

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 818  
HOUSE BILL 1015

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

The General Assembly of North Carolina do enact:

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

THE CHARTER OF THE CITY OF DUNN

ARTICLE 1. INCORPORATION AND CORPORATE POWERS

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

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

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 City of Dunn shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

ARTICLE II. CORPORATE BOUNDARIES

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

Beginning at the center of the Seaboard Coastline Railroad right-of-way, it being the center of the western main line railroad track at a point 4215 feet northwardly from its intersection with the center of Broad Street in the City of Dunn, and runs thence

perpendicular to said railroad right-of-way N 52 degrees W 1360 feet to the East margin of North McKay Avenue; thence along the East margin of North McKay Avenue N 50 degrees-18'-25"E 1884.83 feet to a point in the run of Stoney Run; thence Northwardly in the run of Stoney Run to the center of U. S. Highway 301; thence N 22 degrees-07'-20" W 187.77 feet along the run of Stoney Run to the Southeast corner of Memorial Cemetery; thence continuing along the run of Stoney Run in a North and Northeasterly direction approximately 880 feet to the Northeast corner of Memorial Cemetery; thence N 85 degrees-46'40" W 2160.66 feet along the north margin of Memorial Cemetery to the west margin of State Road 1715; thence N 86 degrees-21'30" W 1308.78 feet to a point in the East margin of Westhaven #2 Subdivision; thence N 12 degrees-16' E along the East margin of Westhaven #2 Subdivision 283.57 feet to the Northeast corner of Westhaven #2 Subdivision; thence along the North margin of Westhaven #2 Subdivision the following two courses and distances; N 84 degrees-25' W 355.15 feet and N 55 degrees-54' W 552.84 feet to the Northwest corner of Westhaven #2 Subdivision; thence along the West margin of Westhaven #2 Subdivision the following three courses and distances; S 38 degrees-12' W 524.15 feet and S 33 degrees-57' E 34.12 feet and S 36 degrees-35' W 424.42 feet to the East margin of Brookwood Subdivision; thence N 51 degrees-19'-05" W 1067.23 feet along the East margin of Brookwood Subdivision to its northeast corner; thence along the North margin of Brookwood Subdivision S 37 degrees-35'45" W 865.85 feet to the west margin of Friendly Road (S.R. #1716); thence S 50 degrees-36'15" E 469.40 feet along the West margin of Friendly Road (S. R. 1716); thence along the north sight line of (S.R. 1717) and (S.R. 1716) S 07 degrees-36'-55" E 92.44 feet to a point in the North margin of State Road 1717; thence along the North margin of State Road 1717 S 35 degrees-23'-5" W 1214.77 feet to a point in the sight distance line of S. R. 1725 and S. R. 1717; thence continuing on across State Road 1725 (Old Coats Road or Ashe Avenue) on the same course S 35 degrees-23'-05" W 520.85 feet to a point in the East margin of the Durham & Southern Railroad Right-of-Way; thence along the said East margin of the Durham & Southern Railroad Right-of-Way N 41 degrees-41'40" W 481.05 feet to a point in the extension of the west property line of Dunn Promoters, Incorporated; thence along the said west property line of Dunn Promoters, Incorporated S 03 degrees-05'10" W 2182.14 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 51 degrees-02'-10" W 548.32 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 09 degrees-11'-30" W 62.96 feet; thence S 79 degrees-40'-20" W 63.77 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 51 degrees-10'-50" W 1041.06 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence N 04 degrees-54'-10" W 51.95 feet; thence S 85 degrees-05'-50" W 65.12 feet to a point 200 feet north of the north margin of U. S. Highway 421; thence along the following courses and distances on a line 200 feet north of the north margin of U. S. Highway 421; N 52 degrees-11' W 692.17 feet and N 56 degrees-08' W 473.03 feet and N 60 degrees-53'50" W 376.48 feet, and N 65 degrees-01'20" W 491.60 feet; thence N 67 degrees-06' W 258.26 feet; thence N 73 degrees-06'-30" W 1631.49 feet to a point in the run of Black River; thence southwardly along the Run of Black River approximately 1660 feet to the south margin of Briarcliff

