all interest paid or accrued on notes or certificates of indebtedness or bonds issued by the city to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 16. Publication of Notice of Confirmation of Assessment Roll. After the expiration of 20 days from the confirmation of the assessment roll, the City Clerk shall cause to be published one time in some newspaper of general circulation in the city which is qualified to carry legal notices, or if there be no such newspaper, shall cause to be posted at three public places in the city a notice of confirmation of the assessment roll, and that assessments may be paid at any time before the expiration of 30 days from the date of publication or posting of the notice without interest from the date of confirmation of the assessment roll, but that if such assessment is not paid in full within said time, all installments thereof shall bear interest at the rate of six per cent per annum from the date of confirmation of the assessment roll.

Sec. 17. Payment of Assessments in Cash or by Installments. The property owner assessed shall have the option of paying for improvements in cash or in not less than two or more than five equal annual installments as may have been determined in the resolution ordering the improvements. If paid in installments, installments shall bear interest at the rate of six per cent per annum from the date of confirmation of the assessment roll. If any assessment is not paid in cash, the first installment with interest shall become due and payable 30 days after the publication or posting of the notice of confirmation, and one subsequent installment and interest shall be due and payable on the same day of the same month in each successive year until the assessment is paid in full; provided, however, that if the Board shall so direct installments shall become due and payable on the same date when property taxes of the city are due and payable. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

Sec. 18. Enforcement of Payment of Assessments. Upon the failure of any property owner to pay any installment when due and payable, all of the installments remaining unpaid shall immediately become due and payable, and property and rights of way may be sold by the city under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Unpaid assessments, interest and penalties owed by railroad companies and the State of North Carolina, its agencies or subdivisions, may be collected by writs of mandamus issued by the Superior Court of Wayne County. Collection of assessments with interest and penalties may also be made by the city by proceedings to foreclose the lien of

assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution, after default in the payment of any installment. The payment of said installment, together with interest and penalties due thereon and any advertising and legal costs already incurred, before the lot or parcel of land against which the same is a lien is sold or said lien is foreclosed, shall bar the right of the city to sell land or to foreclose the lien by reason of default.

Sec. 19. Assessment of Cost of Water Main and Sewer Extensions. If the resolution ordering the making of any improvement or improvements included a provision for any necessary extension of a water main or sewer or sewers beyond the limit of a street or streets, at such time after the completion of said extension or extensions, as in the judgment of the Board circumstances justify the assessment of the cost thereof, the Board shall cause a preliminary assessment to be made, and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed for other assessments.

Sec. 20. Apportionment of Assessments. In any case where one or more special assessments have been made, and property has been or is about to be subdivided, and it is desirable that the assessments be apportioned among the subdivisions of such property, the Board may, upon application by the owner or owners, apportion the assessments among the subdivisions. Thereafter, each subdivision shall be relieved of any part of the original assessment except the part apportioned to the subdivision, and the part of the original assessment apportioned to any subdivision shall be of the same force and effect as the original assessment.

Sec. 21. Change of Ownership. No change of ownership of any property or interest therein after the passage of a resolution ordering the making of a local improvement shall affect subsequent proceedings, and the improvement may be completed and assessments made therefor as if there had been no change in ownership.

Sec. 22. Lands Subject to Assessment. No lands in the city, including railroad company lands and rights of way and property of the State of North Carolina, its agencies or subdivisions, shall be exempt from special assessments except lands belonging to the United States which are exempt under the provisions of Federal Statutes, and the council and the officers, trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any local improvements.

Sec. 23. Proceedings in Rem. All proceedings for special assessments shall be proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded as a substantial mistake or omission.

Sec. 24. Grass Plot and Driveway Maintenance. It shall be the responsibility of the abutting property owner to maintain any grass plot or driveway between the property line and the curb of a paved street.

