

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 288  
SENATE BILL 508

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF FAIRMONT

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The Town of Fairmont shall continue to be a body politic and corporate under the name and style of the 'Town of Fairmont', 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.

"Section 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 Commissioners and as provided by the general laws of North Carolina pertaining to municipal corporations, including Chapter 160 and 160A of the General Statutes of North Carolina.

"Section 1.3. Enumerated Powers not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Fairmont 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.

"Section 1.4. Form of Government. The form of government of the Town of Fairmont shall be the Council-Manager form.

"ARTICLE II. CORPORATE BOUNDARIES

"Section 2.1. Existing Corporate Boundaries. The corporate boundaries of the Town of Fairmont as of the date of the ratification of this act are as follows:

BEGINNING at a stake, the original Southwestern corner of the town of Fairmont, and running thence along the Western line of said town, due North about 1350 ft. to a stake at the intersection of said Western line and the center of a ditch that forms the Southern property line of Roscoe Barnes; thence along the center of said ditch, South 81 degrees 32 minutes West about 212 ft. to a bend in said ditch; thence continuing as said ditch and crossing paved secondary road No. 2442 (Pittman St. Ext.) about 325 ft. to a stake in the Western right-of-way (30 ft. from center) of the above mentioned secondary road No. 2442; thence along said right-of-way South 49 degrees 10 minutes West about 800 ft. to a stake in said right-of-way at its intersection with the Southwestern line of a new street leading into the parking lot on the Northern side of South Robeson Knitting Mills, Inc.; thence North 43 degrees West 284.0 ft. to a stake; thence South 52 degrees 49 minutes West 400 ft. to a stake in the Northeastern right-of-way (30 ft. from center) of a street leading from paved secondary road No. 2442 into the parking lot on the Southwestern side of South Robeson Knitting Mills, Inc.; thence along said Northeastern right-of-way, South 43 degrees 00 min. East 300.0 ft. to a stake in said right-of-way at its intersection with the Northwestern right-of-way line (30 ft. from center) of paved secondary road No. 2442; thence crossing said street and along the Northwestern right-of-way line of said paved secondary road No. 2442, South 49 degrees 10 minutes West 60.0 ft. to a stake in said right-of-way at its intersection with the Southwestern right-of-way (30 ft. from center) of the above mentioned street, the Northeastern corner of Davis Park Subdivision; thence along the Northeastern line of said subdivision and as the Southwestern line of said street and beyond, North 43 degrees West 1257.0 ft. to a stake in the run of Pittman Mill Branch; thence as the run of Pittman Mill Branch in a Northeasterly direction about 1000 ft. to a stake in the run of said branch, the most Northern corner of tract No. 3-B of the Rosa P. Davis Estate Lands, as shown on a map recorded in map book 12 at page 111; thence along the Northeast line of said tract No. 3-B, South 56 degrees 30 minutes East 530.0 ft. to a stake; thence South 28 degrees 30 minutes West 361 ft. to a stake, a corner of a 3.2 acre tract conveyed by W. C. Floyd to Maurice Bodenstien; thence as the Bodenstien line, South 70 degrees East 74 ft. to a stake, thence continuing as said line, North 70 degrees East 75 ft. to a stake; thence continuing as said line, South 84 degrees 30 minutes East 273 ft. to another stake in said line, a new corner, said stake being North 84 degrees 30 minutes West 150 ft. from the Western right-of-way line of paved secondary road No. 2442 (Pittman Street Ext.); thence a line parallel to the Western right-of-way line of Pittman Street Ext., North 49 degrees 10 minutes East, about 1000 ft. to a stake in the original Western line of the town of Fairmont; thence due North about 1000 ft. to a stake in said original Western line; thence North 60 degrees 28 minutes West about 350 ft. to a stake, the most Western corner of lot No. 6-A as shown on a map of the division of Rosa P. Davis Estate Lands, recorded in map book 12 at page 111; thence along the Northwestern line of said lot, North 29 degrees 32 minutes East, 150 ft. to a stake in the Southwestern right-of-way (20 ft. from center) of Church Street, the most Northern corner of lot No. 6-A; thence along the Southwestern right-of-way of Church Street, South 60 degrees 28 minutes East about 200 ft. to a stake in said right-of-way at its intersection with the original Western line of the town of Fairmont; thence along said

