

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 427
HOUSE BILL 730

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. The Charter of the City of Rocky Mount (Ch. 938 Session Laws of 1963), as amended, is hereby further amended as follows:

(a) By adding a subparagraph (dd) to Section 10 entitled "General Rights and Powers" as follows:

"(dd) To regulate and control by ordinance the use of all lands owned by the City and any waters covering said lands either within or without the corporate limits, including, but not limited to, use by the public of any body of water covering lands owned by the City wherever the same may be located."

(b) By deleting the last sentence of subsection (a) of Section 140 entitled "Police Department; powers and duties of the Chief of Police and policemen", which sentence reads as follows:

"Police officers shall be residents of the City." and substituting in lieu thereof the following:

"Police officers shall be residents of Nash or Edgecombe Counties, but need not be residents of the City."

(c) By adding the following to Section 302 entitled "Board of Adjustment."

"There shall be four alternate members appointed to the Board of Adjustment; two of said alternate members shall be citizens and residents of the City and appointed by the City Council; one alternate member shall be a citizen and resident of the territory beyond the corporate limits of the City and within one mile thereof in Edgecombe County and shall be appointed by the Board of County Commissioners of Edgecombe County; one alternate member shall be a citizen and resident of the territory beyond the corporate limits of the City and within one mile thereof in Nash County and shall be appointed by the Board of County Commissioners of Nash County. Any alternate member may represent any regular member who is a resident of the same territory from which said alternate was appointed and who is absent from any meeting of the Board of Adjustment. In representing regular members, alternate members shall exercise the same powers and be subject to the same restrictions as the regular members they represent. All members who are citizens and residents of the City shall be appointed by the City Council."

(d) By deleting subsection (b) of Section 383 entitled "Improvements Described" in its entirety and substituting the following in lieu thereof:

- "(b) Water main improvements, which shall include the following:
- (i) laying or construction of water mains and, in cases where the property abutting said mains is divided into lots by map or plat which is either recorded in the office of the Register of Deeds of the County in which said land lies or is unrecorded but approved by the City of Rocky Mount Planning and Zoning Commission, such improvements may, where the Council so directs, include a tap for each lot shown on such map or plat except in cases where a tap has been previously constructed to serve such lot from another main;
 - (ii) the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains;
 - (iii) in any case where the improvement is made without petition and the Council so directs, the laying of water laterals."
- (e) By deleting subsection (c) of Section 383 entitled "Improvements described" in its entirety and substituting the following in lieu thereof:
- "(c) Sanitary sewer improvements which shall include the following:
- (i) laying or construction of a sanitary sewer main and, in cases where the property abutting said mains is divided into lots by map or plat which is either recorded in the office of the Register of Deeds of the County in which said land lies or is unrecorded but approved by the City of Rocky Mount Planning and Zoning Commission, such improvements may, where the Council so directs, include a tap for each lot shown on such map or plat, except in cases where tap has been previously constructed to serve such lot from another main.
 - (ii) the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains;
 - (iii) in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the Council so directs, the laying of sanitary sewer laterals."
- (f) By deleting subparagraph (b) of Section 387 entitled "When petition unnecessary; no petition shall be necessary" in its entirety and inserting the following in lieu thereof:
- "(b) If, in the judgment of the City Council, the abutting property to be assessed will be benefitted in an amount at least equal to the assessment, and in the cases set forth in subsections (c) through (h) where in the judgment of the City Council the abutting property to be assessed will be benefitted in an amount at least equal to such assessment."
- (g) By adding a new subparagraph (h) to Section 387 entitled "When petition unnecessary; no petition shall be necessary" as follows:

"(h) Curb and gutter improvements: When in the judgment of the City Council any street or part of a street is without curb and gutter and curb and gutter should be provided in the public interest."

(h) By deleting the words "Eastern Standard Time" from the first sentence of subparagraph 21 of Section 431 entitled "Supervision, Conduct of Elections."

(i) By adding a subparagraph (34) to Section 431 entitled "Supervision, Conduct of Elections" as follows:

"(34) Whenever a time is specified herein, it shall be deemed local time then in effect in the City."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 5th day of May, 1969.