Subdivision; thence along the said south margin of Briarcliff Subdivision S 72 degrees-15'-20" E 1649.00 feet; thence S 16 degrees-06'-20" W 593.69 feet; thence S 02 degrees-54'-50" W 700.00 feet to a point 150 feet north of the north margin of Erwin Road (S.R. 1718); thence the following courses and distances along the line 150 feet north of the north margin of Erwin Road (S.R. 1718) N 79 degrees-59'-50" W 181.47 feet, and N 69 degrees-48'-40" W 365.01 feet and N 62 degrees-58'-40" W 438.00 feet; thence S 27 degrees-00'-30" W 210.00 feet to a point in the south margin of Erwin Road (S.R. 1718); thence along the south margin of the said Erwin Road (S. R. 1718) N 62 degrees-59'-30" W 178.12 feet; thence S 16 degrees-47'30" W 855.04 feet to a point in the north margin of State Road 1735; thence S 21 degrees-01'-40" E 210.00 feet to a point 150 feet south of the south margin of State Road 1735; thence parallel with said State Road 1735 N 69 degrees-58'-20" E 484.74 feet; thence S 04 degrees-28'-10" E 629.26 feet; thence S 04 degrees-02'-08" E along the west property line of Dunn Meat Packers 688.75 feet; thence N 74 degrees-33'-30" E 724.89 feet to a point in the east margin of State Road 1844; thence along the east margin of the said State Road 1844 N 13 degrees-17'-30" W 615.99 feet; thence N 87 degrees-51'-50" E 258.28 feet; thence N 02 degrees-08'-10" W 291.74 feet; thence N 87 degrees-51'-50" E 226.64 feet to the west margin of Bruce Drive; thence along the west margin of the said Bruce Drive S 00 degrees-46'-40" E 1407.50 feet; thence N 69 degrees-53'-50" E 226.04 feet; thence N 00 degrees-46'-40" W 1666.53 along a line parallel with and 150 feet east of the east margin of the 30 foot Right-of-Way of Bruce Drive to a point 250 feet south of the south margin of Erwin Road (S. R. 1718); thence along this line parallel with and 250 feet south of the south margin of Erwin Road (S. R. 1718) N 87 degrees-54'-20" E 1059.75 feet to a point in the west margin of Tilghman Drive; thence along the west margin of the said Tilghman Drive S 02 degrees-05'-40" E 50.00 feet to a point 300 feet south of the south margin of Erwin Road (S. R. 1718); thence along the line parallel with and 300 feet south of the south margin of Erwin Road (S.R. 1718) N 87 degrees-54'20" E 439.76 feet, and N 83 degrees-13'-50" E 345.35 feet; thence S 13 degrees-04'-10" E 56.42 feet; thence S 03 degrees-04'-10" E 107.62 feet; thence N 82 degrees-01'-40" E 138.63 feet to a point in the east margin of Powell Avenue, said point being S 0 degrees-35' W 439.38 feet from the south margin of Erwin Road (S. R. 1718); thence N 82 degrees-28' E 620.93 feet; thence N 82 degrees-47' E 533.51 feet; thence S 9 degrees-59' W 708.2 feet; thence S 89 degrees-17' E approximately 340 feet to a point in the south margin of West Pope Street, if extended; thence eastwardly along the south margin of West Pope Street approximately 390 feet; thence S 39 degrees W 150 feet; thence S 51 degrees E 195 feet to a point in the east margin of Watauga Avenue, if extended; thence N 39 degrees E along the east margin of Watauga Avenue, if extended, 150 feet to the south margin of West Pope Street; thence S 51 degrees E along the south margin of West Pope Street approximately 540 feet; thence S 39 degrees W 150 feet; thence S 51 degrees E 756 feet to the west margin of General Lee Avenue; thence S 39 degrees W along the west margin of General Lee Avenue, if extended, 1670 feet to the north margin of Greenwood Cemetery; thence westwardly along the north margin of Greenwood Cemetery 490 feet to the west margin of Greenwood Cemetery; thence southwardly 425 feet along the west margin of Greenwood Cemetery to the north

