

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 67
HOUSE BILL 121

AN ACT TO CHANGE THE STYLE OF THE NAME OF THE TOWN OF
GRAHAM IN ALAMANCE COUNTY TO THE CITY OF GRAHAM AND TO
PROVIDE A CONSOLIDATED AND REVISED CHARTER THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The official style of the name of the Town of Graham is hereby changed to the City of Graham.

Sec. 2. The revised and consolidated Charter of the City of Graham shall read as follows:

"CHAPTER I. INCORPORATION AND BOUNDARIES

"Section 1. Body Politic and Corporate; Corporate Powers and Their Exercise. The inhabitants of the City of Graham shall continue to be a body politic and corporate by the name of 'City of Graham', and under that name continue to be vested with all property and rights of property which now belong to the corporation; shall have perpetual succession; may adopt a corporate seal; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold or in any manner acquired by it, and may hold, invest or sell same as its interests may require; and shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. All powers, functions, rights, privileges and immunities as enumerated by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise thereof, it is intended that the City of Graham shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Section 2. Form of Government. The form of government for the City of Graham shall be the council-manager form of government known as 'Plan D', as prescribed in Part 4, Article 22, Chapter 160 of the General Statutes of North Carolina, except as otherwise provided by this Charter.

"Section 3. Corporate Boundaries. The corporate boundaries of the city shall be as follows until changed as provided by law. BEGINNING at a monument, the same being the northwest corner of the corporate limits of the City of Graham, and with the northern margin of the Southern Railroad line and the corporate limits of the City of Burlington; thence South 67 degrees 20 minutes East 1499.4 feet to a point in the

western margin of Washington Street (Graham-Hopedale Road); thence North 0 degrees 02 minutes West 290 feet to a point in the western margin of Washington Street (Graham-Hopedale Road); thence South 67 degrees 20 minutes East 833.9 feet to a point; thence North 0 degrees 34 minutes East 863.1 feet to a point in the center of the pavement of Hanover Road; running thence again with the Burlington Corporation line along the center of Hanover Road, South 78 degrees 44 minutes East 79.58 feet to a nail in the center of the pavement; running thence again with the Burlington Corporation line, North 19 degrees 12 minutes East 252.4 feet to an iron stake 250 feet North of the center of Hanover Road; running the following courses and distance along a line 250 feet North of the center of the pavement of Hanover Road; South 78 degrees 44 minutes East 1582 feet to an iron stake; running thence a curve line to the left on a 6 degree curve, 414 feet to a stake; running thence North 80 degrees 32 minutes East 1600 feet to an iron stake; running thence North 79 degrees 52 minutes East 1600 feet to a stake; running thence North 80 degrees 57 minutes East 542 feet to a stake; running thence on a curve line to the right on a 5 degree curve, 446 feet to a stake; running thence South 77 degrees 15 minutes East 180 feet; thence South 84 degrees 09 minutes East 50 feet; thence South 89 degrees 45 minutes East 100 feet; thence a curve line to the left on a 6 degree curve 225 feet to a stake; thence North 72 degrees 19 minutes East 300 feet to a stake; thence North 70 degrees 24 minutes East 85 feet; thence North 65 degrees 14 minutes East 52 feet; thence North 59 degrees 15 minutes East 125 feet to an iron stake in R. M. Bueschel's line at the Haw River Sanitary District line; thence with the said Haw River District line as follows: South 15 degrees 07 minutes East 266 feet to an iron stake in the pavement (iron stake on this line 32 feet from the corner in the pavement); running thence again with the said district line North 49 degrees 53 minutes East 208 feet to an iron stake in pavement; thence again with the said district line, North 40 degrees 23 minutes East 108.05 feet to an iron stake in the pavement; thence again with the district line, North 82 degrees 38 minutes East 161.2 feet to an iron stake and rock; thence again with the district line, North 82 degrees 08 minutes East 58.4 feet to an iron stake; thence again with the district line, South 26 degrees 02 minutes East 355 feet to an iron stake located North 26 degrees 02 minutes West 103.4 feet from the center of the main track of the North Carolina Railroad; also being a new corner in the Haw River Sanitary District line; running thence along the right of way of the North Carolina Railroad which is 100 feet northerly and parallel with the railroad track as follows: running thence on a curve line to the left on a 3 degree curve, 440 feet; thence South 39 degrees 41 minutes West 200 feet; thence on a curve line to the right on a 3 degree 15 minute curve 1033 feet; running thence South 75 degrees 58 minutes West 200 feet; thence South 76 degrees 46 minutes West 332 feet to an iron stake being North 102.8 feet from a bolt in "X" tie at the center of the railroad track; thence South 0 degrees 3364.8 feet to a point in the southern margin of Town Branch Road; thence North 87 degrees 32 minutes East 332.64 feet; thence South 02 degrees 27 minutes East 30.03 feet; thence North 87 degrees 32 minutes East 204.6 feet; thence South 77 degrees 18 minutes East 727.55 feet to a stone and corner in the Graham Corporate limits line; thence South 02 degrees 27 minutes West 2621.47 feet to an iron pipe and corner in the

