

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 136
HOUSE BILL 206

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
WILSON AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Wilson is hereby revised and consolidated to read as follows:

THE CHARTER OF THE CITY OF WILSON

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The City of Wilson shall continue to be a body politic and corporate under the name of the "City of Wilson", and shall continue to be vested with all property and rights which now belong to the City; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

Section 1.2. Exercise of Powers. 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 City Council and as provided by the general laws of North Carolina pertaining to municipal corporations.

Section 1.3. Enumerated Powers not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Wilson shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina, and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES.

Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Wilson shall be as set out on a map entitled "Map of the City of Wilson, North Carolina"; which map shall be kept up to date with a complete description of the metes and bounds of the City and shall be available for inspection by the public in the office of the City Manager.

Section 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

ARTICLE III. MAYOR AND CITY COUNCIL.

Section 3.1. Composition of City Council. The City Council shall consist of six members to be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV.

Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV. The Mayor shall be the official head of the city government and shall preside at all meetings of the City Council. Where there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the city. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Section 3.3. Terms; Qualifications; Vacancies.

(a) The Mayor and the members of the City Council shall serve for terms of two years beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualified.

(b) No person shall be eligible to be a candidate or to be elected as Mayor or as a member of the City Council, or to serve in such capacity, unless he is a resident and a qualified voter of the city.

(c) If any elected Mayor or Councilman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Councilman after election and qualification, the remaining members of the Council shall by majority vote appoint some qualified person to serve for the unexpired term. Any Mayor or Councilman so appointed shall have the same authority and powers as if regularly elected.

Section 3.4. Compensation of Mayor and Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, and no increase or reduction in his salary shall be made to take effect the term in which it is voted. The City Council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect during the respective term in which it is voted.

Section 3.5. Organization of Council; Oaths of Office. The Mayor and City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take and subscribe before the City Clerk, and have entered upon the minutes of the Council, the following oath of office:

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of

North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of _____, on which I am about to enter, according to my best skill and ability; so help me, God.

Section 3.6. Meetings of Council.

(a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Councilmen, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the City Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Section 3.7. Quorum; Votes.

(a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Four affirmative votes, which may include the vote of the Mayor only when he is entitled to vote as provided in Section 3.2 of this Charter, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of the members present and voting.

Section 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Council. The enactment clause of all ordinances shall be: "Be it ordained by the City Council of the City of Wilson". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE.

Section 4.1. Election of Mayor; Councilmen. For the purpose of electing a mayor and six councilmen, all of the City of Wilson, there shall be held in said City, on Tuesday after the first Monday in May of each odd-numbered year, a non-partisan election. The officials so elected shall hold their offices until their successors are elected and qualified. The councilmen shall be elected at large by the qualified voters of the City.

The election for mayor shall be determined by a majority vote. In the event more than two persons are candidates for said office and neither candidate receives a majority of the votes cast for such office, the person receiving the highest number of votes cast for such office shall be declared elected unless the candidate receiving the second highest number of votes cast shall, within forty-eight hours after the result of the election shall have been canvassed and declared, demand by writing filed with the city clerk for a second election, which demand must be accompanied by a payment to the City of Wilson of the sum of Twenty-five Dollars (\$25.00) to the use of said City, and

the councilmen shall thereupon call and provide for the conduction of a second election to be held on the fourth Tuesday after the first Monday in May following the first election, for the purpose of choosing a mayor as between the two highest candidates for such office. Only the candidates receiving the largest and second largest vote for such office in the first election shall be voted on in the second election. The six candidates receiving the highest number of votes for membership on the City Council shall be declared elected, and there shall be no second election for any of such offices.

