

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 506
SENATE BILL 429

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
HAMLET.

The General Assembly of North Carolina do enact:

THE CHARTER OF THE CITY OF HAMLET

Section 1. ARTICLE I. INCORPORATION AND CORPORATE
POWERS.

Section 1.1. Incorporation and General Powers. The Town of Hamlet shall continue to be a body politic and corporate under the name of the "City of Hamlet", 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 with 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 whatsoever.

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 provisions, as provided by the general laws of North Carolina pertaining to municipal corporations, their officers, agencies or employees, and as provided by ordinance or resolution of the City Council.

Sec. 2. ARTICLE II. CORPORATE BOUNDARIES.

Section 2.1. City Boundaries.

(a) The boundaries of the City shall be those existing at the time of adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. As of the effective date of this Charter, the said boundaries shall constitute the territory embraced within the following boundaries:

- (1) A circle the center of which is the place upon which was located the passenger depot of the Seaboard Air Line Railway Company when the Town of Hamlet was originally incorporated in the year 1897, and the radius of which is three-fourths ($3/4$) of a mile.
- (2) Beginning at an iron stake in the northerly margin of Juanita Avenue in the City of Hamlet, North Carolina, said point being North 42 degrees West 100 feet from the northwesterly intersection of Juanita

Avenue and Wallace Street, also the southwesterly corner of Lot No. 44, and running thence as a northerly margin of Juanita Avenue North 42 degrees West 93.5 feet to a concrete marker, a corner in the easternmost line of the Freeman property; thence turning and running as the Freeman and Kinsman lines North 14 degrees 40' East 214.4 feet to an iron stake; a corner of the Freeman property and the southeasterly corner of the J. P. Gibbons property in the Kinsman line, also a corner of Lot No. 78-A; thence turning and running parallel with Juanita Avenue South 42 degrees East 211.2 feet to an iron stake, a common corner of Lots Nos. 43, 44, 76, and 77; thence turning and running parallel with Wallace Street South 48 degrees West 175 feet to the point or place of beginning, containing .543 acres. A plat of this property is of record in Plat Book 8 at Page 59 in the office of the Register of Deeds for Richmond County, North Carolina, and this is the same property as that conveyed to Vance Sykes, L. S. Brown, and S. B. McGuirt, Trustees of First Presbyterian Church, Hamlet, North Carolina, by Philip Gibbons and wife, Aimee D. Gibbons, by deed dated September 5, 1968, and recorded in Book 506 at Page 262 of the Richmond County Registry.

(3) Area A

BEGINNING at a concrete monument set in the north right-of-way of Rice Street, said monument being the old city limits line, and runs North 82 degrees 20' West 257.6 feet to a stake; thence South 54 degrees 11' West 387.1 feet to a stake; thence North 67 degrees 31' West and crossing Austin Street to a stake in the western edge of Maple Avenue, said distance being 491.5 feet; thence South 56 degrees West and crossing Walnut Avenue 620.5 feet to a stake; thence North 34 degrees 52' West 1161.5 feet to a monument in the northern right-of-way of Hawthorne Street; thence continuing the same course 464.7 feet to a stake on the east side of Pine Hill Avenue; thence along the eastern right-of-way of the above mentioned avenue North 11 degrees 10' West 401 feet to a stake; thence crossing U.S. Highway 177, North 15 degrees 37' West 69 feet to a stake; thence North 18 degrees 22' West 261.3 feet to a stake; thence North 56 degrees 31' East 527.9 feet to a stake in the south side of Battley Road; thence crossing said Battley Road North 69 degrees 45' East 326.4 feet to a concrete monument at the southwest corner of Richmond Street; thence North 77 degrees 13' East 516 feet to a concrete monument in the right-of-way of Park Avenue; thence North 20 degrees 1' East 653.1 feet to a stake west of McDonald Street; thence North 65 degrees 14' West 339.6 feet to a stake; thence North 25 degrees 14' East and crossing McDonald, Fairview, and Branch Avenue 1016.4 feet to a stake in Woodland Road; thence down said Woodland Road North 39 degrees 54' West and crossing Boyette Street 972.5 feet;