Graham Corporate limits line; thence North 89 degrees 29 minutes West 713.73 feet to a point in the center line of creek; thence with the center line of the creek as it meanders in a westerly direction North 40 degrees 35 minutes West 330 feet; thence North 60 degrees 35 minutes East 259.38 feet; thence North 26 degrees 35 minutes West 159.72 feet; thence North 61 degrees 35 minutes West 37.62 feet; thence North 14 degrees 35 minutes West 189.42 feet; thence North 84 degrees 35 minutes West 193.38 feet; thence North 61 degrees 05 minutes West 639.6 feet; thence North 76 degrees 05 minutes West 225 feet to a point and corner in the creek; thence South 18 degrees 15 minutes West 360 feet to a point and corner in the northern margin of N. C. 54 (East Harden Street); thence with the North margin of N. C. 54 East Harden Street South 40 degrees East 1624.5 feet to an iron stake in the northern margin of this same street and N. C. highway; thence South 6 degrees 45 minutes West 168.4 feet to a monument; thence South 7 degrees 20 minutes West 132.3 feet to an iron stake in Branch; thence South 73 degrees West 318 feet to a point; thence South 3 degrees 42 minutes West 389.7 feet to a point and corner in the right of way line of U. S. 70 Highway; thence with a degree of curve plus 1 degree 32.34 minutes and L equals 667.5 feet to an iron stake; thence North 81 degrees 27 minutes West 298.3 feet to an iron stake; thence South 81 degrees 37 minutes West 1686 feet to a stake and corner in the northern margin of U. S. 70 Highway; thence South 1 degree 33 minutes East 3567.7 feet to an iron stake and corner; thence South 70 degrees 30 minutes West 1392.8 feet to a point and corner in the eastern margin of N. C. 87 (South Main Street); thence South 33 degrees 07 minutes West 140.7 feet; thence South 39 degrees 18 minutes East 130 feet to an iron stake in the eastern margin of N. C. 87 (South Main Street); thence South 44 degrees 30 minutes West 836.5 feet to an iron stake; thence South 42 degrees 20 minutes West 169 feet to an iron stake and corner; thence North 74 degrees 19 minutes West 250 feet to an iron stake in the eastern margin of Rogers Road; thence along this same line 60 feet to an iron stake in the western margin of Rogers Road; thence South 79 degrees West 250 feet to an iron stake and corner; thence North 35 degrees 14 minutes West 431.8 feet to an iron stake; thence North 43 degrees 38 minutes West 330 feet to an iron stake; thence North 50 degrees 06 minutes West 474.3 feet to an iron stake; thence North 55 degrees 06 minutes West 300 feet to an iron stake; thence North 59 degrees 31 minutes West 254.8 feet to an iron stake; thence North 65 degrees 35 minutes West 200 feet to an iron stake; thence North 64 degrees 33 minutes West 306.5 feet to an iron stake in the center line of Hanford Road; thence North 40 degrees 28 minutes West 30 feet to an iron stake in the western margin of Hanford Road; thence North 40 degrees 28 minutes West 250.6 feet to an iron stake and corner; thence North 49 degrees 25 minutes East 1117.9 feet to an iron stake; thence North 24 degrees 55 minutes East 1025.9 feet to an iron stake; thence North 46 degrees 51 minutes East 1441.3 feet to an iron stake; thence North 4 degrees 34 minutes East 583 feet to a point and corner in the northern margin of U. S. 70 Highway; thence with the northern margin of U. S. 70 Highway North 82 degrees 11 minutes West 596.89 feet (being a curve with radius equal to 3689.83 feet); thence North 75 degrees 45 minutes West 3054.50 feet to an iron; thence North 79 degrees 02 minutes West 671.16 feet to a point in the center line of Boyd Creek (being a