Section 4.2. Precincts. The Wilson County Board of Elections shall have the sole authority and power to create and define precincts and to fix and determine polling places within Wilson County, including the precincts within the City of Wilson for all municipal elections, including municipal general elections, municipal special elections, and municipal bond elections; provided that all precincts created in the city of Wilson for said municipal elections shall be wholly within the corporate boundaries of the City of Wilson; and provided further that the precincts created within the corporate boundaries of the City of Wilson for said municipal elections by said County Board of Elections shall be in accordance with the recommendation for the creation of such precincts by the City Council of the City of Wilson; and provided further that any area now in the corporate limits of the City of Wilson which has not become a part of any existing precinct created for municipal elections or which may hereafter be embraced within the corporate limits of the city shall be annexed to and become a part of the existing precinct created for municipal elections, which precinct is adjacent to such area, except when such area is adjacent to two or more such precincts which have been created in the City of Wilson for said municipal elections; then the City Council shall recommend to the Board of Elections to which precinct such territory shall be assigned for municipal elections and the Board of Elections shall add such area to the existing precinct or precincts in accordance with such recommendation.

Section 4.3. Registration. The consolidated Wilson County registration in use during the general election of 1968, together with all registration hereafter added to the same, pursuant to law, and as the same may be hereafter corrected and deleted by the Wilson County Board of Elections, as required by law, and the Wilson County precincts wholly within the City of Wilson shall be and constitute the sole official registration for all municipal elections in the City of Wilson. The Wilson County Board of Elections, together with the registrars appointed by it, pursuant to law, shall be the sole authority authorized to register electors in Wilson County, and the registration of electors, pursuant to such authority, in precincts wholly within the City of Wilson shall be the sole official registration for municipal elections held within the City of Wilson. The sole qualification to vote in municipal elections in the City of Wilson shall be registration upon the official books or records of registration of the Wilson County Board of Elections for the precincts wholly within the City of Wilson, provided that any such registration or transfer of registration from one precinct to another by an elector within said municipality shall be made not less than twenty-one (21) days prior to the date of a municipal election as a qualification to vote in the election. The registrars and judges of election selected by the Board of County Commissioners of Wilson County shall serve and shall conduct all municipal elections of the City of Wilson.

Not less than two days prior to any municipal election in the City of Wilson, the Wilson County Board of Elections shall certify to the Clerk to the City Council of the City of Wilson the official precinct registration books or records of registration for the registration in the precincts wholly within the said municipality, which shall be the official precinct registration books for the purpose of holding such elections; provided, however, that the original registration certificates on file with the Wilson County Board of Elections shall at all times be the official and sole evidence of registration, and the Wilson County Board of Elections shall have the power to correct the precinct registration books to conform to the original and official registration certificates at any time, including the day of any municipal election. The Clerk to the City Council of the City of Wilson shall be responsible for the precinct registration books delivered to him and shall, within five days following the official canvass of any such election, return the precinct registration books to the Wilson County Board of Elections in as good condition as when received from it.

Section 4.4. Declaration of candidacy for election required; content; when to be filed; fee. Any person desiring to become a candidate for election as mayor or councilman of the City of Wilson shall on or before twelve o'clock Noon of the first Monday in April preceding any election held hereunder file with the city clerk his or her declaration of candidacy for election to any such office and in such declaration shall state his or her name, age, place of residence, length of time a resident of the city, and at the time of such filing pay to the City of Wilson a fee equal to one percent of his salary for the term of his office.

Section 4.5. Preparation, distribution and contents of ballots; method of voting. When the time for filing the declaration for candidacy hereunder has expired the City Council shall cause to be prepared, for use in such election, ballots for each elective office. A sufficient number of ballots shall be furnished judges of election of each precinct for the use of all qualified voters. The names of the opposing candidates, or the candidate, for each respective office shall be placed on the same ballot with a blank square to the left of each name. Voters shall place in said square opposite the name of the person such voter desires to cast the ballot for a cross mark, and no other method of marking the ballot by the voter shall be required. No names of candidates shall be printed on the official ballots other than the names of those who in apt time have filed notice of their candidacy. The ballot may contain sufficient explanatory matter to designate the purpose thereof. There shall be voted in the said elections only the official ballots furnished, as herein provided for, and if other ballots be voted, they shall not be counted. No ballot for councilmen shall be valid unless as many candidates shall be voted for as there are vacancies to be filled. If the elector desires to vote for a person whose name does not appear on the ballot, he can substitute the name by writing it in with a pencil or ink and making a cross (X) mark in the blank space at the left of the name so written in. When a name is written in on the official ballot, the new name so written in is to be treated like any other name printed on the ballot. No sticker is to be used.