original line due North about 3070 ft. to a stake in a field, the Northwestern corner of the 1913 Annexation of the town of Fairmont; thence as the Northern line of said 1913 Annexation due East about 400 ft. to a stake in said line at its intersection with the Western line of lot No. 95 of Plaza Heights Subdivision; thence along the Western line of lot No. 95 and beyond North 4 degrees 15 minutes West about 515 ft. to a stake in the Southern right-of-way (30 ft. from center) of the Marion Stage Road; thence along said right-of-way South 51 degrees 35 minutes West about 10 ft. to a stake in said right-of-way that is South 38 degrees East 60 ft. from the South corner of a lot owned by the People's Investment Company; thence crossing said Marion Stage Road North 38 degrees 00 minutes West 535.00 ft. to a stake, the Western corner of said People's Investment Company, Inc. lot; thence along the Northern line of said lot North 77 degrees 45 minutes East 225.0 ft. to a stake, the North corner of said lot; thence as the East line of said lot, South 38 degrees 00 minutes East 380.0 ft. to a stake in the Northern right-of-way (30 ft. from center) of the Marion Stage Road; thence along said Northern right-of-way North 51 degrees 28 minutes East 479.44 ft. to a point opposite the dividing line between lots 63 and 64 of the Beaufort County Lumber Co. Subdivision; thence crossing said Marion Stage Road, South 37 degrees 35 minutes East 167.71 ft. to a corner of lots 62, 63, and 64 of said subdivision; thence along the Eastern line of said subdivision South 2 degrees 12 minutes East 722.65 ft. to the Northern line, 4th corner of the William Gaddy lot; thence as the Northern line of said lot crossing Linden Ave. about East 127.03 ft. to the Eastern line of Linden Ave.; thence as the Eastern line of said Linden Ave., South 0 degrees 56 minutes East 130.03 ft. to a stake in the Eastern line of Linden Ave. at its intersection with the Northern line of the 1913 Annexation of the town of Fairmont; thence along said Northern line due East, about 900 ft. to a stake in said line at its intersection with the Western edge of North Main Street; thence along the Western edge of North Main Street in a Northwesterly direction about 250 ft. to a stake; thence in an Easterly direction to, with, and beyond the Northern line of Lewis Street as shown on a recorded map of the Jackson Brothers Lumber Company Property, about 965 ft. to a stake at the intersection of a line running in a Northeasterly direction parallel with the Lumberton-Fairmont Road from the intersection of the North line of the 1913 Annexation and New Market Street Extended; thence in a Northeasterly direction parallel to the Lumberton-Fairmont Road (N.C. Highway 41) about 950 ft. to a stake at the intersection of a line running parallel to and about 20 ft. Northeast of the Northeast wall of the Twin State Liberty Warehouse; thence in a Southeasterly direction parallel to and about 20 ft. Northeast of the Northeast wall of said Warehouse about 600 ft. to a stake at the intersection of the Eastern line of the Lumberton-Fairmont Road (N.C. Highway 41); thence along the Eastern line of said Lumberton-Fairmont Road North 20 degrees 20 minutes East about 216 ft. to a stake in the Eastern line of said road, the most Northern corner of that certain lot now owned by M.L.P., Inc.; thence along the Northern line of said lot in a Southeasterly direction approximately 358.6 ft. to the run of Oldfield Swamp; thence down the various courses of the run of said swamp, in a Southern direction and about 1220 ft. to a stake in the run of said swamp at the intersection of the Northern line of the 1913 Annexation of the town of Fairmont; thence along said line due East about 900 ft.