curve with radius equal to 5839.65 feet); thence along the center line of Boyd Creek as it meanders, and in a northerly direction North 1 degree 50 minutes East 11.70 feet; thence North 31 degrees 12 minutes West 165.25 feet; thence North 78 degrees 08 minutes West 130.65 feet; thence North 20 degrees 08 minutes West 67 feet; thence North 39 degrees 17 minutes West 236.72 feet; thence North 6 degrees 02 minutes West 127.42 feet; thence North 33 degrees 06 minutes West 114.50 feet; thence North 10 degrees 35 minutes West 185.91 feet; thence North 63 degrees 44 minutes East 197.70 feet; thence North 0 degrees 54 minutes East 600.06 feet; thence North 39 degrees 23 minutes East 197.16 feet; thence North 6 degrees 54 minutes West 101.52 feet; thence North 42 degrees 50 minutes East 96.67 feet; thence North 7 degrees 43 minutes East 63.26 feet; thence North 10 degrees 31 minutes East 75.10 feet; thence North 77 degrees 26 minutes East 49.25 feet; thence North 43 degrees 25 minutes East 193.63 feet; thence North 22 degrees 17 minutes East 202.63 feet; thence North 10 degrees 27 minutes East 236.90 feet; thence North 35 degrees 22 minutes West 264.03 feet; thence North 14 degrees 51 minutes West 155.17 feet; thence North 3 degrees 18 minutes East 218.85 feet to a point in the center line of Albany Street; thence with Albany Street South 89 degrees 41 minutes East 478.32 feet to a point and corner in the Graham and Burlington Corporation line; thence North 0 degrees 05 minutes West 791.50 feet to a point in the center line of West Elm Street; thence North 0 degrees 02 minutes West 3715 feet to point of BEGINNING.

"CHAPTER II. LEGISLATIVE

"Section 1. Governing Body. The government of the city and the general management and control of all its affairs shall be vested in a city council, which shall be elected and shall exercise its powers in the manner hereinafter provided, except that the city manager shall have the authority hereinafter specified.

"Section 2. Number and Election of City Council. The city council shall consist of five members who shall be elected at large by and from the qualified voters of the city for a term of four years and until their successors are elected and qualified: Provided, however, that at the regular municipal election in 1961, the two candidates for office of councilman receiving the highest number of votes shall serve for a term of four years and the third candidate elected to the office of councilman shall serve for a term of two years, and from thereafter at regular municipal elections the two candidates for councilman receiving the highest number of votes shall serve for a term of four years and the third candidate elected to the office of councilman shall serve for a term of two years.

"Section 3. Powers and Organization of City Council. All of the legislative powers of the city shall be vested in the city council. The city council elected as foresaid shall meet at ten o'clock in the forenoon on Thursday after the first Monday in May following the municipal election, and the members of the city council whose terms of office then begin shall severally make oath before the city clerk or justice of the peace to perform faithfully the duties of their respective offices. Thereupon the mayor shall be elected by the council from among its own members, and shall hold office as mayor for a term of two years and until his successor is duly elected and qualified, and a mayor pro tem

shall be elected by the council from among its own members, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as foresaid, notwithstanding the absence, death, refusal to serve, or nonelection of one or more of the members: Provided, that at least three of the persons entitled to be members of the city council are present and make oath as foresaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

"Section 4. Meetings Regulated. The city council shall fix suitable times for its regular meetings. The mayor, mayor pro tem, of the city council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by a person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

"Section 5. Quorum and Conduct of Business. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor pro tem of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be ex officio clerk of the city council, and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the city council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the city council until a city clerk is chosen and qualified. On request of one member, the vote shall be by yeas and nays, and shall be entered upon the records. Three affirmative votes at least shall be necessary for the passage of any order, ordinance, resolution or vote.

"Section 6. Vacancies in Council. Vacancies in the city council shall be filled by the council for the remainder of the unexpired term.

"Section 7. Election of Mayor. The mayor shall be elected by the city council from among its own members, and shall hold office as mayor for a term of two years and until his successor is duly elected and qualified. In case of a vacancy in the office of mayor, the remaining members of the council shall choose from their own number his successor for the unexpired term.