Section 4.6. Time polls are to be open. The polls shall be open on the day of the election from 6:30 A.M. until 6:30 P.M. local time and no longer.

Section 4.7. Procedure generally after election; void ballots; Board of City Canvassers. When the election shall have been finished, the registrar and judges of election shall open the boxes and count the ballots, reading the names aloud of the persons which shall appear on the ballot and if there shall be two or more ballots rolled together, or if any ballot shall contain the names of more persons than the elector has the right to vote for, or if any ballot fails to have as many candidates voted for as there are vacancies to be filled, or shall have a sticker, device, or ornament upon it, in either of these cases such ballot shall not be numbered in the taking of the ballot but shall be void. The counting of votes shall be continued without adjournment until completed. The registrar and judges of election at each precinct shall appoint one of their number to attend the meeting of the Board of City Canvassers as a member thereof and shall deliver to the member who shall have been so appointed the original returns or statement of the result of the election at such precinct, and the members of the several precincts who shall have been so appointed shall attend the meeting of the Board of City Canvassers. The members of precincts thus appointed shall constitute the Board of City Canvassers for said election. The Board shall meet on the next day after the election at 12:00 A.M. in the chambers of the City Council. The meeting of the Board of City Canvassers shall be open to the public. At such meeting the Board of City Canvassers shall open and canvass and judicially determine the returns and make abstracts stating the number of votes cast in each precinct for each office the name of each person voted for and the number of votes given for each person for each office, and shall sign the same. The Board of City Canvassers shall have power and authority to judicially determine and declare the results of the election and it shall have power and authority to send for papers and persons and examine the latter under oath; and in case of a tie upon two opposing candidates for the position of councilman, the result shall be determined by lot.

Section 4.8. Special elections. The City Council of the City of Wilson is authorized to conduct special elections. All elections held in the City of Wilson other than those held on Tuesday after the first Monday in May in any year for the purpose of electing officers, shall be deemed special elections. Said special elections may be ordered for any purpose by order of the City Council. The City shall for thirty (30) days before any special election is held give notice of such election by posting notice at the office of the city manager, and by publication of said notice in some newspaper published in said city once a week for four weeks; said notice shall state the purpose for which said special election is held, and the day for holding same. Special elections in the City of Wilson shall be held under the same rules and regulations as are herein provided for the holding of the election of city officers.

Section 4.9. Application of other election laws to city elections. Except as provided by this Act, said election shall be conducted, as far as practical, in all things and in all details, in accordance with the provisions of North Carolina General Statutes Chapter 160 relating to municipal elections generally and in accordance with the provisions of North Carolina General Statutes Chapter 163 as it relates to elections generally, now in force or hereafter enacted. Municipal elections of the City of Wilson shall be governed, first, by the provisions of this Act; second, by the provisions of North

Carolina General Statutes Chapter 160; and, third, by North Carolina General Statutes Chapter 163, and reference shall be made in such order. All acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in connection with municipal elections of the City of Wilson.

ARTICLE V. CITY MANAGER

Section 5.1. Appointment; compensation. The City Council shall appoint an officer whose title shall be City Manager and who shall be the chief executive officer of the city and the head of the administrative branch of the city government. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the city, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the City Council shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which he was elected. The City Manager shall serve at the pleasure of the City Council and shall receive such salary as the Council shall fix. In case of absence or disability of the City Manager, the Council may designate a qualified officer or employee of the city to perform the duties of the office during such absence or disability.

Section 5.2. Chief Administrator. The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the city. As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the City Attorney, who shall be appointed as provided in Article VI. Neither the Mayor nor the City Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the City Manager, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the Mayor and the City Council and its members shall deal with officers and employees in the administrative service only through the City Manager, and neither the Mayor nor the City Council nor any of its members shall give orders or directions to any subordinate of the City Manager, either publicly or privately.