Sec. 25. Board May Hold in Abeyance Certain Water and Sewer Assessments. (a) The Board of Aldermen may provide by resolution that assessments levied against abutting lots or parcels of land for water main improvements or sanitary sewer improvements, when in its opinion such improvements may not presently be used by the owner or owners of the abutting lots or parcels of land, may be held in abeyance without the payment of any interest thereon until such time as the Board shall determine that any such assessments shall be paid in accordance with the terms set out in the confirming resolution. A part of the assessments levied for the improvements herein set out on a street or streets or portion thereof may be held in abeyance as herein provided without holding all of said assessments in abeyance.

(b) All statutes of limitations, and particularly the Statute of Limitations provided for in Chapter 331, Section 1, of Public Laws 1929 (G. S. 160-93), are hereby suspended during the time that any assessment is held in abeyance without the payment of interest as provided in Subsection (a). Such time shall not be a part of the time limited for the commencement of action for the enforcement of the payment of any such assessment, and such action may be brought at any time within ten years from the date of the adoption of a resolution by the Board determining that such assessment shall be paid in accordance with the original resolution confirming it.

(c) Nothing herein shall be construed to revive any right of action which has heretofore been barred by the Statute of Limitations.

Sec. 26. Abutting Property Outside City Limits. If any lots or parcels of land abutting any local improvements are located outside the city limits, the Board may continue and delay the levy of assessments against such property until the city limits are extended to include such property, or the Board may provide that no water or sewer service connections shall be made to such property, pending the annexation thereof, until all assessments thereon are paid. Upon annexation, if not paid prior thereto, the Board may levy assessments for such local improvements against such property, and the procedure therefor shall be the same as provided in this Charter. Nothing contained in this Section shall be construed to prohibit or restrict the Board of Aldermen and a property owner from entering into an agreement for payments in lieu of assessments.

ARTICLE 19. WATER, SEWER AND OTHER SERVICES

Section 1. Establishment; Operation. The Board of Aldermen shall have the power to acquire, provide, construct, establish, own, maintain and operate its own waterworks and sewer systems and any utility system such as light, gas, telephone, etc., and to furnish water, sewer, light or other services to the individuals, businesses and institutions within the city, and where the Board deems feasible, it may, but shall be under no obligation to, furnish such services to those outside the corporate limits. In no case, however, shall the city be liable to any person, firm or corporation within or without the city for damages because of failure to furnish a sufficient supply or particular quality of either water, sewer service or light or other service for any purpose, unless it has by express written contract agreed to do so.

Sec. 2. Acquisition of Property. The Board of Aldermen shall have full authority and power to acquire any property, real or personal, necessary or incidental to

its water, sewer, light and other service operations, whether such property be within or without the corporate limits, and the Board shall have the power to condemn such property for such use, whether it be within or without the corporate limits.

Sec. 3. Rules; Regulations. The Board of Aldermen shall have the power to determine the methods and the type facilities used in the various operations, and component parts of its water, sewer and utility system, and is expressly authorized, in its discretion, to use either mechanical, chemical or lagoon type sewerage disposal system or any combination thereof or substitute therefor. It may establish such rules and regulations in regard to the operation of, and establish and set such rates of charges for the use of, such facilities.

Sec. 4. Connection by Abutting Owners. The Board of Aldermen may require that within 30 days after a water main or sewer main is completed and made ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause the lot to be connected to the water main or sewer main.

Sec. 5. Animal Shelters. The Board of Aldermen may participate in the ownership, construction, operation and management of one or more animal shelters or dog pounds for the city or for the joint use of the city and Wayne County, under such terms as the two governing bodies may agree upon.

Sec. 6. Sale of Cemetery Lots. The City Manager may sell cemetery lots in the city cemeteries, subject to the rules and regulations adopted by the Board of Aldermen. All deeds or instruments conveying title to such lots shall be signed by the City Manager and attested by the City Clerk.