thence North 48 degrees 11' East 846 feet to a stake; thence North 40 degrees 49' West 802.5 feet to a stake; thence North 49 degrees 4' East and crossing Hylan and Juanita Avenues 799.8 feet to a stake; thence south 40 degrees 28' East and crossing Pineland and Sandhurst Streets 901.7 feet; thence North 49 degrees 27' East and crossing Stacy Avenue 400 feet to a stake; thence South 40 degrees 19' East and crossing Boyette and Terry Streets 669 feet to a stake; thence North 82 degrees 37' East 218.8 feet to a stake below the dam at Kinsman Lake; thence South 74 degrees 38' East 162.3 feet to a stake; thence North 43 degrees 4' East 374.3 feet to a stake; thence South 55 degrees 51' East 545 feet to a stake where the original Hamlet City Limits crosses the Seaboard Railroad right-of-way east of Jefferson Street; thence in a westerly and southerly direction with the original line of the Town of Hamlet 6200 feet to the beginning in the edge of Rice Street.

Area B

BEGINNING at a stake located in the original Hamlet City Limits, said stake being located in the western lot line of the Bankhead residence, said point being located south of Fourth Street and west of U.S. Highway No. 74, and running thence South 47 degrees East 852.7 feet to a stake; thence North 50 degrees 28' East 197.7 feet to a stake, thence South 46 degrees 57' East 305.8 feet to a stake; thence North 35 degrees 39' East and crossing U.S. Highway No. 74 east of Hub Grill 421 feet to a stake; thence North 68 degrees 8' West 300.2 feet to a stake; thence North 61 degrees 40' West 94 feet to a stake; thence North 53 degrees 48' West 80.6 feet to a stake; thence North 45 degrees 45' West 193.4 feet to a stake; thence North 44 degrees 15' East 51 feet to a stake; thence North 46 degrees 17' West and crossing Fifth Street 357.9 feet to a stake; thence 45 degrees 20' East and crossing Winston, Durham, and Fayetteville Streets 1032.2 feet to a stake; thence North 10 degrees 34' West 177.2 feet to a stake; thence North 47 degrees 29' West and crossing Fourth Street 410.4 feet to the original line of the Town of Hamlet in a northwesterly direction 1600 feet to the beginning.

- (4) BEGINNING at a point in the northwestern edge of Rice Street said point being in the present town limits line of the Town of Hamlet and marked by a concrete marker, and runs from said point with Rice Street in a southwesterly direction to the southwestern edge of North Carolina Avenue, Moore's corner; thence continuing southwesterly with Rice Street 200 feet to a stake; thence in a southeastern direction and parallel to North Carolina Avenue 260 feet to a stake; thence in a northeasterly direction and parallel to Rice Street to the present corporate limits of the Town of Hamlet; thence with the present corporate limits of the Town of Hamlet in a circuitous line to the beginning corner on the northwestern edge of Rice Street.

(b) The current City boundaries, at all times, shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the Town Clerk and to be designated, as the case may be, "Map (or Description) of Hamlet City Limits". Alterations in these boundaries shall be indicated by appropriate entry upon or additions to such Map or Description. Such entries or additions shall be made by or under the direction of the City Clerk. Photographic, types or other copies of such Map or Description, certified by the City Clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original Map or Description.

(c) The City Council may provide for the redrawing of any such Map. A redrawn Map shall supersede for all purposes the earlier Map or Maps which it is designated to replace.

Sec. 3. ARTICLE III. CHARTER AMENDMENTS.

Section 3.1. Incorporation of Amendments.

(a) As soon as possible after the adjournment of each General Assembly, the City Attorney shall present to the City Council copies of all local laws relating to the City of Hamlet that were enacted by such General Assembly, whether or not amending in terms this Charter, which he recommends be incorporated into this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be necessary to implement the purposes of this Article.

(b) After considering the recommendations of the City Attorney, the City Council may provide for the incorporation of such laws into this Charter.

(c) The purpose of this Section is to enable the City to maintain at all times a current and accurate City Charter, organized in clear and orderly fashion, and embracing all pertinent local laws relating to the City.

Sec. 4. ARTICLE IV. MAYOR AND CITY COUNCIL.

Section 4.1. Composition of the City Council.

(a) The governing body of the City of Hamlet shall consist of a Mayor and five (5) Councilmen who shall be residents of the City.

(b) The Mayor and the members of the City Council shall be elected from the City at large.

(c) The person receiving the highest number of votes for the office of Mayor shall be declared elected.

(d) The Mayor shall take the required oath of office before the City Clerk to perform faithfully the duties of the office of Mayor and as required by the general laws of North Carolina.