Section 5.3. Duties of City Manager. It shall be the duty of the City Manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the City Council and the laws of the State are faithfully executed and enforced; to make such recommendations to the City Council concerning the affairs of the city as he shall deem expedient; to keep the City Council advised of the financial condition and the future financial needs of the city; to attend all meetings of the City Council and to prepare and submit to the Council such reports as he may deem expedient or as may be required of him by the Council; and to perform all other duties as may be required of him by the City Council.

ARTICLE VI. CITY ATTORNEY.

Section 6.1. Appointment; qualifications; terms; compensation. The City Council shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the city during his tenure. The City Attorney shall serve at the pleasure of the City Council and shall receive such compensation as the Council shall determine.

Section 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the city; to advise the Mayor, City Council, City Manager, and other city officials with respect to the affairs of the city; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend all meetings of the City Council; and to perform such other duties as may be required of him by virtue of his position as City Attorney.

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

Section 7.1. City Clerk. The City Manager may appoint a City Clerk to keep a journal of the proceedings of the City Council and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the Manager may direct.

Section 7.2. City Tax Collector. The City Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

Section 7.3. City Auditor. The City Manager may appoint a City Auditor to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

Section 7.4. Consolidation of functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City Auditor, or any other positions, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions. The City Manager may also, with the approval of the City Council, himself perform all or any part of the functions of any positions or offices, in lieu of appointing other persons to perform the same.

ARTICLE VIII. DISPOSAL OF PROPERTY.

Section 8.1. Disposal of surplus real property. The City Council shall have power, in addition to the power granted by G.S. 160- 59, to sell any real property which the Council has declared to be surplus in the following manner:

(a) Upon receipt of a deposit of five per cent (5%) of an offer to purchase any such lot or parcel or land, the City Council may cause a notice to be published once a week for four successive weeks in some newspaper published in the city, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit in the amount of five percent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21 nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve

o'clock Noon of the date so specified unless the City Council shall cause the property to be readvertised and again offered for sale as hereinafter provided.

(b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the City Council shall proceed to consider and all bona fide offers made for the property, accompanied by the deposit of five per cent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person, or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the Council shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

(c) The City Council, in its discretion, instead of confirming any such sale, shall have the right, power, and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of property.

(d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

Section 8.2. Disposal of surplus personal property. The City Council shall have power, in addition to the power granted by G.S. 160- 59, to sell or to direct any of its officers or employees to sell any personal property which the Council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars (\$500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the Council may direct, if the property has a market value of more than five hundred dollars (\$500.00) but no more than two thousand dollars (\$2,000.00); provided, all such bids received shall be recorded on the minutes of the Council;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars (\$2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Council.

ARTICLE IX. FINANCE AND TAXATION.

Section 9.1. Custody of City Money. All moneys received by the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All money belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Section 9.2. Independent audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered

under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the City Council.

ARTICLE X. POLICE.

Section 10.1. Jurisdiction extended.

(a) The jurisdiction of the city police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the city police force is hereby extended to include all property and facilities owned by the city, whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

Section 10.2. Effect of ordinances on city property. All applicable ordinances of the city shall have full force and effect upon and within all property and facilities owned by the city, whether located within or outside the corporate limits.

ARTICLE XI. CLAIMS AGAINST THE CITY.

Section 11.1. Presentation of claims; suit upon claims.

(a) All claims or demands against the City of Wilson arising in tort or in contract shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose, or for the ejectment of the city therefrom, or to remove a cloud upon the title thereof, 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 City Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, 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 his 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 incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time 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.

Section 11.2. Settlement of claims by city manager. The city manager may, with the approval of the City Council, settle claims against the city for (1) personal injuries or damages to property when the amount involved does not exceed the sum of One Hundred Dollars (\$100.00) 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 intersections of streets, when the amount involved in any such settlement does not exceed Five Hundred Dollars (\$500.00) 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 settlements, and all such releases, shall be approved in advance by the city attorney.

ARTICLE XII. STREET AND SIDEWALK IMPROVEMENTS.