"Section 8. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine at its organizational meeting as hereinbefore provided, not exceeding eighteen hundred dollars (\$1800.00) a year, and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected. The council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members not exceeding six hundred dollars (\$600.00) a year for each. Such salary may be reduced, but no increase therein shall be made to take effect during the fiscal year in which the increase is voted.

"CHAPTER III. ELECTIONS

"All elections of municipal officials held in the City of Graham shall be held in accordance with the following provisions.

"Article I. Election of City Officials

"Section 1. Time for Holding Election. The regular election for choice of members of the City Council of the City of Graham shall be held on Tuesday after the first Monday in May, biennially and in odd-numbered years.

"Section 2. Filing as a Candidate. Any qualified elector of the City of Graham may file as a candidate for the office of councilman by filing not earlier than sixty (60) days nor later than ten (10) days before the date of the election and with said filing shall pay a filing fee of five dollars (\$5.00). Any candidate for said office shall file a formal notice of candidacy with the city clerk and pay the required filing fee with said notice, which said notice shall be substantially in the following form:

I _____ hereby give notice that I am a candidate for election to the office of _____ to be voted on at the election to be held on _____, and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the City of _____, residing at _____ in said city.

Candidate

Date

Witness:

_____.

"Article II. Election Officials

"Section 1. Appointment of Registrars. The city council shall appoint at least thirty (30) days prior to any city election one registrar for each precinct, who shall act as registrar of voters for such precinct. Persons appointed as registrars must be of good character, able to read and write, and residents of the precincts for which they are appointed and qualified voters of the City of Graham. Registrars' terms of office shall continue for two years from time of appointment or until their successors are appointed and qualified. Before entering upon discharge of their duties, registrars shall take the oath hereinafter prescribed.

"Section 2. Judges of Elections. The city council shall, at least thirty (30) days before any city election, appoint two judges for each polling place or precinct, who shall be of different political parties where possible, and shall be men of good character, able to read and write and who, before entering upon the discharge of their duties, shall take the oath hereinafter prescribed.

"Section 3. Assistants to Registrars and Judges. The registrars or the city clerk may appoint at any time prior to a city election such additional persons as authorized by the city council to assist the registrars and judges of elections in the conduct of the election

at their respective polling places, and who shall be subject to the same requirements and qualifications hereinbefore mentioned.

"Section 4. Names of Precinct Officers Published; Notifications; Vacancies. The city council shall, immediately after appointment of the registrars and judges of elections as herein provided, publish the names of the persons so appointed, and the time of the election, at the City Hall, and shall notify each person appointed of his or her appointment, either by letter or by having notice served upon such persons by a police officer.

"Section 5. Oath of Registrars and Judges or Assistant to Judges and Registrars. Before entering upon the duties of his office, each registrar, judge or any person assisting said registrars or judges of election shall take the following oath to be administered by the city clerk, or by the registrar to the two judges and by one of them to the registrar: 'I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this municipality or State, so help me God.'

"Section 6. Removal of Precinct Officers; Vacancies in Precinct Offices. Precinct officers may be removed by the city council at any time for good cause, or if for any reason a vacancy in said office shall occur, the city council may appoint a qualified person to fill such vacancy; provided, however, if any such person appointed fails to attend at the polls at the hour of opening the same, the registrar or judges present shall appoint a suitable person to fill the vacancy.

"Section 7. Compensation of Registrars, Judges and Assistants. a. New Registrations. The registrar shall receive three cents (3¢) for each name registered in new registrations when ordered, and thereafter in the revision of registration books the registrar shall receive one cent (1¢) for each name copied from the original registration book; provided that the city council may pay the registrar such additional compensation as they deem just and fair and the same shall be fixed by ordinance.

"b. Precinct Officers. Judges of elections and assistants shall each receive for their services on the day of the election the sum of ten dollars (\$10.00). The registrar shall receive the sum of fifteen dollars (\$15.00) for his services on the day of the election and fifteen dollars (\$15.00) for his services for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters. The city council may fix by ordinance such additional compensation for services of precinct election officials on other days during the registration period that it deems reasonable.

"Article III. Registration of Voters

"Section 1. Registration System. The registration of qualified voters of the City of Graham shall be made and kept upon such forms as shall be prescribed by the city council and shall contain all information necessary to show qualifications of the registered voter and such other information as the city council may require.

