

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 714
HOUSE BILL 1011

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
BELHAVEN AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina do enact:

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

THE CHARTER OF THE TOWN OF BELHAVEN

ARTICLE I. INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Belhaven shall continue to be a body politic and corporate under the name and style of the "Town of Belhaven", and shall continue to be vested with all property and rights which now belong to the Town; 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.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 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 Town of Belhaven 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.

Sec. 1.4. Form of Government. The form of government of the Town of Belhaven shall be the Council-Manager form, as specified in this Charter.

ARTICLE II. CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Belhaven shall be as follows until changed in accordance with law:

Beginning at the North corner of the Independent Order of Odd Fellows Cemetery, running thence Westwardly with the Cemetery Road to the New Bullock Road; thence with said road to the Bullock Railroad Crossing; thence South forty-seven degrees West to the channel of Pantego Creek; thence with said channel of Pantego Creek Eastwardly to the channel of Pungo River; thence Northwardly with the said channel of Pungo River to the mouth of Baker's Creek at its channel; thence up the channel of said Baker's Creek to its head and to the mouth of the canal that crosses Federal Highway Number two hundred and sixty-four just South of what is known as Harry Crandall's filling station; thence from the head of Baker's Creek up the said canal and to Federal Highway Number two hundred and sixty-four; thence with the said public road to a black gum in a branch at the North corner of J. G. Jackson's line; thence a direct course to the Northeast corner of the back line of the Interstate Cooperage Company's tenement property; thence with said back line to the Northwest corner of said company's tenement property; thence a direct line from said Northwest corner of said company's tenement property to the point of Beginning.

Sec. 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 BOARD OF ALDERMEN

Sec. 3.1. Composition of Board of Aldermen. The Board of Aldermen shall consist of five members to be elected by the qualified voters of the Town voting at large in the manner provided in Article IV.

Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Aldermen. Where there is an equal division on a question, or upon the appointment of officers, the Mayor shall determine the matter by his vote, but 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 Town. The Board of Aldermen 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 Board.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) Except as provided in Section 4.1, the Mayor and members of the Board of Aldermen shall serve for terms of four years, and the Mayor shall serve for a term 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 qualify.

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

(c) In the event a vacancy occurs in the office of Mayor or Alderman, the Board of Aldermen shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

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

Sec. 3.5. Organization of Board of Aldermen; Oaths of Office. The Board of Aldermen shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Board following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Alderman shall take, subscribe, and have entered upon the minutes of the Board 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."

Sec. 3.6. Meetings of Board. (a) The Town Board 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 Board, 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 Board shall be open to the public. The Board shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the Town Board 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) Three affirmative votes, which may include the vote of the Mayor in the event of equal division among the Aldermen 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 those present and voting.

Sec. 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 Board. The enacting clauses of all ordinances shall be: "Be it ordained by the Board of Aldermen of the Town of Belhaven". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Wards. For the purpose of electing members of the Board of Aldermen, the Town shall be divided into two wards designated as the East Belhaven

ward and the West Belhaven ward. The East Belhaven ward shall consist of all that territory within the corporate limits lying east of Haslin Street, and the West Belhaven ward shall consist of all that territory within the corporate limits lying west of Haslin Street. Three Aldermen shall reside in the East Belhaven ward and two Aldermen shall reside in the West Belhaven ward, but all Aldermen shall be elected by all the qualified voters of the Town.

Sec. 4.2. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the Town voting at large a Mayor to serve for a term of two years, or until his successor is elected and qualified. In the 1969 election, there shall be elected for terms of two years three Aldermen from the East Belhaven ward and two Aldermen from the West Belhaven ward. In the 1971 election, the two candidates for Aldermen from the East Belhaven ward and the candidate from the West Belhaven ward who receive the largest numbers of votes cast for Aldermen from their respective wards shall be declared elected for terms of four years, and the candidate from each ward who receives the next highest number of votes cast for Alderman from their respective wards shall be declared elected for terms of two years. In the 1973 election and quadrennially thereafter, there shall be elected one Alderman from each ward for terms of four years. In the 1975 election and quadrennially thereafter, there shall be elected two Aldermen from the East Belhaven ward and one candidate from the West Belhaven ward for terms of four years.

Sec. 4.3. Voting. Each voter shall be entitled to vote for one candidate for Mayor and for as many candidates for Alderman as there are offices to be filled. The candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected. The candidates for Alderman who receive the largest numbers of votes cast for Alderman from their respective wards shall be declared elected.

Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman shall file with the Town Clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than sixty (60) days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers his candidacy, shall be accompanied by payment of a filing fee of five dollars (\$5.00), shall be signed in the presence of the Town Clerk of his designee, and shall be substantially in the following form: "I _____, do hereby give notice that I am a candidate for election to the office of (Mayor) (Alderman, Ward _____), to be voted on at the election to be held on _____, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the Town of Belhaven, residing at _____
Date: _____ (Signature)_____."