margin of Susan Tart Road; thence westwardly along the north margin of the Susan Tart Road approximately 2300 feet to the east margin of Tilghman Drive; thence N 3 degrees-05' E along the east margin of Tilghman Drive 1359 feet; thence N 87 degrees-55' W 782 feet to the run of Fish Pond Branch; thence down the run of Fish Pond Branch the following courses and distances; S 49 degrees-25' W 206 feet, and S 66 degrees-40' W 164 feet, and S 72 degrees-20' W 108 feet; thence S 5 degrees-40' W 1015 feet a point on the south side of Susan Tart Road; thence S 82 degrees E approximately 990 feet along the south margin of Susan Tart Road to the dividing line ditch between the property of the Jesse Tart Estate and Alsey B. Johnson; thence southward along the said dividing line ditch between the Susan Tart Estate and the Alsey B. Johnson land 150 feet; thence eastwardly along a line parallel with, and 150 feet south of, the Susan Tart Road, a distance of approximately 2600 feet to a point in the west margin of General Lee Avenue if extended; thence S 39 degrees W approximately 260 feet to a point which is 4215 feet southward from the center of Broad Street; thence eastwardly parallel with the first line in this description to a point in the west margin of the right-of-way of the Seaboard Coastline Railroad; thence S 39 degrees-00' W along the west margin of the right-of-way of the Seaboard Coastline Railroad 2574.22 feet; thence S 73 degrees-09'-30" E 866.34 feet to a point in the west margin of U. S. Highway 301; thence S 39 degrees-00'W along the west margin of U. S. Highway 301-95.81 feet; thence S 54 degrees-33'-10" E 273.85 feet; thence N 52 degrees-00' E. 197.47 feet; thence S 31 degrees-25'30" E 917.71 feet; thence N 67 degrees-07'-50" E 398.44 feet; thence S 22 degrees-44'-30" E 551.60 feet; thence S 48 degrees-15'-30" E 377.27 feet to the northwest corner of Oakdale Subdivision; thence along the west margin of Oakdale Subdivision S 64 degrees-30'-40" W 401.95 feet to the southwest corner of said subdivision; thence along the south margin of Oakdale Subdivision S 23 degrees-44'-20" E 538.20 feet to a point in the west margin of State Road S. R. 1791; thence S 69 degrees-29'-40" E 339.48 feet; thence N 86 degrees-25'-20" E 329.54 feet to a point in the west margin of south Elm Avenue Extension; thence along the west margin of South Elm Avenue Extension S 05 degrees-40'-20" E 492.80 feet to the Southwest corner of Clover Terrace Subdivision; thence along the South margin of Clover Terrace Subdivision N 86 degrees-10'-30" E 1238.95 feet; thence S 03 degrees-19'-30" E 86.00 feet; S 81 degrees-29'-30" E 74.25 feet to the southeast corner of the Clover Terrace Subdivision, said point also being in the west margin of the right-of-way of U. S. Highway I-95; thence along the west margin of U. S. Highway I-95 the following courses and distances; N 30 degrees-36'-50" E approximately 2250 feet to a point in the west right-of-way line of the Southwest entrance ramp onto U. S. Highway I-95 from Pope Road; thence S 51 degrees E approximately 550 feet across the right-of-way of U. S. Highway I-95 to a point in the east right-of-way line of the southeast exit ramp from U.S. Highway I-95 onto Pope Road, said point also being in the west margin of the right-of-way of Pope Road; thence in an Easterly direction 100 feet across the right-of-way of Pope Road to a point in the East margin of the right-of-way of Pope Road; thence S 16 degrees E 540.3 feet along the East margin of the right-of-way of Pope Road; thence S 77 degrees-30' E 667.8 feet; thence N 17 degrees-45' W 1094.3 feet; thence N 74 degrees W 375.8 feet to a point in the East margin of the northeast