"Section 2. Duty of City Council. It shall be the duty of the governing body of the City of Graham to cause a registration to be made of all the qualified voters residing therein, under the rules and regulations prescribed for the registration of voters for general elections.

"Section 3. Ordering New Registration. The city council, in its discretion, may upon adoption of an appropriate Resolution, order a new registration of all voters within the municipality. Unless a new registration is ordered, the election shall be held under the existing registration.

"Section 4. Notice and Time of New Registration. In the event a new registration is ordered, the city council, prior to the opening of the registration books, shall give thirty (30) days' notice thereof by advertisement in some newspaper, if there be one published in the city, and if there be none so published, then the required notice shall be posted in three public places in the city. The notice shall state the dates, hours, places of registration, and the qualifications required for registration. The registration books shall be opened for the new registration of voters at nine o'clock a. m. on the fourth Saturday before the election. The said books shall be closed at five o'clock p. m. on the second Saturday before the election. In all other respects, new registration and challenges shall be conducted in accordance with the provisions hereinafter provided.

"Section 5. Registration Books Furnished Each Registrar; Revision of Registration Books. The city council shall cause to be furnished to each registrar registration books showing the registered voters of his precinct. It shall be the duty of the registrar to revise the registration book of his precinct in such a manner that said books shall show an accurate list of the electors previously registered in such precinct and still residing therein, without requiring such electors to register anew.

"Section 6. Time and Place of Registration. The registration books shall be opened for the registration of voters at nine o'clock a. m. on the third Saturday before each election. The said books shall be closed for registration at five o'clock p. m. on the second Saturday before each election. Each registrar shall keep open the registration books between the hours of nine o'clock a. m. and five o'clock p. m. on each day of the registration period except Sunday at his home unless, in his discretion, he chooses a more suitable location within the precinct for registration of voters: Provided, that said books shall be open at the polling place of his precinct until five o'clock p. m. of each Saturday during such registration period. The registration shall be for the purpose of registering any new electors residing in the precinct and entitled to register, whose names have never before been registered in the precinct.

"Section 7. Registration on Election Day. No registration shall be allowed on the day of the election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one (21) years or otherwise has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

"Section 8. Qualifications for Registration and Voting. Any person who is twenty-one (21) years of age on the date of election and who shall have resided in the State of North Carolina for one year, and in the City of Graham for thirty (30) days next

preceding an election and is not an idiot or lunatic, shall be permitted to register and vote: Provided, no person who has been convicted or confessed their guilt in an open court, upon indictment, of any crime punishable by confinement in the State or federal penitentiary shall register and vote unless having been restored to citizenship in the manner prescribed by law. Every person presenting himself for registration shall be able to read and write any Section of the North Carolina Constitution in the English language.

"Section 9. Oath upon Registration. Any person who desires to register as a voter for any municipal election must take the following oath to be administered by the registrar of the precinct in which being registered: 'I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for one year; _____, the City of Graham for thirty (30) days; that I am twenty-one (21) years of age; that I have not registered for this election in any other precinct; so help me God.'

"Section 10. Transfer of Registration. If the applicant for registration has moved from another precinct within the corporate limits since his last registration, such person, before being allowed to register must fill out and sign a printed transfer certificate, notifying the registrar of the precinct from which the applicant has removed of the removal of said applicant from the former precinct and authorizing said registrar to remove his or her name from the old precinct registration book. The transfer certificates shall be in substantially the following form:

'Date _____, 19____
I, _____, hereby certify that I have moved
my
 (print name plainly)
residence from Precinct _____ in which I am now a registered voter to
_____ in Precinct _____, and request that
 (present address)
my registration be transferred to the precinct of my new residence.

(Signature of Registered Voter)

Witness:

Register of Ward _____, City Clerk.'

"Application for transfer of registration may be received and processed by the city clerk when registrar of precinct is not available.

"Section 11. Challenges. The Saturday preceding the election is Challenge Day. The books shall be open at the polling place from nine o'clock a. m. to three o'clock p. m. at the polling place for the inspection of the electors to permit any elector to challenge the name of any person appearing on the books. When a person is challenged, the registrar shall enter upon the registration books opposite the name of the person objected to the word "challenged", and the registrar shall appoint a time and place on or before Monday

immediately preceding the election day, when he, together with the judges and the registrar of the election for that precinct, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient notice to leave a copy of the notice at his residence. If any person so challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

"Section 12. Disposition of Registration Books. Immediately after any election, the registrars shall deposit the registration books for their respective precincts with the city clerk.