to a stake, the Northeast corner of the 1913 Annexation of the town of Fairmont; thence along the Eastern line of said town due South 5900 ft. to a stake; thence due East 700 ft. to a stake; thence in a Southeasterly direction about 400 ft. to a stake, the Northwest corner of lot No. 1 surveyed for William A. Hayes by T. P. Henson, Registered Surveyor, dated Jan. 1960 and recorded in map book 13 at page 31, in the office of the Register of Deeds of Robeson County; thence along the Northern line of said lot South 80 degrees 13 minutes East 503.0 ft. to a stake, the Northeast corner of said lot; thence along the Eastern line of said lot and beyond, to, and as the Eastern line of Lot No. 2 as shown on said map, South 9 degrees 47 minutes West 415.0 ft. to a stake, the Southeastern corner of said lot No. 2; thence along the Southwestern line of lot No. 2, North 80 degrees 13 minutes West 103.0 ft. to a stake in said line, the Northeastern corner of lot No. 3; thence along the Eastern line of lot No. 3 and beyond, to, and as the Eastern line of lot No. 4, South 9 degrees 47 minutes West 340.0 ft. to a stake, the Southeastern corner of lot No. 4; thence along the Southwestern line of lot No. 4 and beyond crossing Dogwood Street North 80 degrees 13 minutes West 450 ft. to a stake in the Western line of Dogwood Street; thence in a Northerly direction about 400 ft. to a stake, said stake being located 700 ft. due East of the Southeastern corner of the 1901 Annexation of the town of Fairmont; thence due West to and as the Southern line of the original 1901 Annexation of the town of Fairmont about 1800 ft. to a stake in said line at a point 230 ft. East of the Eastern line of Morrow Street; thence in a Southern direction along the Eastern line of the Webster lot about 100 ft. to a stake, the Southeastern corner of the Webster lot; thence along the Southern line of the Webster lot in a Westerly direction 230 ft. to a stake in the Eastern line of Morrow St.; thence along the Eastern line of Morrow St. in a Northerly direction about 100 ft. to a stake in the Eastern line of said St. at its intersection with the Southern line of the original 1901 Annexation of the town of Fairmont; thence along said line due West about 300 ft. to a stake in said line, said stake being located approximately 600 ft. East of Walnut Street Extended; thence South 46 degrees West 788.8 ft. to a stake; thence South 7 degrees 45 minutes West 874 ft. to a stake; thence South 00 degrees 30 minutes West 762 ft. to a stake in the Northern or first line of the Carl T. Britt lot as shown in a deed dated April 7, 1955 and recorded in deed book 11-X at page 283 in the office of the Register of Deeds of Robeson County; thence along the Northern line of said lot North 84 degrees 30 minutes East about 300 ft. to a railroad T-iron, the most Northern or beginning corner of said Carl T. Britt lot; thence along the Eastern line of Carl T. Brit, William H. Lewis, Beech, Baker, Evanson, and Brady lots, South 14 degrees East about 1033 ft. to a stake, the most Eastern corner of the Brady lot; thence along the Northern line of the W. B. Webster lot South 89 degrees East 507.54 ft. to a stake, the Northeast corner of the Webster lot as described in deed book 12-H at page 323, Robeson County Registry; thence along the Eastern lines of W. B. Webster, Sam Tedder, Gaston Sealey, South 4 degrees 25 min. West about 509.98 ft. to a stake, Southeastern corner of the Gaston Sealy lot; thence along the Southeastern line of said lot, South 71 degrees West 492 ft. to a stake in the Eastern line of South Main Street Extended (N.C. Highway 41) the most Southern corner of the Gaston Sealey lot; thence along the Eastern line of South Main Street Extended, South 24 degrees 35 minutes East about 32 ft. to a stake; thence

South 65 degrees 25 minutes West crossing South Main Street Extended to and as the Southeastern right-of-way of Martin Street about 529 ft. to a stake in said right-of-way (30 ft. from center); thence crossing said Martin Street to and as the Eastern line of lots 19 and 18 of block E of Collinswood Subdivision, section 1 as shown on a map recorded in map book 17 at page 48, Robeson County Registry, North 24 degrees 35 minutes West 380.20 ft. to a stake in the Southeastern line of lot 17 of the above mentioned Collinswood Subdivision, the most Northern corner of lot No. 18; thence along the Southeastern line of lot No. 17, North 65 degrees 25 minutes East 49.0 ft. to a stake, the most Eastern corner of lot No. 17; thence along the Eastern line of said lot and beyond, to and as the Eastern line of lot No. 16, North 28 degrees 02 minutes West 200.37 ft. to a stake, a corner of lot No. 16; thence continuing as the Eastern line of lot No. 16 and beyond, to and as the Eastern line of lot No. 15, North 21 degrees 08 minutes West 200.37 ft. to a stake, a corner of lot No. 15; thence continuing along the Eastern line of lot No. 15, North 24 degrees 35 minutes West 187.0 ft. to a stake, a corner of lots 1, 14, and 15 of the above mentioned Collinswood Subdivision, section 1, block E; thence South 65 degrees 25 minutes West as the Southern line of lots No. 1, 2, 3, 4, 5, 6, 7, and 8 of Collinswood Subdivision to and crossing Alexander Street a total distance of 1002.0 ft. to a stake in the curved Western right-of-way (30 ft. from center) of Alexander Street; thence as the curved Western right-of-way of said Alexander Street in a Northwesterly direction 435.0 ft. to a stake in the Western right-of-way (30 ft. from center) of Alexander Street; thence crossing Alexander Street in a Northeasterly direction along the Northern line of lot No. 7, 8, 9, 10, of block F, Collinswood Subdivision section 1, about 474 ft. to a stake in the Western right-of-way (30 ft. from center) of Redden Street; thence along the Western right-of-way of said street, North 24 degrees 35 minutes West 260.0 ft. to a stake at the intersection of the Western right-of-way (30 ft. from center) of Redden Street with the Northern right-of-way (30 ft. from center) of Woodhue Street; thence North 65 degrees 25 minutes East crossing Redden Street and along the Northern right-of-way line of Woodhue St. about 260 ft. to a stake in the Northern right-of-way (30 ft. from center) of Woodhue St. at its intersection with the Western line of the 1956 Annexation of the town of Fairmont; thence along said line, North 11 degrees 45 minutes West 915.0 ft. to a stake in the old Marion-Leesville Road; thence in a Northerly direction about 300 ft. to a stake, J. K. Bray Southwestern corner; thence in a Northerly direction along the Western line of the J. K. Bray property to and as the Western line of the Frye Warehouse Property, about 398 ft. to a stake, Littlefield's Northwestern corner and in the line of the Fisher Park Subdivision; thence along the Southern line of Fisher Park Subdivision in a Southwesterly direction about 875 ft. to a stake, the most Southern corner of Fisher Park Subdivision; thence along the Western line of said subdivision in a Northerly direction about 1250 ft. to a stake at the intersection of the Western line of said subdivision and the original Southern line of the 1901 Annexation of the town of Fairmont; thence as said Southern line due West, about 1200 feet to the point of beginning.