entrance ramp onto U.S. Highway I-95 from Pope Road; thence N 51 degrees W approximately 450 feet across the right-of-way of U. S. Highway I-95 to a point in the west right-of-way line of the northwest exit ramp from U. S. Highway I-95 onto Pope Road; thence the following courses and distances along the west margin of U. S. Highway I-95; N 30 degrees-33'-40" E 642.48 feet; and N 29 degrees 35'-40" E 1055.57 feet, and N 18 degrees-09' E 124.55 feet to a point which is 4400 feet from the center of the Seaboard Coastline Railroad Right-of-way; thence northwardly parallel with the Seaboard Coast Line Railroad Right-of-way approximately 770 feet to a point in the western margin of the right-of-way of U. S. Highway I-95; thence N 85 degrees-35' E along the western margin of U. S. Highway I-95 146.8 feet; thence N 38 degrees-13' E 262 feet to a point in the south margin of East Broad Street; thence S 51 degrees-35' E along the south margin of East Broad Street approximately 40.6 feet; thence along a line parallel with and 50 feet east of the east margin of Holland Avenue to a point 150 feet north of the north margin of East Broad Street; thence N 52 degrees W 160 feet along the south line of lot #42 as shown on map of J. B. Holland Property; thence N 38 degrees E 47 feet; thence S 52 degrees E 60 feet to a point in the west margin of Holland Avenue; thence along the west margin of Holland Avenue N 38 degrees E 94 feet; thence N 52 degrees W 60 feet along the north line of lot #40 as shown on map of J. B. Holland property; thence N 38 degrees E on a line parallel with, and 4400 feet from the center line of the right-of-way of the Seaboard Coast Line Railroad approximately 1200 feet to a point in the north margin of East Cleveland Street, if extended; thence with said north margin of East Cleveland Street, if extended, in a westerly direction approximately 1000 feet to a point in the east margin of Resthaven Memorial Cemetery; thence N 9 degrees-01' W along the east margin of Resthaven Memorial Cemetery approximately 560 feet to the northeast corner of said Resthaven Memorial Cemetery, thence N 86 degrees-29' W along the north margin of the said Resthaven Memorial Cemetery approximately 190 feet to a point on the line of the east margin of Little Avenue, if extended; thence N 38 degrees E along the line of the east margin of Little Avenue, if extended, and parallel with the right-of-way line of the Seaboard Coast Line Railroad, approximately 2400 feet to a point on a line 4215 feet northward from the center line of Broad Street; thence westward along this said line approximately 100 feet to a point in the east margin of the right-of-way of Jonesboro Road; thence along the east margin of Jonesboro Road the following courses and distances; S 70 degrees-35' W approximately 300 feet, and S 64 degrees-45' W 1200 feet to the intersection with Carolina Drive; thence along the east margin of Carolina Drive the following courses and distances; S 73 degrees W 146 feet, and S 73 degrees-50' W 1568 feet; (Note: the following courses until noted otherwise are around boundary of Lakeside Village Subdivision) thence N 8 degrees-50' W 258 feet; thence N 77 degrees-45' E 622 feet; thence N 44 degrees-20' W 1114 feet; thence N 6 degrees-10' E 500 feet; thence N 55 degrees-20' W 1470 feet; thence S 39 degrees-15' W 1700 feet; thence N 68 degrees W 345 feet; thence S 30 degrees-45' W 330 feet; thence S 25 degrees-45' E 397 feet; thence S 57 degrees-35' W 298 feet; thence S 18 degrees-20' W 650 feet; thence S 0 degrees-15' E 409 feet to a point in the west margin of Carolina Drive (End of Lakeside Village Subdivision); thence along the west margin of Carolina

Drive approximately 600 feet to its intersection with the first line extended eastwardly; thence westwardly with said first line to its intersection with the center of the Seaboard Coast Line Railroad right-of-way, the point of beginning. (The last line and the first line of this description being one continuous line.)

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 CITY COUNCIL

Sec. 3.1. Composition of City Council. The City Council shall consist of six members to be elected by the qualified voters of the City 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 City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. Where there is an equal division on a question, 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 City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the City Council shall serve for terms of four 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 City Council or to serve in such capacity, unless he is a resident and a qualified voter of the City.

(c) In the event a vacancy occurs in the office of Mayor or Councilman, the Council 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 Councilmen. The Mayor shall receive for his services such salary as the City Council shall determine, but no reduction in his salary shall be made to take effect during the term in which it is voted. The Council may establish a salary for its members which may be increased or reduced.

Sec. 3.5. Organization of Council; Oaths of Office. The City Council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the Mayor and each Councilman shall take, subscribe, and have entered upon the minutes of the Council the following oath of office: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will

faithfully perform the duties of the office of \_\_\_\_\_, on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 3.6. Meetings of Council. (a) The City Council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or a majority of the Council, 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 Council shall be open to the public. The Council shall not by executive session or otherwise formally consider or vote upon any question in private session.

Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the City Council shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance.