"Article IV. Preparation for Election

"Section 1. Ballots, Printing, Delivery, Accounting For, Etc. The city clerk shall cause to be printed by at least nine (9) days prior to the election the official ballots for the election, which shall contain the names of all candidates for election to each office who have filed as hereinbefore provided or the questions or propositions to be voted upon. The ballots shall be authenticated with a facsimile of the city clerk's signature.

"The city clerk shall cause to be delivered to the registrar for each precinct at least one (1) day before the election ballots equal to at least the number of registered voters in that precinct. The ballots shall be packaged, and each package shall have written or stamped thereon the number of ballots contained in each package. The registrars shall not open or unpack the ballots until the election day. Each registrar is responsible for safeguarding the ballots he receives until election day. The city clerk shall obtain a receipt for the ballots delivered from each registrar.

"When the election is completed, each registrar shall return to the city clerk all used and unused ballots, and shall render a full and proper accounting of the ballots over his signature showing the number used, number spoiled, number of unused ballots, etc. When all the ballots have been counted, registrars will replace said ballots in their respective official ballot boxes, lock the same, and deliver them to the city clerk.

"Section 2. Notice of Election. The city council shall cause to be published a notice of the election at least thirty (30) days preceding the date of the election in a newspaper of general circulation in the City of Graham or by posting said notice at the City Hall and four other public places in the city. Such notice shall set forth the purpose of the election, date and hours of the election, location of polling places, time and place of registration and the names of the registrars. The requirements provided herein shall also apply to notice of special elections.

"Section 3. Establishment of Precincts and Polling Places. The city council shall have power to establish or re-define election precincts, and shall establish one polling place in each election precinct. In the case of alteration of the election precincts or polling places therein, the city council shall give twenty (20) days notice thereof, prior to the beginning of the registration in some newspaper published in the municipality, or if no newspaper is so published, the required notice shall be posted in three public places in the city. The notice shall set forth the boundaries of the affected precinct and name the location of the polling place, or places.

"Article V. Conducting Election

"Section 1. Opening and Closing of Polls. The polls shall be open on the day of election from six-thirty o'clock a. m. until six-thirty o'clock p. m. Eastern Standard Time, and no longer; each person whose name may be registered as hereinbefore provided shall be entitled to vote. Election officials shall meet at the polling place at least thirty (30) minutes before the time set for opening of the polls, take the oath supplied, and prepare the polling place for an orderly and legal election.

"Section 2. Voting. As each voter shall enter the polling place, the registrar shall obtain his name and determine from the registration book whether or not he is duly registered. The registrar, if he finds the voter is duly registered, shall announce the name, and one of the judges shall list his name in the poll book, and the other judge shall provide him with a proper ballot. After the voter has marked his ballot, he then places it in the official ballot box. If he defaces the ballot, he should return it to the judge, where it will be placed in the spoiled ballot box, and voter will be furnished another ballot.

"Section 3. Assistance to Voters. Only persons physically unable to cast their ballots are entitled to assistance. Such persons shall be assisted by a near relative or by another person designated by them.

"Section 4. Absentee Ballots. Absentee ballots shall not be permitted in any municipal election.

"Article VI. Determination of Election Results

"Section 1. Counting Ballots. Promptly at six-thirty o'clock p. m. on election day, one of the judges shall declare the polls closed and the registrar and judges shall proceed immediately thereafter to open the boxes and count the ballots cast at their polling place by reading aloud the names of the persons who shall appear on each ballot; and the tallyman shall tally the same directly on tally sheets. Disputed ballots shall not be counted. When the counting is complete, the results shall be reduced to writing and certified to over the signatures of the registrar and the judges of the election for that precinct.

"Section 2. Board of Canvassers. The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct, and the members of the board of canvassers who shall have been so appointed shall attend the meeting of the board of canvassers, and shall constitute the board of city canvassers for such election, and a majority of them shall constitute a quorum. If there is only one voting precinct, the judges of election shall, at the close of the election, declare the result thereof.