(e) The Mayor shall be the official head of the City and shall preside at all meetings of the City Council. In the absence or the disability of the Mayor, the Mayor Pro Tem shall perform his duties. In the absence or disability of both the Mayor and the Mayor Pro Tem the Council shall designate one of its members to perform such duties. In the event of the resignation of the Mayor the members of the Council shall by a

majority vote elect a Mayor as provided by the General Statutes of the State of North Carolina.

(f) The City Council shall consist of five (5) members. In the regular municipal election to be held in 1971, and biennially thereafter, three Commissioners shall be elected. The two candidates for Commissioner receiving the highest number of votes shall be elected for a term of four years and the candidate receiving the next highest number of votes shall be elected for a term of two years. All candidates elected as Commissioner shall serve until their successors are elected and qualified.

Section 4.2. Organization of City Council; Oaths of Office. The City Council shall at 8:00 o'clock, P.M. on the evening following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the Councilmen shall severally take the required oath before the City Clerk to perform faithfully the duties of their respective offices. Any elected Councilman not present at the organization meeting may take the oath of office within thirty days, and the failure on the part of any elected Councilman to take said oath within thirty days forfeits his right to the office and the Council shall have the authority to fill the vacancy.

Section 4.3. Qualifications; Terms; Vacancies.

(a) No person shall be eligible to be elected to the office of Mayor or to serve on the City Council unless he is a qualified voter under the election laws as prescribed by the General Statutes of the State of North Carolina, and shall have resided within the corporate limits of the City of Hamlet for thirty days immediately preceding the regular municipal election.

(b) If any elected Council member shall refuse to be qualified or if there is any vacancy in the office of Councilman after election and qualification, or if any Councilman be unable to discharge the duties of his office, the remaining members of the Council shall elect some person to serve the unexpired term, or during his disability, as the case may be. Councilmen so elected shall have all authority and powers granted by this Charter to regularly elected Councilmen.

Section 4.4. Election of Mayor Pro Tem.

(a) The Mayor Pro Tem shall be elected by the City Council from among its own members and he shall hold such office for the term for which he has been elected to the Council. In the absence, disability, or resignation of the Mayor, the Mayor Pro Tem shall, to the extent permitted by the General Statutes of the State of North Carolina perform the Mayor's duties, and until a Mayor has been selected as provided in Article IV, Section 4.1(e) of this Charter.

Section 4.5. Rules of Council; Journal of Proceedings. The City Council shall determine its own rules and order of business and shall cause to be kept a journal of its proceedings.

Section 4.6. Council Members to Hold No Other Offices. Neither the Mayor nor any member of the City Council shall hold any other office or position of trust, profit, or honor under the City government.

Section 4.7. Meetings of the City Council.

(a) The City Council shall fix suitable times for its regular meetings, which shall be at least as often as once monthly. The Mayor or any two Council

members may at any time call a special meeting by signing a written notice stating the time of the meeting, to be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the Council may also be held at any time when all members are present and consent thereto. 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 public meetings and as prescribed by the General Statutes of the State of North Carolina.

Section 4.8. Quorum; Votes.

(a) A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members.

(b) The affirmative vote of a majority of the Council members shall be necessary to adopt any ordinance or to authorize the expenditure of money. All other matters voted upon shall be decided by a majority vote of the Council members present, except as provided in Article VI of this Charter.

(c) No member of the Council shall be excused from voting except on any matter involving his own official conduct.

Section 4.9. Exercise of City Powers.

(a) The City Council shall direct the exercise of all of the powers of the City, except as otherwise provided by this Charter.

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

Section 4.10. Compensation for the Mayor and Council.

(a) The Mayor shall receive for his services such salary as the Council shall determine from time to time. The members of the Council may establish a salary for its members. The salary of the Mayor and the salaries of the Council may be reduced but no increase therein shall be made to take effect during the term in which the increase is voted and such increase shall apply only to the terms of the members taking office after the next subsequent election.

(b) Until changed as herein provided, the compensation for the Mayor and members of the City Council shall be as follows:

- (1) The salary of the Mayor shall be one thousand two hundred dollars (\$1,200.00) per year, payable monthly.
- (2) The members of the City Council shall each receive twelve dollars and fifty cents (\$12.50) for each and every regular meeting and ten dollars (\$10.00) per meeting for special or called meetings, not to exceed two in any month, payable monthly.

Sec. 5. ARTICLE V. NOMINATION AND ELECTION PROCEDURE.

Section 5.1. Nonpartisan Primaries and Registration by Voters.