(b) Four affirmative votes, which may include the vote of the Mayor in case of equal division among the Council 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 Council. The enacting clauses of all ordinances shall be: "Be it ordained by the City Council of the City of Dunn". All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

#### ARTICLE IV. ELECTION PROCEDURE

Sec. 4.1. Wards. The City shall be divided into four wards for purposes of conducting elections of Councilmen. There shall be four ward seats and two at large seats on the Council. One Councilman shall reside in each of the four wards, but all six Councilmen shall be elected by all the qualified voters of the City. The four wards shall continue as now constituted, until changed in accordance with law.

Sec. 4.2. Regular Elections. Elections shall be held quadrennially on the Tuesday after the first Monday in May, beginning in 1971. In the 1971 election and quadrennially thereafter, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of four years. In the 1971 election and quadrennially thereafter, the candidates for ward seats from each ward and the two candidates for at large seats who receive the largest numbers of votes cast for such seats shall be declared elected for terms of four years.

Sec. 4.3. Voting. In each election, each qualified voter shall be entitled to vote for one candidate for each office to be filled.

Sec. 4.4. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Councilman shall file with the City 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 second 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 City 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)(Councilman at large) (Councilman, 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 City of Dunn, 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. 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. CITY MANAGER

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

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



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

#### ARTICLE VI. CITY ATTORNEY

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

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

#### ARTICLE II. ADMINISTRATIVE OFFICERS AND EMPLOYEES

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

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

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

Sec. 7.4. Consolidation of Functions. The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, City Tax Collector, and City 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 City Manager may also, with the approval of the City Council, 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 AND TAXATION

Sec. 8.1. Custody of City Money. All moneys received by the City for or in connection with the business of the City government shall be paid promptly into the City depository or depositories. Such institutions shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the City shall accrue to the benefit of the City. All moneys belonging to the City 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 City government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the City or of any of its officers. The City Council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the City, and may be published if so ordered by the City Council.

Sec. 8.3. Appropriations for Industrial Development. The City Council is hereby authorized to appropriate from any available non-tax revenues an amount not to exceed the sum of five thousand dollars (\$5,000.00) annually to be used for advertising and publicizing the advantages and facilities of the City in such manner as in the judgement and discretion of the City Council will promote and enhance the industrial and economic welfare of the citizens and taxpayers of the City. Such appropriations are hereby declared to be for a public purpose. The money so appropriated may be expended either directly by the City Council or through the facilities of such agency as the Council may elect, and shall be used in such manner as will, in the opinion of the Council, best serve the purposes herein set forth.

#### ARTICLE IX. DISPOSAL OF PROPERTY

Sec. 9.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the Mayor and City Council 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 Council 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 Mayor and City Council 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 City a notice of their intention to consider such sale or exchange.

Sec. 9.2. Disposal of Surplus Personal Property. The City Council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the Council has declared to be surplus property, in the following manner:

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

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

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

#### ARTICLE X. POLICE

Sec. 10.1. Jurisdiction Extended. (a) The jurisdiction of the police force is hereby extended to include all unincorporated territory outside and within one and one half 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 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 have within the corporate limits.

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

#### ARTICLE XI. 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 City for making street improvements, the City Council 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 City Council 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 Council as a fact:

(a) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

(b) That it is in the public interest to connect two streets, or portions of a street already improved, or

(c) 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 City's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

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 City for making sidewalk improvements, the City Council is hereby authorized to order to be made or to make sidewalk improvements or repairs without petition according to standards and specifications of the City, and to assess the total cost thereof against abutting property owners.

Sec. 11.5. Assessment Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the City Council shall comply with the procedure provided by Article 9 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.

#### ARTICLE XII. REGULATORY POWERS

Sec. 12.1. Subdivision Regulations. Any ordinance of the City Council adopted pursuant to the provisions of G. S. 160-226 through 160-227 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 sidewalks; and street and storm drainage facilities in accordance with City standards and specifications and, to assure compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

Sec. 12.2. Regulatory Codes. The City Council is hereby authorized to make effective and to enforce within the unincorporated territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the City regulating the construction and repair of buildings, including building codes, 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 City Council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the City; provided, that the City Council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

### ARTICLE XIII. CLAIMS AGAINST THE CITY

Sec. 13.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City of Dunn arising in tort or in contract 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 is barred.

(b) No action shall be instituted against the City on account of damages to or compensation for real property taken or used by the City for any public purpose, or for the ejectment of the City therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the City Council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The City may at any time request the appointment of a next friend to represent any person having a potential claim against the City and known to be suffering from physical or mental incapacity.