Sec. 4.5. 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.

Sec. 4.6. Marking of Ballots. In all municipal elections, each voter shall mark his ballot for as many candidates as there are offices to be filled, and where a voter marks his ballot for any number of candidates less than the number of offices to be

filled, such ballot shall not be counted for any of the candidates. There shall be printed on all ballots for candidates for Alderman the number of candidates to be voted for.

Sec. 4.7. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

ARTICLE V. TOWN MANAGER

Sec. 5.1. The Board of Aldermen shall appoint a Town Manager who shall be the administrative head of the Town government responsible for the supervision and administration of all departments and employees except the Town Attorney and the Fire Chief and Fire Department. The Town Manager shall be appointed with regard to merit only, and he need not be a resident of the Town at the time of his appointment. He shall hold office during the pleasure of the Board of Aldermen and shall receive such compensation as it shall fix by ordinance.

The Town Manager so appointed shall (1) be the administrative head of the Town government; (2) see that within the Town the laws of the State and the ordinances, resolutions and regulations, of the Board of Aldermen are faithfully executed; (3) attend all meetings of the Board of Aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the Board of Aldermen from time to time upon the affairs of the Town, and keep the Board fully advised of the Town's financial condition and its future financial needs; (5) appoint and remove all employees of the Town, except the Town Attorney, the Fire Chief, and other employees of the Fire Department; and all appointments and removals of department heads made by the Manager shall be reported to the Board of Aldermen at its next succeeding meeting; and, (6) perform all other duties as may be required by the Board of Aldermen.

ARTICLE VI. TOWN ATTORNEY

Sec. 6.1. Appointment; Qualifications; Term; Compensation. The Board of Aldermen shall appoint a Town 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 Town during his tenure. The Town Attorney shall serve at the pleasure of the Board and shall receive such compensation as the Board shall determine.

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

ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

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

Sec. 7.2. Town Tax Collector. The Town Manager may appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, 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.

Sec. 7.3. Town Accountant. The Town Manager may appoint a Town Accountant to perform the duties of the Accountant as required by the Municipal Fiscal Control Act.

Sec. 7.4. Consolidation of Functions. The Town Manager may, with the approval of the Board of Aldermen, consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town Accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Town Manager may also, with the approval of the Board of Aldermen, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

ARTICLE VIII. FINANCE

Sec. 8.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository or depositories. Such institutions shall be designated by the Town Board 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 Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

Sec. 8.2. 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 Town 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 Town or of any of its officers. The Board of Aldermen shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the Town, and may be published if so ordered by the Board of Aldermen.

Sec. 8.3. Construction Contracts. No contract of the Town for construction or repair work shall be subject to the provisions of G.S. 143-129 or G.S. 143-132 unless the estimated cost of such contract exceeds ten thousand dollars (\$10,000.00), and any such contracts involving the expenditure of more than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) shall be let in accordance with the provisions of G.S. 143-131. Article 8 of Chapter 143 of the General Statutes shall not apply to any repairs, project, building, or structure performed or to be performed by or through duly elected officers or agents of the Town using force account labor on the payroll of the Town when the estimated cost thereof does not exceed fifty thousand dollars (\$50,000.00).

ARTICLE IX. DISPOSAL OF PROPERTY

Sec. 9.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the Board of Aldermen shall have power, in addition to the power granted by G.S. 160-59, by their unanimous vote to dispose of any real property which the Board has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars (\$2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value.

(c) No sale or exchange of real property authorized by this Section shall be ordered by the Board of Aldermen unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the Town a notice of their intention to consider such sale or exchange.

Sec. 9.2. Disposal of Surplus Personal Property. The Board of Aldermen 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 Board 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 Board 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 Board;

(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 Board.

ARTICLE X. POLICE

Sec. 10.1. 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 such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all Town 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 have within the corporate limits.

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

ARTICLE XI. STREET AND SIDEWALK IMPROVEMENTS

Sec. 11.1. Street Improvements; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Board of Aldermen is hereby authorized to make street

improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Sec. 11.2. When Petition Unnecessary. The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs 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 Board as a fact:

(a) That the street improvement project does not exceed 1,200 linear 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 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 Town'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.

Sec 11.3. Street Improvement Defined. For the purposes of this Article, 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.

Sec. 11.4. Sidewalks; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making sidewalk improvements, the Board of Aldermen is hereby authorized to order to be made or to make sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners; provided, however, that the Board of Aldermen may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street. In ordering sidewalk improvements or repairs under authority of this Section, the Board of Aldermen 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. The effect of levying assessments under authority of this Section 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. 11.5. Assessment Procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this Article, the Board of Aldermen shall comply with the procedure provided by Article 9 of Chapter 160 of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

Sec. 11.6. 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 of Chapter 160 of the General Statutes.