(a) All candidates to be voted on in regular municipal elections in the City of Hamlet shall be nominated in nonpartisan primaries in a manner and form herein prescribed, and no other name shall be printed on the official ballot for such regular municipal elections unless such candidate or candidates are nominated under the provisions of this Charter.

(b) On the second Tuesday preceding the general municipal election in the City of Hamlet, there shall be called, held, conducted and concluded under the direction of the Mayor and Board of Commissioners of the City of Hamlet by election officials, designated and approved by them for that purpose, a nonpartisan primary for the purpose of nominating candidates for Mayor and members of the City Council for the City of Hamlet. All candidates shall file their notices of candidacy with the City Clerk not later than 5:00 o'clock, P.M. on the fourth Tuesday preceding such general election and each shall pay a filing fee of ten dollars (\$10.00).

(c) The registration books shall be opened on the sixth, seventh, and eighth Saturdays next preceding the first Tuesday after the first Monday in May when the general election is held. The registration books shall not thereafter be opened for registration for either the primary or the general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general elections laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration. In the event not more than two candidates file for each office to be filled in any general election, no primary shall be held. If more than two candidates file for each position, a primary shall be held, and only the names of the two candidates receiving the highest number of votes in the primary shall be placed on the general election ballot. In no case will there be a second primary. In all other respects, primary elections for the City of Hamlet shall be governed by the general law provided for primary elections in Subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to municipal primaries, and in all other respects where the general laws of the State cannot be construed to conform to the provisions and the procedures of a municipal primary, said primary shall be governed by rules and regulations to be adopted by the Mayor and City Council of the City of Hamlet for such primaries.

(d) The City Council shall, at a regular meeting in March of each odd numbered year, appoint a registrar and two judges of election for each precinct in the City. Any vacancy occurring among the election officials may be filled by the City Council, provided that any vacancies occurring in any precinct on the date of the regular municipal election may be filled by the remaining election officials of such precinct.

(e) The City Council may at this regular meeting in March of each odd numbered year decide where each precinct shall be located in Hamlet; the number of precincts necessary to accommodate the electorate; and if one or more precincts should be merged with another precinct. Notice of Council action relating to precincts shall be publicized twenty days prior to the regular municipal election in the newspapers of Hamlet.

(f) The registration books shall be open on each Saturday during the registration period at the respective polling places. On each day of registration, the

registration books shall be open from 9:00 o'clock, A.M. until 5:00 o'clock, P.M., provided that on the last day of registration, the books shall remain open until 6:30 o'clock, P.M.

(g) The City Clerk shall cause to be published in a newspaper having general circulation in the City, at least two weeks prior to the first day of registration, a notice stating the dates when the registration books will be open, the names of the registrars, the locations of the polling places, and the day of the primary and of the regular municipal election.

(h) Any person seeking to register shall be allowed to register if he complies with the North Carolina General Statutes 163-54, 163-55, 163-57, and 163-58, and amendments thereto.

(i) Any person who is denied registration for any reason may appeal the decision of the registrar to the City Council and the City Council shall extend to any such person all rights and privileges as provided in the North Carolina General Statutes 163-75 through G.S. 163-77, and amendments thereto.

(j) On challenge day the registration books shall be open at the polling place in each precinct for the inspection of electors and the challenging of any person registered. Challenges shall be heard and determined by the election officials as provided by general law governing elections for members of the General Assembly.

(k) Payment of the filing fee of ten dollars (\$10.00) above provided shall be a condition precedent to participate as a candidate in the election. There shall not be any refund of any filing fee so paid. All filing fees shall be turned over to the Treasurer of the City of Hamlet to help defray the costs of conducting the election.

Section 5.2. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

Section 5.3. Regulation of Election. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

Sec. 6. ARTICLE VI. ADOPTION OF MAYOR, CITY COUNCIL, AND CITY MANAGER PLAN OF GOVERNMENT. PLAN OF GOVERNMENT.

Section 6.1. The City Council, after notice and hearing as herein provided, may adopt by a majority vote of all members of the Council, the Mayor, City Council, and City Manager method of city government, known and hereinafter referred to as Plan D, pursuant to the provisions of North Carolina General Statutes 160-338 through 160-351, and any amendments thereto. Upon the adoption of Plan D as herein provided, such plan shall become operative and the powers of government of the City shall be exercised, as provided in North Carolina General Statutes 160-338 through 160-351, and in North Carolina General Statutes 160-291 through 160-295, and any provisions in this Charter in conflict therewith shall be deemed repealed.