Sec. 13.2. Settlement of Claims by City Manager. The City Manager may, with the approval of the City Council, settle claims against the City for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars (\$100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars (\$500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this Section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements, and all such releases, shall be approved in advance by the City Attorney.

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

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

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

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

(c) c.1147, Session Laws, 1949; c.728, Session Laws, 1965; or any other Act relating to the operation of alcoholic beverage control stores in the City of Dunn.

**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 23, Private Laws, 1887; Chapter 105, Private Laws, 1887; Chapter 191, Private Laws, 1889; Chapter 197, Private Laws, 1893; Chapter 164, Private Laws, 1897; Chapter 303, Private Laws, 1899; Chapter 116, Private Laws, 1901; Chapter 316, Private Laws, 1901; Chapter 300, Private Laws, 1903; Chapter 175, Private Laws, 1905; Chapter 235, Private Laws, 1905; Chapter 792, Public Laws, 1907; Chapter 861, Public Laws, 1909; Chapter 235, Private Laws, 1911; Chapter 239, Private Laws, 1911; Chapter 27, Private Laws, 1913 (Regular Session); Chapter 28, Private Laws, 1913 (Regular Session); Chapter 358, Private Laws, 1913 (Regular Session); Chapter 421, Public-Local Laws, 1913 (Regular Session); Chapter 39, Private Laws, 1913 (Extra Session); Chapter 13, Private Laws, 1915; Chapter 560, Public-Local Laws, 1919; Chapter 214, Private Laws, 1921 (Regular Session); Chapter 76, Private Laws, 1921 (Extra Session); Chapter 129, Private Laws, 1923; Chapter 67, Private Laws, 1925; Chapter 82, Private Laws, 1925; Chapter 201, Private Laws, 1925; Chapter 2, Private Laws, 1935; Chapter 51, Private Laws, 1935; Chapter 79, Public-Local Laws, 1937; Chapter 695, Public Laws, 1903; Chapter 733, Public Laws, 1905; Chapter 241, Public Laws, 1907; Chapter 577, Public Laws, 1905; Chapter 309, Private Laws, 1907; Chapter 136, Public-Local Laws, 1913 (Extra Session); Chapter 27, Private Laws, 1919; Chapter 18, Private Laws, 1925; Chapter 46, Private Laws, 1929; Chapter 117, Private Laws, 1931; Chapter 453, Session Laws, 1947; Chapter 563, Session Laws, 1949; Chapter 1095, Session Laws, 1949; Chapter 1096, Session Laws, 1949; Chapter 123, Session Laws, 1951; Chapter 124, Session Laws, 1951; Chapter 177, Session Laws, 1951; Chapter 235, Session Laws, 1951; Chapter 550, Session Laws, 1951; Chapter 178, Session Laws, 1953; Chapter 654, Session Laws, 1953; Chapter 754, Session Laws, 1955; Chapter 1150, Session Laws, 1959; Chapter 907, Session Laws, 1961; Chapter 885, Session Laws, 1963; Chapter 1160, Session Laws, 1963; Chapter 1075, Session Laws, 1965.

(b) The following acts, which have been superseded by application of the Judicial Department Act of 1965 in the County of Harnett, are hereby repealed: Chapter

598, Public-Local Laws, 1911; Chapter 499, Public-Local Laws, 1913 (Regular Session); Chapter 661, Public-Local Laws, 1913 (Regular Session); Chapter 626, Public-Local Laws, 1915; Chapter 813, Public-Local Laws, 1915; Chapter 72, Public-Local Laws, 1935; Chapter 457, Public-Local Laws, 1939; Chapter 232, Session Laws, 1945; Chapter 754, Session Laws, 1949; Chapter 970, Session Laws, 1949; Chapter 1001, Session Laws, 1949; Chapter 817, Session Laws, 1951; Chapter 544, Session Laws, 1953; Chapter 951, Session Laws, 1953; Chapter 474, Session Laws, 1955; Chapter 683, Session Laws, 1955; Chapter 829, Session Laws, 1957; Chapter 1200, Session Laws, 1959; Chapter 1126, Session Laws, 1965.

**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 City of Dunn, and all existing rules or regulations of departments or agencies of the City of Dunn, not inconsistent with the provisions of this Act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this Act by or against the City of Dunn 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 12th day of June, 1969.