Sec. 11.7. Maintenance of Sidewalks. It shall be the duty of every property owner in the Town to maintain in good repair and to keep clean and free of debris, trash, and other obstacles or impediments the sidewalks abutting his property. The Board of Aldermen may by ordinance establish a procedure whereby Town forces may repair or clean any sidewalk or remove therefrom any debris or trash after failure of the abutting property owner after ten days notice to do so. In such event, the cost of such repair or 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 Town 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 11.4 and the Board of Aldermen may, in its discretion, proceed under either Section in causing sidewalks to be repaired.

Sec. 11.8. Acceptance of Conveyance in Satisfaction of Assessments. The Town Tax Collector or other official or employee of the Town having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the Board of Aldermen first had and obtained, to receive and accept a fee simple conveyance to the Town of any lot or parcel of land in the Town, 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 exercised 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 Town, 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 XII. WATER AND SEWER

Sec. 12.1. Laterals included in Cost. In ordering water or sewer line extensions, or both, and the assessment of the costs thereof under authority of G.S. 160-241 or any other law, the Board of Aldermen is hereby authorized to include in such extensions water and sewer line laterals, and to include the cost of such laterals in the total cost to be assessed upon abutting properties.

Sec. 12.2. Corner Lot Exemptions. The Board of Aldermen is hereby authorized to establish, by ordinance or resolution, schedules of exemptions for assessments for water and sewer line extensions for corner lots when water or sewer lines, or both, are installed along both sides of such lots and when the cost of such installation along both sides were or are financed in whole or in part by assessments. The schedules of exemptions may be classified as to land uses (residential, commercial, industrial, institutional, or agricultural) and shall be uniform for each such classification

used; provided, however, that no schedule of exemptions may provide for exemption of more than fifty per cent (50%) of the frontage on any side of a corner lot, or 150 feet, whichever is greater.

Sec. 12.3. Alternative Methods of Assessment. 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 Board of Aldermen, 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 Town; 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.

Sec. 12.4. Water Connections. In addition to the authority granted by G.S. 160-240, the Board of Aldermen may require owners of improved property which may be located upon or near any water line of the Town to connect with the Town water system, and may establish and collect reasonable charges for such connections.

ARTICLE XIII. REFUSE, WEEDS, AND TRASH

Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the Town 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.

Sec. 13.2. Removal of Offensive Matter; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby Town 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 Town 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

Sec. 14.1. Subdivision Regulations. Any subdivision control ordinance enacted by the Board of Aldermen pursuant to general law 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 Town 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.

Sec. 14.2. Regulatory Codes. The Board of Aldermen 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 Town regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning 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 Board of Aldermen 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 Town; provided, that the Board of Aldermen 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.

ARTICLE XV. CLAIMS AGAINST THE TOWN

Sec. 15.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Belhaven arising in tort or in contract shall be presented to the Board of Aldermen 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 is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejection of the Town 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 Board of Aldermen 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 Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity.

Sec. 15.2. Settlement of Claims by Town Manager. The Town Manager may, with the approval of the Board of Aldermen, settle claims against the Town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred (\$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 Town Manager pursuant to this Section shall constitute a complete release of the Town 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 Town Attorney.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Belhaven and to consolidate herein certain acts concerning the property, affairs, and government of the Town. 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 Town of Belhaven;

(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: Chapter 366, Private Laws, 1899; Chapter 263, Private Laws, 1903; Chapter 225, Private Laws, 1907; Chapter 246, Private Laws, 1907; Chapter 437, Private Laws, 1913 (Regular Session); Chapter 454, Private Laws, 1913 (Regular Session); Chapter 205,

Private Laws, 1915; Chapter 233, Private Laws, 1921 (Regular Session); Chapter 67, Private Laws, 1923; Chapter 147, Private Laws, 1927; Chapter 119, Private Laws 1933; Chapter 19, Private Laws, 1935; Chapter 35, Session Laws, 1945; Chapter 367, Session Laws, 1945; Chapter 911, Session Laws, 1945; Chapter 774, Session Laws, 1947; Chapter 150, Session Laws, 1951; Chapter 644, Session Laws, 1957; Chapter 99, Session Laws, 1963; Chapter 50, Session Laws, 1965; Chapter 60, Session Laws, 1969.

(b) The following acts, which have been superseded by application of the Judicial Department Act of 1965 in the County of Beaufort, are hereby repealed: Chapter 735, Public Laws, 1909; Chapter 98, Public-Local Laws, 1913; Chapter 76, Public-Local Laws, 1920 (Extra Session); Chapter 114, Private Laws, 1931; Chapter 285, Public-Local Laws, 1939; Chapter 44, Session Laws, 1947; Chapter 627, Session Laws, 1949; Chapter 1135, Session Laws, 1949.

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 of any act repealing such law, or

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

Sec. 7. (a) All existing ordinances and resolutions of the Town of Belhaven, and all existing rules or regulations of departments or agencies of the Town of Belhaven, 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 Town of Belhaven 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 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 6th day of June, 1969.