Section 6.2. The City Council shall not adopt Plan D until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive weeks in a newspaper published in the City, or, if there is no newspaper

published in the City, by posting such notice at four public places in the City, said notice to be published the first time or posted not less than fifteen (15) days prior to the date set for said hearing.

Section 6.3. After said hearing and the adoption of Plan D by a majority vote of all members of the City Council as herein provided, such plan shall become operative and effective and it shall not be necessary to file a petition and hold an election as provided in General Statutes 160-296 through 160-307.

Sec. 7. ARTICLE VII. ADMINISTRATIVE OFFICERS AND PERSONNEL.

Section 7.1. Appointment and Removal of Department Heads and Employees; Salaries.

(a) The City Council, except as may be delegated to Department Heads from time to time, shall appoint and may suspend and remove all City employees and heads of departments, and, in its discretion, may employ consultants of any kind when needed.

(b) All salaries and compensation shall be fixed or approved by the Council.

(c) City employees and department heads shall perform such duties as may be required of them under the general direction and regulations of the Council.

(d) The Council reserves the right to provide that upon the recommendation of a Department Head any employee shall be given the right to present his grievance to the Council.

Except for the purpose of inquiry or for consultation with the City Attorney, the Council and its members shall deal with the administrative service through the City Clerk or the Department Heads, either publicly or privately.

Section 7.2. City Attorney. The City Attorney shall be appointed by the City Council, and shall have the following duties: (1) to serve as legal advisor to the City Council, the Clerk, the Treasurer, the Tax Collector, and all City departments, officers and agencies; (2) to represent as Counsel the City, its officers, agents or employees, in any legal action arising out of or connected with the proper functions of the City, unless disqualified so to act; (3) to draft such ordinances, resolutions and documents as requested by the Council.

Section 7.3. City Clerk. The City Clerk shall be appointed by the City Council, and shall have the following duties: (1) to act as Clerk to the Council, to attend all meetings thereof, and to maintain a permanent record of all proceedings thereof; (2) to keep the books of account of the City.

Section 7.4. City Treasurer. The City Treasurer shall be appointed by the City Council, and shall receive and keep all monies belonging to the City and disburse the same according to law, and keep the Council advised of the status of all funds.

Section 7.5. City Tax Collector. The City Council shall appoint a Tax Collector for the City, who shall be charged with the collection of all taxes and assessments.

Section 7.6. Consolidating of Functions of Certain Offices. The City Council may, in its discretion, consolidate the offices of City Clerk, City Treasurer, and City Tax

Collector, and may assign the functions of any one of these offices to the holder of any other of these offices.

Section 7.7. Oath of Office Required. Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take the oath prescribed for public officers, before the Mayor or the City Clerk: The City Clerk, City Treasurer, Tax Collector, any assistant City Clerk or assistant Tax Collector, or assistant City Treasurer, Chief of Police and each member of the police force, the Building Inspector and all employees empowered to enforce the building code.

Sec. 8. ARTICLE VIII. TAXATION.

Section 8.1. Powers of Taxation. The City shall have all taxing power and authority delegated to municipal corporations by general law.

Section 8.2. Payment of Delinquent Taxes into General Fund. The City Council may, in its discretion, direct the payment into the General Fund of the City all or any part of the proceeds of ad valorem taxes which are, when collected, three or more years delinquent.

Section 8.3. Additional Remedies for Collection of Privilege License Taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the Tax Collector may employ the remedies of levy upon personal property, attachment, and garnishment, in the manner and subject to the limitations provided by general law for the collection of ad valorem taxes.

Sec. 9. ARTICLE IX. STREET IMPROVEMENTS: ASSESSMENTS FOR COST.

Section 9.1. In addition to any authority which is now or may hereafter be granted by general law to the City of Hamlet for making street improvements, the City Council is authorized to make street improvements, and assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Section 9.2. When Petition Unnecessary. The City Council may order street improvements and assess the cost thereof, exclusive of the cost incurred at street intersections, against the abutting property owners 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 twelve hundred 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 assessment for widening any street or portion of 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 Section.

Section 9.3. Street Improvements Defined. For the purposes of the preceding Section, the term 'street improvement' shall include grading, regrading, surfacing,

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

Section 9.4. Assessment Procedure. In ordering street 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 9.5. 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.