Sec. 7. Fire Protection; Power to Destroy Property. The Mayor or the City Manager or any two members of the Board of Aldermen may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders, nor shall the city, the Mayor, the City Manager or the Board of Aldermen be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

ARTICLE 20. ROADS AND STREETS

Section 1. Establishment of Proposed Street Lines. Whenever, in the opinion of the Board of Aldermen, it is for the best interest of the city that any street should be widened or extended, or both, or that a new street should be opened, the Board may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within which such street should be widened, extended or opened. If any street under the provision of such ordinance is to be widened, it need not be widened on both sides; and if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending or opening any street under the provisions of this Charter may not be adopted until the proposed ordinance is published in a newspaper of general circulation in the city and qualified to carry legal notices at least two times on separate days at least ten days before the passage of the ordinance, or if there be no such newspaper, posted in three public places

in the city. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the Board. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance.

Sec. 2. Notice to City Required Before Improvement. After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved or for any part of any existing building within said lines to be repaired or otherwise improved until the city shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided in this Charter. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the Board of Aldermen of the nature and estimated cost of such building, repairs or improvements. The Board shall then determine whether it will take the necessary steps to acquire said land prior to the construction of said building or the making of such repairs or improvements, and if it fails within 60 days from date of receipt of said notice to acquire, or to institute condemnation proceedings to acquire, said property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulations of the city or to make the repairs or improvements described in said notice.

Sec. 3. Failure to Give Notice Bars Recovery. If a person, firm or corporation builds upon any land included within proposed street lines or repairs or otherwise improves that part of any existing building within proposed street lines without giving the city an opportunity to acquire said land free from said improvements, as provided in the preceding Section the city shall not be required to pay for the value of the building, repairs or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said Section.

Sec. 4. Acquisition of Land. If, upon receiving any notice in compliance with Section 2, the Board of Aldermen determines to acquire said land immediately, it may acquire the same by grant, purchase or condemnation. In no case shall an effort to purchase said land be necessary to the institution of condemnation proceedings. If the Board determines to proceed by condemnation, the condemnation shall be as set forth in this Charter.

Sec. 5. Cost of Land Acquired for Street Widening to be Assessed as Part of Improvement. After any land has been purchased or condemned for the purpose of widening, extending or opening any street, and the land purchased or condemned lies within the limits of an improvement directed in said proceeding, then the amount paid by the city for the land purchased or condemned, together with the cost of the condemnation proceeding and interest on said amount paid and costs at the rate of six per cent per annum from the date of payment, shall be included in the cost of said improvement and shall be assessed as provided by law against the property to be assessed for the improvements.

Sec. 6. Exercise of Condemnation Power after Failure to Condemn Following Notice. The failure of the city to acquire any land within 60 days after receiving notice that the same is to be built upon or that a building thereon is to be repaired or otherwise

improved, or its failure within said time to institute proceedings to condemn the same, shall not limit the right of the city at any subsequent time to condemn the same; but in such case, the owner shall be entitled to compensation as now provided by law for the building, repairs or improvements made after the giving of the required notice and the failure of the city to acquire said land free of said improvements.

Sec. 7. Power to Close Streets. (a) The Board of Aldermen shall have the power to close any street or portion thereof that is now or may hereafter be opened or dedicated, either by the recording of a subdivision plat or otherwise. Upon receipt of a sufficient petition signed by the owners of a majority of the property abutting a street, requesting that it be closed, and after an investigation of the sufficiency of the petition by the City Attorney, the City Clerk shall publish a notice of a public hearing to be held by the Board, such publication to be once a week for four successive weeks in some newspaper of general circulation in the city which is qualified to carry legal notices, or if there be no such newspaper, by posting a notice at three public places in the city. Any individuals owning property abutting a street who do not join in the request for closing the street shall be notified by registered letter of the time and place of the public hearing. If it appears to the satisfaction of the Board of Aldermen that the closing of the street is not contrary to the public interest, and that no individual owning property in the vicinity of the street or in the subdivision in which it is located will thereby be deprived of reasonable means of ingress or egress to his property, the Board may order the closing of the street; provided that any person aggrieved may appeal within 30 days from the order of the Board to the Superior Court of Wayne County where the question shall be heard de novo. Upon such an appeal, the Superior Court shall have full jurisdiction to decide the matter upon the issues arising and to order the street closed upon proper finding of fact by a jury. A certified copy of the order of the Board (or the judgment of the Superior Court in the event of an appeal) shall be filed in the office of the Register of Deeds of Wayne County. Upon the closing of a street in accordance with the provisions of this Section, all right, title and interest in the portion of the street closed shall be conclusively presumed to be vested in the owners of the lots or parcels of land abutting the portion of the street closed, and the title of each of such owners shall, for the width of the abutting land owned by such persons, extend to the center of the street. Copies of the registered letters giving the notice required by this Section, and the return receipts or other good and sufficient evidence of the giving of the required notice, shall be recorded in the register of deeds' office, together with the resolution of the Board (or with the judgment of the Superior Court in cases where an appeal was taken). No final action shall be taken by the Board to close a street until the matter has been referred to the Goldsboro Planning Board for study and recommendations, but no public hearing shall be necessary before the Goldsboro Planning Board.