"Section 3. Meeting of the Board of Canvassers. The board of canvassers shall meet on the next day after the election at twelve o'clock noon at the City Hall.

"Section 4. Board Determines Result; Tie Vote. The board of canvassers shall, at their meeting, judicially determine the result, and shall make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and

shall sign the same. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath; and in a case of a tie between two opposing candidates, the result shall be determined by lot.

The board shall certify the results of the election over their signatures to the city council and the results thereon shall be incorporated into the minutes of the city council.

"Candidates who receive the highest vote for each different office shall be elected to that office.

"Article VII. Miscellaneous Provisions

"Section 1. Application of General Law. In all other respects all elections held in the City of Graham shall be conducted as prescribed by law for the election of members of the General Assembly.

"CHAPTER IV. GENERAL ADMINISTRATION

"Section 1. City Manager Appointed. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. 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 city council, and shall receive such compensation as it shall fix by ordinance.

"Section 2. Power and Duties of Manager. The city manager shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city except that the city clerk and treasurer and city attorney shall be appointed as hereinafter provided.

"Section 3. Appointment and Removal of Officers. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

"Section 4. Control of Officers and Employees. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

"Section 5. City Clerk and Treasurer. The city clerk and treasurer may be appointed by the city council and shall not be a member of said council, who shall hold office for one year or until his successor is duly elected and qualified, He shall act as secretary to the city council and as treasurer of the city, and before entering upon the discharge of his duties as such shall be required to give a bond with good and sufficient sureties, in such sum as the city council may see fit, conditioned upon the faithful discharge of his

duties as clerk to the city council, and the faithful accounting for and paying over to the proper authorities of all moneys that may come into his hands as treasurer of said city.

"Section 6. Appointment of City Attorney. The city attorney shall be appointed by the council. He shall hold office during the pleasure of the city council. It shall be the duty of the city attorney to handle all city litigation; to advise the council and other city officials, to attend council meetings and to prepare such legal documents as may be required by the City of Graham. Compensation of the city attorney shall be fixed by the city council.

"Section 7. Powers and Duties: Chief of Police and Policemen.

"a. Under the direction of the city manager, the chief of police shall be responsible for 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 the powers of peace officers as vested by law in sheriffs. Such powers shall be exercised within the corporate limits of the city and one-half mile in all directions beyond the corporate limits of said city 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.

"CHAPTER V. MISCELLANEOUS PROVISIONS

"Section 1. Library Appropriation Authorized. It shall be lawful for the City Council of the City of Graham to contribute an annual sum of money not to exceed four thousand dollars (\$4,000.00) each year from the general funds of the City of Graham to the Graham Public Library, a public library located within the City of Graham, to be applied to the general operating expenses of such library.

"Section 2. Courts.

"a. Municipal Recorder's Court. The city council shall establish and continuously maintain a municipal recorder's court within the City of Graham in accordance with the provisions of Article 24, Chapter 7 of the General Statutes of North Carolina, except as otherwise provided herein.

"b. Election of Recorder. When a Recorder's Court for the City of Graham is established under the provisions of this Article some suitable person, who shall be a bona fide resident of the City of Graham, shall be elected by the City Council of the City of Graham as recorder of said court, to serve for a term of two years and until his successor is appointed and qualified, and the said City Council of the City of Graham shall have full power and authority to select and elect the said recorder, and each succeeding recorder biennially thereafter. The said recorder shall be elected by the City Council of the City of Graham within thirty (30) days from the creation and establishment of said court. If a vacancy occurs in the office of recorder at any time, the same shall be filled by the election of a successor for the unexpired term by the City Council of the City of Graham, at a regular or special meeting called for that purpose: Provided, that before entering upon the discharge of their duties hereunder, the recorder, vice-recorder and prosecuting attorney, who may be elected under the provisions of this

Article, shall take and subscribe before some person authorized to administer oaths, the oath required of judges and solicitors of the Superior Court.

"Section 3. Public Nuisance.

"a. Junk Yards Prohibited. It shall be unlawful for any person, persons, firm or corporation to create, maintain or operate a 'junk yard' within the City of Graham, Alamance County, North Carolina, or within one mile of the city limits of the said City of Graham.