Sec. 10. ARTICLE X. ESTABLISHMENT OF PROPOSED STREET LINES.

Section 10.1. Authority to Establish Proposed Street Lines. Whenever, in the opinion of the City Council, it is in the best interest of the City to do so, the Council may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this Article.

Section 10.2. Platting of Proposed Street Lines. From and after the time of adoption of a major street plan by the City Council and the State Highway Commission pursuant to provisions of G.S. 136-66.2, and as amended, the City Council shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the City and the area within one mile outside of its corporate boundaries. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 10.3. Adoption of Official Map; Hearing; Notice. Following the preparation of such plats, the City Council may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the City and the area within one mile outside of its corporate boundaries. Before taking any such action, the Council shall hold a public hearing thereof, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper published in the City, or if there be no newspaper published in the City, by posting such notice at four public places in the City and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than fifteen days prior to the date fixed for said hearing. Following adoption of such map or maps, the Council shall certify a copy to the Register of Deeds of Richmond County, which copy shall be duly filed. The

placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 10.4. Right of City to Acquire Property before Improvement. From and after the time of adoption and certification to the Register of Deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the City Council shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this Article. To that end, any person proposing to build upon such land or to make repairs or improvement to any existing building on such land, shall, in writing, notify the City Council of the nature and estimated cost of such building, repairs, or improvements. The Council shall then determine whether it will take the necessary steps to acquire said land prior to construction of said buildings or the making of said repairs or improvements. If the Council fails, within sixty days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said notice. The Building Inspector is authorized to withhold and refrain from issuing, for a period not exceeding sixty days from receipt by the Council of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

Section 10.5. Failure to Give Notice Bars Recovery for Value of Improvements. If any person, firm or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the City Council an opportunity to acquire said property free from improvements, as provided in Section 10.4 of this Article, the Council shall not be required to pay for the value of said building, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

Section 10.6. Failure of City to Act; No Limit to Subsequent Condemnation. The failure of the City Council to take action under Sections 10.4 and 10.5 of this Article within sixty days after notice shall not have the effect of limiting the right of the Council at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the Council to take action within the prescribed period.

Sec. 11. ARTICLE XI. ZONING.

Section 11.1. Extraterritorial Zoning. The City Council shall have such authority to enact zoning regulations as is granted by the general law and as provided by North Carolina General Statutes 160- 181.2 and amendments thereto.

Sec. 12. ARTICLE XII. PARKING AND PARKING FACILITIES.

Section 12.1. Authority to Regulate Off-street Parking. The City Council shall have power and authority to enact ordinances for the regulation of the use by vehicles of:

- (a) Municipally owned or leased off-street parking areas and facilities;
- (b) Publicly owned off-street parks, outdoor recreation areas, and yards and grounds occupied by public buildings; and
- (c) Privately owned areas permissively used by the general public for parking or street purposes.

Section 12.2. Civil Penalties. In the exercise of the authority granted by Section 12.1, the City Council shall have authority to make and provide civil penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of municipal ordinances.

Section 12.3. Towing of Vehicles from Off-street Areas; Charges. The City Council may, in addition to providing civil penalties, provide that such vehicles in violation of parking regulations at any of the places designated in Sections 12.1 and 12.2 of this Article, may be towed away and the owner or person responsible therefor required to pay the resulting towing and storage charges.

Section 12.4. Towing of Vehicles from Streets; Charges. The City Council may provide by ordinance that vehicles stalled, wrecked, abandoned, or illegally parked upon any public street may be removed therefrom by having the same towed away to such place as may be designated by a Council appointed City official and to require that the owner or person responsible therefor pay the resulting towing and storage charges.

Section 12.5. Registration Prima Facie Evidence of Responsibility. The ownership of any vehicle as established by its registration with the North Carolina Department of Motor Vehicles shall be prima facie evidence as to the person, firm or corporation responsible for violating the provisions of any ordinance adopted in accordance with the powers granted in this Article.

Section 12.6. Towing and Storage Facilities. In the implementation of the authority granted by this Article relating to the removal and storage of vehicles, the City Council may provide such towing and storage facilities by and through its own forces, equipment and property, as well as by contract with independent towing and storage contractors and operators, and the City Council may appropriate and use reasonable sums of public funds to defray the necessary expenses thereof.

Sec. 13. ARTICLE XIII. TRAFFIC BUREAU.

Section 13.1. Authority of City Council to Establish Traffic Bureau.