Section 12.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the city for making street and sidewalk improvements, the City Council is hereby authorized to make street and sidewalk improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article:

Section 12.2. Street improvements; when petition unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting properties at an equal rate per front foot, without the necessity of a petition, upon the finding by the Council as a fact:

- (a) That the street improvement project does not exceed 1200 lineal feet, and
- (b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or
- (c) That it is in the public interest to connect two streets, or portions of a street already improved, or
- (d) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

Section 12.3. Street improvement defined. For the purposes of the preceding Section, the term "street improvement" shall include grading, regrading, surfacing,

resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

Section 12.4. Sidewalk improvements. The City Council is hereby authorized to cause sidewalks to be constructed or sidewalk improvements or repairs to be made in accordance with standards and specifications of the city, and to assess the total cost thereof against abutting properties, without the necessity of a petition; provided, that the Council may order the cost of sidewalk improvements made on only one side of a street to be assessed against the properties abutting both sides of such street.

Section 12.5. Assessment procedure. In ordering street or sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9, Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Section 12.6. Effect of Assessments. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 9, Chapter 160 of the General Statutes.

Section 12.7. Maintenance of sidewalks. It shall be the duty of every property owner in the city to maintain in good repair and to keep clean and free of debris, trash, and other obstacles and impediments the sidewalks abutting his property. The City Council is hereby authorized to establish by ordinance a procedure whereby city forces may repair or clean any sidewalk or remove therefrom any trash, debris, or other obstacles or impediments upon the failure of the abutting property owner after 10 days' notice to do so. In such event, the cost of such repair, cleaning, or removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes, and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes. The authority and procedure of this Section as to repair of sidewalks shall be supplementary to the authority and procedure of Section 12.4, and the City Council may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

Section 12.8. Acceptance of conveyance in satisfaction of assessments. The City Tax Collector or other official or employee of the city having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the City Council first had and obtained, to receive and accept a fee simple conveyance to the city of any lot or parcel of land in the city, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole of the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and such right, power, and authority exercises as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the city,

upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

ARTICLE XIII. REFUSE, WEEDS, AND TRASH.

Section 13.1. Property kept free of offensive matter. It shall be the duty of every property owner in the city to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

Section 13.2. Removal of offensive matter; charges a lien. The City Council may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter, from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

ARTICLE XIV. REGULATORY POWERS.

Section 14.1. Subdivision regulations. The City Council is hereby authorized to adopt an ordinance regulating the subdivision of land in accordance with the provisions of G.S. 160-226 through 160- 227, inclusive. Such ordinance may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with city standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance. The City Council is hereby authorized to make such subdivision ordinance effective and to enforce the same within the territory lying outside the corporate limits and within one mile in all directions of its corporate limits.

Section 14.2. Regulatory codes. The City Council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the city regulating the construction and repair of buildings, including building codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G.S. 160- 200(28) relating to unsafe buildings. In addition, the City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the city; provided, that the City Council may by ordinance require that the contractor or other person charged with such construction,

reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

Section 14.3. Zoning Board of Adjustment rules. The City Council may establish by ordinance general and reasonable rules fixing the time within which appeals shall be taken from any order, requirement, decision or determination made by the building inspector or any other administrative official charged with the enforcement of any ordinance adopted pursuant to Article 14 of Chapter 160 of the General Statutes, and general and reasonable rules regulating the procedure for taking such appeals, for the giving of notice to interested parties and to the general public, for the conduct of hearings by the Board of Adjustment, for keeping the records by the Board of Adjustment, and for the issuance of certificates of its decisions by the Board of Adjustments. The City Council may prescribe by ordinance the forms of notices, orders, and certificates to be issued by the Board of Adjustment and to be used in proceedings before the board, and may from time to time amend such general rules and regulations. The City Council may also require reasonable costs to be advanced by appellants, so as to defray the expenses of the city in connection with such appeals and hearings.

ARTICLE XV. WATER AND SEWER IMPROVEMENTS.

Section 15.1. Alternative method of assessing costs of water and sewer improvements. In addition to, and as alternatives, to the method provided in G.S. 160-241 for assessing the costs of water and sewer lines and laterals, the City Council, if in its opinion it would be more equitable to do so, is hereby authorized in its discretion to levy any such assessments according to either of the following methods: (1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the footage of land upon a public street by an equal rate per foot of such frontage.