(b) The resolution ordering the closing of a street may provide for utility rights of way to be retained by the city or public utility company, if needed.

ARTICLE 21. EMINENT DOMAIN

Section 1. Condemnation; Authority and Procedure. If at any time the Board of Aldermen of the City of Goldsboro should need to purchase any land within or

without the city limits deemed necessary for a public use of the city, or for other purposes authorized by this Charter or other applicable law, and cannot agree with the owners of such land as to the compensation to be paid therefor, then the Board of Aldermen of the City of Goldsboro is hereby specifically authorized and empowered to, in the name of the city, condemn either the fee or an easement in any such land, whether the land be owned by any private person, firm or corporation, or whether it be owned by any railroad company, power company, telephone company, gas company or other quasi-public corporation, or whether the land be devoted to private or public use, and the proceedings for such condemnation and determination of the compensation to be paid shall be those prescribed in Article 2, of Chapter 40, of the General Statutes of North Carolina and all Acts amendatory thereto; provided that no easement or other interest in land owned or held by any railroad company, power company, telephone company, gas company or other public utility shall be taken by the City of Goldsboro by condemnation proceedings as above provided, unless, prior to such proceeding for such taking by condemnation, the City of Goldsboro shall apply to the North Carolina Utilities Commission for its approval of said taking, and unless, after hearing all parties in interest, the Utilities Commission shall find as facts and shall hold (1) that there is no other property reasonably available for the contemplated public use, and (2) that the property sought to be taken is not reasonably necessary to the performance of the function of the utility owning or holding such property; provided further that these provisions shall not be exclusive, but shall be in addition and alternative to any other authority provided by law.

ARTICLE 22. TAXICABS AND OTHER VEHICLES FOR HIRE

Section 1. Insurance; Maximum Amounts. The Board of Aldermen of the City of Goldsboro shall have the power to regulate generally the operation of all taxicabs and other vehicles for hire operating within the corporate limits of the city, and is hereby expressly authorized and empowered to require the owner of every such taxicab or other vehicle for hire to obtain and keep in force liability insurance covering each taxicab or other vehicle for hire so operating in such amount as the Board of Aldermen may deem proper, not to exceed the following limits:

- (a) Property damage \$ 5,000.00
- (b) Personal injury (any one person)..... 50,000.00
- (c) Personal injury (any one accident) 100,000.00

Proof of such insurance shall be filed with the City Clerk of the City of Goldsboro.

Sec. 2. Bond in Lieu of Insurance. Any owner may, in lieu of obtaining such liability insurance, post a bond with and satisfactory to the City Clerk and City Attorney of the City of Goldsboro, in such amount as would be required if an insurance policy was obtained.

Sec. 3. Forfeiture of Franchise License. Any owner of any taxicab or other vehicle for hire operating within the corporate limits without complying with the terms of any ordinance enacted by the Board of Aldermen under the authorization contained in this Article shall have his taxicab franchise license forfeited.

Sec. 4. Other Rules and Regulations. The Board of Aldermen may make such other rules and regulations as may be reasonably necessary to carry out the intent and purpose of this Article

ARTICLE 23. CLAIMS AGAINST THE CITY

Section 1. Presentation of Claims to Board of Aldermen. No action shall be instituted or maintained against the City of Goldsboro upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the Board of Aldermen, and the Board shall have declined to pay or settle the same as presented, or for 60 days after presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto. Nothing contained in this Article shall be construed to prevent any statute of limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running.