(a) The City Council may by ordinance establish a Traffic Bureau to process and collect civil penalties provided for violations of traffic and parking ordinances of the City.

(b) No State tax shall be paid to the State of North Carolina in cases finally disposed of by the Traffic Bureau.

(c) All civil penalties collected in the Traffic Bureau shall be paid into the General Fund of the City.

Sec. 14. ARTICLE XIV. POLICE.

Section 14.1. Police Jurisdiction Extended.

(a) The jurisdiction of the police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within each territory, all rights, power, and authority, as they now have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all City-owned property and facilities, 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 now have within the corporate limits.

Sec. 15. ARTICLE XV. SIDEWALKS.

Section 15.1. City May Clean or Repair After Notice; Charges a Lien. The City Council may, by ordinance, establish a procedure whereby City forces may clean or repair any sidewalk upon failure of the abutting property owner after ten days' notice to do so. In such event, the cost of such cleaning or repair 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 property for ad valorem taxes.

Sec. 16. ARTICLE XVI. REFUSE, WEEDS, AND TRASH.

Section 16.1. 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 16.2. 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.

Sec. 17. ARTICLE XVII. PURCHASING AND CONTRACTS.

Section 17.1. Provisions of General Law Govern. All contracts of the City for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment shall be made in compliance with the requirements of Article 3, Chapter 143 of the General Statutes.

Section 17.2. Conflict of Interest. No officer, department head, employee, or board of commission member shall make or participate in the making of any contract with the City in which he may be in any manner financially interested, directly or indirectly. Any such person who has such an interest in any proposed contract shall make known that interest. The willful concealment of such a financial interest or the willful violation of this Section shall constitute malfeasance in office or position, and any violator shall forfeit his office or position. Violation of this Section with the

knowledge express or implied of the person, firm, or corporation contracting with the City shall render the contract void.

Sec. 18. ARTICLE XVIII. CLAIMS AGAINST THE CITY.

Section 18.1. Presentation of Claims, Suit Upon Claims.

(a) All claims or demands against the City of Hamlet arising in tort shall be presented to the City Council in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon shall be 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 of any kind 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 the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provision 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 in his behalf within six months after the termination of the 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 in 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 in 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 18.2. Settlement of claims by City Clerk or Treasurer. The City Clerk or Treasurer, as authorized by the governing body of the City, may settle claims against the City for: (1) personal injury or damages to property when the amount involved does not exceed the sum of fifty dollars (\$50.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed fifty dollars (\$50.00) and does not exceed the actual loss sustained. Any settlement of a claim by the City Clerk or treasurer pursuant to this Section shall constitute a complete release of the City from any and all damages

sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be approved as to form by the City attorney.

Sec. 19. ARTICLE XIX. MISCELLANEOUS.

Section 19.1. Signing of Warrants or Orders for Payment. Either the City Clerk, or any bonded official of the City of Hamlet and who is authorized by the City Council may sign warrants or orders for payment on the City Treasury or depository. In addition, in the absence of the City Clerk or other qualified and authorized official, such warrants or orders may be signed by the Mayor.

Section 19.2. City Depositories; Signatures to Vouchers; Surety Bonds. The City Council from time to time shall have the power to designate depositories to receive any and all funds collected or paid to the City Treasurer. The City Council shall determine from time to time what security shall be required for funds placed in a depository. The City Treasurer is authorized and empowered to sign vouchers for all obligations of the City. The Council may from time to time designate other officials of the City of Hamlet to sign vouchers in behalf of the City. The City Council shall designate what officials of the City of Hamlet shall furnish surety bonds and the amount of said bonds.

Section 19.3. Bond Elections. The conduct of bond elections shall be governed by the provisions of general law relating to municipal bond elections.

Section 19.4. Cemetery Regulations. The City Council may provide rules and regulations for the use of all City cemeteries, whether located within or outside the corporate limits, and such rules and regulations shall be enforced by the police force within said cemeteries as City ordinances.

Section 19.5. Interments within City. The City Council may regulate or prohibit interments within the corporate limits, and may prohibit interments within the corporate limits elsewhere than in City- owned cemeteries.

Section 19.6. It is the purpose of this Act to revise and reorganize the Charter of the City of Hamlet (North Carolina Private Laws 1897, Chapter 14) and to consolidate into it certain local Acts concerning the property, affairs, and government of the City of Hamlet, including the following Acts: North Carolina Session Laws 1959, Chapter 851, providing for nonpartisan primaries; and North Carolina Session Laws 1963, Chapter 908, and North Carolina Session Laws 1967, Chapter 542, relating to municipal elections. It is intended to continue in force without interruption those provisions of prior local Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Section 19.7. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, or amendments thereto, even though such acts or amendments are not expressly set forth herein:

(a) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind.