"b. Junk Yard Defined. The term 'junk yard' shall be understood and construed to mean any place where automobiles or other unused machinery, or any other type or form of debris are piled out in the open view of the general public traveling upon any street, highway or road within the City of Graham, or within one mile from the city limits of the said City of Graham, it being expressly understood that the junking, collecting, or piling in any one place of six or more old, unused cars shall constitute a 'junk yard', provided, however, that the term 'junk yard' shall not include the following:

"(1) Any area which lies within the corporate limits of any town or city other than the City of Graham, or

"(2) Any completely enclosed building, regardless of the use thereof, or

"(3) Any tract of contiguous land outside the corporate limits of the city of Graham containing ten or more acres in area whereon no old, unused automobiles or trucks, unused machinery, or scrap metal is piled, stored, stacked, or otherwise kept and maintained within 150 feet of any adjoining property owner other than adjoining railroad property of railroad rights of way.

"c. Operation of a Junk Yard a Misdemeanor. Any person, persons, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) nor imprisonment for more than thirty (30) days for each offense.

"d. Daily Operation of Junk Yard Constitutes Separate Offense. Each day's maintenance or operation of a 'junk yard', as defined in this Act, shall constitute a separate offense.

"Section 4. Cemeteries.

"a. Improvements and Beautification. The municipality of the City of Graham and the duly constituted church and/or cemetery officials who may be in possession and control of cemeteries located within the said city are authorized and empowered to lay out walkways and driveways and clean up and straighten those already therein through said cemeteries, align up the monuments and markers in conformity therewith and reset and straighten such monuments and markers, level off and grade said walks, driveways and cemetery plots, and do any and all other things necessary in order to take proper care of and beautify all such cemeteries, and otherwise lay out and improve the grounds thereof in order that said cemeteries may be kept up and left clean and the graves therein properly marked and located, and the expense of the maintenance of said cemeteries thereby reduced.

"b. Expenditures Authorized. The governing body of the said municipality shall consult with and secure the approval of the duly constituted church and/or cemetery

officials who may be in charge of such cemeteries to be improved by their proceeding under the provisions of this Act; and the governing body of the said municipality and the officials of any such cemetery proposed to be improved and maintained may determine the nature and extent of the work to be done and the cost to be incurred therefor, and in what proportion the same shall be paid by the said municipality, and by the said cemetery authorities; and the said municipality may thereupon pay such part of the cost as it may have agreed to pay.

"Section 5. Education.

"a. School Committeemen; Selection. The school committee for the Graham Public Schools shall consist of five members who shall be qualified voters of Alamance County and residents of the Graham School District, and shall be elected for terms of three years each. On the second Thursday in April of each year, the Mayor of the City of Graham shall call a public meeting of all the qualified voters of Alamance County residing within the Graham School District to meet at eight o'clock p. m. in the Graham High School Auditorium for the purpose of electing by majority vote the Graham Public School Committeemen, to fill tile vacancies caused by expiration of terms of office of committeemen.

"b. Terms of Office. Terms of office of school committeemen shall be for three years beginning the first day of July of the year in which elected: Provided, that at the meeting authorized in subsection (a), in 1961, two school committeemen shall be elected for three-year terms; provided, further, that at said meeting in 1962, two school committeemen shall be elected for three-year terms; and provided, further, that at said meeting in 1963, one school committeeman shall be elected for a three-year term. All committeemen elected shall serve until their successors are elected and qualified.

"c. Vacancies. In the event of a vacancy occurring on said school committee during the term of office of any other member, the remaining members of the committee shall fill such vacancy, and the person so selected shall serve for the remainder of the unexpired term of the person causing such vacancy.

"Section 6. Personal Interest. Neither the mayor nor any member of the city council nor any officer or employee of the city shall have a financial interest in any contract with the city concerning any land, materials, supplies, or services, except on behalf of the city as an officer or employee. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the city, shall render the contract voidable by the city council.

"Section 7. Oath of Office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

'I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Graham and will faithfully discharge the duty of the office of _____.'

"

Sec. 3. If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, insofar as the City of Graham is affected thereby.

Sec. 4. All laws and clauses of laws relating to or affecting the City of Graham in force when this Act shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Act.

Insofar as the provisions of this Act are the same in terms or in substance and effect as provisions of law in force when this Act shall take effect, relating to or affecting the City of Graham, the provisions of this Act are intended to be not a new enactment but a continuation of such provisions of law, and this Act shall be so construed and applied.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1961.