Sec. 2. Time for Presentation of Claims. (a) Except as otherwise provided in this Section, no action for damages of any character whatever, to either person or property, shall be instituted against the city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executor, administrator, guardian or next friend shall have given notice in writing to the Board of Aldermen of the injury, stating in the notice the date and place of the injury, the manner of infliction, the character of the injury and the amount of damage claimed.

(b) No action shall be instituted against the city on account of damages to or compensation for real property used or taken by the city for any public purpose of any kind unless, within two years after such alleged use, the owner, his executor, administrator, guardian or next friend shall have given notice in writing to the Board of Aldermen of the claim, the notice to set forth the date that the alleged use commenced, a description of the property alleged to have been used and the amount of damage or compensation claimed.

(c) Notwithstanding the provisions of Subsections (a) and (b), if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of the physical or mental incapacity; provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the physical or mental incapacity, or within three years after the happening or infliction of the injury complained of, whichever is the longer period. The city at any time may request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

Sec. 3. Settlement of Claims by City Manager. The City Manager may settle claims against the city for (1) personal injury or for damages to property when the

amount involved does not exceed the sum of two hundred dollars (\$200.00) and does not exceed the actual loss sustained, including loss of time, medical expenses and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at street intersections when the amount involved in any such settlement does not exceed the sum of two hundred dollars (\$200.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion or taking complained of. All such releases shall be subject to the approval of the City Attorney.

Sec. 2. The purpose of this Act is to revise, reorganize and amend the revised and consolidated Charter of the City of Goldsboro (Chapter 397 of the Private Laws of 1901, as amended), and to consolidate into it certain local Acts concerning the property, affairs and government of the city. Unless expressly indicated to the contrary herein, it is not the intention to repeal, but rather to re-enact with or without amendments, as the case may be, and to continue in force without interruption the provisions of said Charter and special Acts, so that all rights and liabilities that have accrued are preserved and may be enforced, and that any grants of power and authority to the City of Goldsboro therein contained shall still be in force and available to the City of Goldsboro, if by it deemed appropriate.

Sec. 3. No law heretofore repealed, expressly or by implication, shall be revived by:

- (a) The repeal herein of any Act repealing such law, or
- (b) Any provision of this Act that disclaims an intention to repeal or affect enumerated laws.

Sec. 4. (a) All existing city ordinances and resolutions, and all existing rules and regulations of city departments or agencies, not inconsistent with the provisions of this Act shall continue in full force and effect until repealed, modified or amended.

(b) All contracts, orders, leases, bonds and other obligations or instruments entered into by the city or for its benefits prior to the effective date of this Act shall continue in full force and effect. Public improvements initiated prior to such date may be carried to completion in accordance with existing laws or with the provisions of this Act.

(c) No action or proceeding of any nature (whether civil or criminal, judicial or administrative or otherwise) pending at the effective date of this Act by or against or before the city or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

(d) Nothing in this Act, except as otherwise specifically provided, shall impair the rights of those who are city officers or employees upon its effective date. All persons then holding city offices or positions shall continue therein and in the performance of their duties until provision shall have been made for the performance of such duties or the discontinuance of their offices or positions.

(e) Any office, position, department or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing shall be deemed to be a continuation thereof. Any provision of any law, ordinance, resolution, regulation, rule, contract, grant or other document relating to such a formerly existing office, position, department or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing, so far as not inconsistent with this Act, shall apply to those provided for in this Act.

(f) All extensions and purported extensions of the corporate limits of the City of Goldsboro are hereby declared to be valid.

(g) All proceedings of the Board of Aldermen of the City of Goldsboro relating to local improvements, all work carried out according to such proceedings and all assessments based thereon are hereby declared to be valid.

Sec. 5. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. General Repeal. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall become effective July 1, 1961.

In the General Assembly read three times and ratified, this the 17th day of May, 1961.