(b) Any acts authorizing conveyance or sale of particular City property or interests therein.

(c) North Carolina Session Laws 1945, Chapter 931, which authorized the City to regulate or prohibit the sale of beer and wine from 7:00 o'clock, P.M. Saturday to 7:00 o'clock, A.M. Monday.

(d) North Carolina Public-Local Laws 1941, Chapter 350, providing for an election for airport bonds.

(e) North Carolina Private Laws 1909, Chapter 144, establishing a sewerage system, building and enlarging schools, and improving streets in the City.

(f) North Carolina Private Laws 1929, Chapter 43, authorizing the City to issue bonds for refunding its floating indebtedness.

(g) North Carolina Private Laws 1913, Chapter 43, and North Carolina Private Laws 1925, Chapter 90, authorizing the City to issue bonds to build and to extend, respectively, the municipal sewerage system.

(h) North Carolina Private Laws 1913, Chapter 50, and North Carolina Private Laws 1911, Chapter 256, authorizing the City to issue bonds for street and bridge improvements.

(i) North Carolina Private Laws 1935, Chapter 140, validating certain bonds and authorizing the issuance of refunding bonds.

(j) North Carolina Session Laws 1947, Chapter 218, authorizing the City to establish a traffic bureau by ordinance to handle certain traffic violations within the City, and North Carolina Session Laws 1963, Chapter 655, relating to violations and penalties within the jurisdiction of the traffic bureau.

(k) North Carolina Session Laws 1955, Chapter 1117, authorizing the Chief of the Fire Departments of the Towns of Rockingham, Hamlet, and Ellerbe to seize and impound all evidence of arson which they may discover.

(l) North Carolina Session Laws 1955, Chapter 589, and North Carolina Session Laws 1957, Chapter 748, relating to exemption from ad valorem taxes on the property of Senior Woman's Club, Inc., and Junior Woman's Club, Inc., and Calvary Baptist Church.

(m) North Carolina Session Laws 1963, Chapter 982, authorizing the establishment of a town liquor control store, and North Carolina Session Laws 1967, Chapter 1062, relating to the allocation of the net profits of the Hamlet Board of Alcoholic Control.

(n) North Carolina Session Laws 1963, Chapter 166, authorizing the Chief of Police to reside outside the corporate limits of the City.

(o) North Carolina Session Laws 1945, Chapter 948, authorizing the City to execute a quitclaim deed to the Seaboard Air Line Railway Company.

(p) North Carolina Private Laws 1927, Chapter 2; North Carolina Public-Local Laws 1937, Chapter 276; North Carolina Session Laws 1945, Chapter 1001; and North Carolina Session Laws 1963, Chapter 538, authorizing the City to convey real estate.

(q) North Carolina Session Laws 1949, Chapter 102, and North Carolina Session Laws 1955, Chapter 1217, relating to the fees of the jailer of the City.

(r) North Carolina Session Laws 1951, Chapter 299, creating a bird sanctuary within the territorial limits of the City.

Section 19.8. The following Acts, having served the purposes for which enacted or having been consolidated into this Act, are hereby repealed:

(a) North Carolina Private Laws 1907, Chapter 171, providing for petitions for appointment of election officers.

(b) North Carolina Private Laws 1931, Chapter 191, providing for the granting franchises without a vote of the people.

(c) North Carolina Session Laws 1945, Chapter 449, fixing the compensation of the judge of the Hamlet Recorder's Court.

(d) North Carolina Session Laws 1955, Chapter 1118, providing for clerical assistance to the solicitor of the Hamlet Recorder's Court.

(e) North Carolina Session Laws 1965, Chapter 553, relating to compensation for the Mayor and the Town Board.

Section 19.9. 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 so repealed.

Section 19.10. 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 of any act repealing such law, or

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

Section 19.11.

(a) Notwithstanding any other provisions of this Act, all existing Hamlet ordinances and resolutions and existing rules or regulations of City of Hamlet departments or agencies in effect at the time of the ratification of this Act shall be and continue in full force and effect until repealed, amended or modified.

(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 or before the City of Hamlet or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 20. 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. 21. General Repeal. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 22. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1969.