In lieu of assessing the total cost of a particular project as herein provided, the governing body may annually, between the first days of January and July of each year, determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It may also include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this Section is to distribute more equitably the cost of the installation of water and sewer lines throughout the City; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefiting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way may also be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

ARTICLE XVI. COMMUNITY ANTENNA TV SERVICE.

Section 16.1. Authority to grant franchise for CATV or to own and operate same. The City of Wilson shall have authority to grant upon reasonable terms franchises for the operation of cable television systems, such grant not to exceed the period of 20 years, to levy franchise taxes on the business of operating cable television systems, and to prohibit the operation of cable television systems without a franchise. Any franchise granted hereunder may include, but shall not be limited to, provisions for control of rates; for control of the quality, level and availability of service; for limitations upon the territory to be served; and for governing the use of streets. Any franchise granted hereunder may be suspended or revoked, in whole or in part, by the governing body after notice and hearing, for failure to comply with any term, condition or limitation of such franchise. For the purposes of this subsection, "cable television system" shall mean any system or facility which, by means of a master antenna and wires or cables, or of wires and cables alone, receives, amplifies, modifies, transmits, or distributes any television, radio, or electronic signal, audio or video or both, to subscribing members of the public for compensation; provided, that "cable television system" shall not mean or include the providing by any person, firm, or corporation of master antenna service only to property owned or leased by such person, firm, or corporation, if no part of any public right of way or easement is used in providing such service. That the City of Wilson shall have authority to construct, operate and maintain such "cable television systems" within the area of its city limits and in areas served by its electrical distribution system and to make charges to users of such system.

Sec. 2. The purpose of this Act is to revise the Charter of the City of Wilson and to consolidate herein certain Acts concerning the property, affairs, and government of the city. It is intended to continue without interruption those provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, portions of Acts, or amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the City of Wilson;

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;

Sec. 4. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c.47, Private Laws, 1848-49; c.343, Private Laws, 1850-51; c.259, Private Laws, 1854-55; c.109, Private Laws, 1856-57; c.55, Private Laws, 1866-67; c.121, Private Laws, 1869-70; c.86, Private Laws, 1873-74; c.1, c.106, Public Laws, 1881; c.51 Public Laws, 1883; c.20; Private Laws, 1885; c.50, Private Laws, 1887; c.10, c.167, Private Laws, 1889; c.289, Private Laws, 1891; c.387, Private Laws, 1893; c.297, Private Laws, 1899; c.293, Private Laws, 1901; c.131, c.291, Private Laws, 1903; c.373, c.769, Private Laws, 1905; c.408, Private Laws, 1907; c.23, c.564, Public Laws, 1909; c.23, c.58, c.289, Private Laws, 1911; c.363, c.506, Public-Local Laws, 1911, c.188, c.201,

c.338, Private Laws, 1913; c.10, c.109, Private Laws, 1913 (Extra Session); c.41, c.43, c.50, c.86, c.87, c.122, Private Laws, 1915; c.82, Private Laws, 1920 (Extra Session); c.225, Private Laws, 1921; c.127, c.227, Private Laws, 1923; c.2, c.17, Private Laws, 1924 (Extra Session); c.134, Private Laws, 1927; c.59, Private Laws, 1929; c.50, Private Laws, 1933; c.138, c.141, Private Laws, 1935; c.518, c.575, Public-Local Laws, 1937; c.413, Public-Local Laws, 1939; c.224, c.259, Public-Local Laws, 1941; c.536, c.691, Session Laws, 1943; c.846, c.947, Session Laws, 1947; c.471, c.481, c.635, Session Laws, 1951; c.781, Session Laws, 1953; c.573, c.1316, Session Laws, 1955; c.13, Session Laws, 1957; c.75, c.827, c.908, c.1129, Session Laws, 1961; c.64, Session Laws, 1963; c.24, Session Laws, 1965; c.78, c.211, Session Laws, 1967.

Sec. 5. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this Act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this Act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein or any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Wilson, and all existing rules or regulations of departments or agencies of the City of Wilson, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified, or amended.

(b) 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 the City of Wilson or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. 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 this 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. 9. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 10. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 27th day of March, 1969.