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

"ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS

"Section 3.1. Mayor and Board of Commissioners. The Town shall be governed by a Mayor and a Board of Commissioners consisting of six members to be elected by the qualified voters of the Town voting at large.

"Section 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Commissioners. 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 Town. The Board of Commissioners shall choose one of its numbers 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.

"Section 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the Board of Commissioners shall serve for terms of four years and until their successors are elected and qualified. Their terms of office shall begin at the first regular meeting following their election. The present Mayor and Commissioners shall continue to serve the terms to which they have been elected as follows:

Mayor	P.L. Fisher	December 1973
Commissioner	Charlie R. Ashley	December 1973
Commissioner	Frank McCormick	December 1973
Commissioner	Calvin Haggins	December 1973
Commissioner	P. R. Floyd, III	December 1975
Commissioner	William H. Lewis	December 1975
Commissioner	A. Ray Davis	December 1975

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Commissioners 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 Commissioner, the Board of Commissioners shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

(d) The Mayor and Commissioners shall continue to receive the same compensation they now receive until such time as this may be changed pursuant to the provisions of G.S. 160A-64.

"Section 3.4. Organization of Board of Commissioners; Oaths of Office. The Board of Commissioners shall meet and organize for the transaction of business at the first regularly scheduled meeting of the Board following each biennial election. Before entering upon their offices, the Mayor and each Commissioner shall take, subscribe, and have entered upon the minutes of the Board the oath of office prescribed in Article VI, Section 7 of the Constitution of North Carolina.

"Section 3.5. Meetings of Board. (a) The Town Board shall fix the time and place for its regular meetings, which shall be as often as once monthly. Special meetings may be held as provided in G.S. 160A-71.

(b) All meetings of the Board shall be open to the public.

"Section 3.6. Quorum. A majority of the membership of the Board of Commissioners shall constitute a quorum. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

"Section 3.7. 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 Commissioners of the Town of Fairmont'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

#### "ARTICLE IV. ELECTION PROCEDURE

Elections for Mayor and Commissioners for the Town of Fairmont shall be conducted, in all respects, according to the procedures set forth in Article 23, Chapter 163 of the General Statutes of North Carolina.

#### "ARTICLE V. TOWN MANAGER

"Section 5.1. The Board of Commissioners shall appoint a Town Manager who shall be the administrative head of the Town government responsible for the supervision and administration of all departments. 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 Commissioners and shall receive such compensation as it shall fix by ordinance.

The Town Manager shall be the administrative head of the Town government and see that within the Town the laws of the State and the ordinances, resolutions and regulations of the Board of Commissioners are faithfully executed. He shall attend all meetings of the Board of Commissioners and recommend for adoption such measures as he shall deem expedient. He shall make reports to the Board of Commissioners 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. He shall be responsible for the appointment and removal of all employees of the Town, including Heads of Departments and Superintendents, but not including the Town Attorney. All appointments and removals made by the Town Manager shall be reported to the Board of Commissioners at its next regular meeting.

It shall be the duty of all officers and employees of the Town to perform such duties as may be required of them by the Town Manager under General Regulations of the Board of Commissioners.

The Town Manager shall have the powers and duties set forth in this section of the Charter, those specified in G.S. 160A-148, and such other as may necessarily be implied for him to efficiently perform and carry out the duties of his office.

#### "ARTICLE VI. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Section 6.1. Town Clerk. The Town Manager may appoint a Town Clerk to keep a journal of the proceedings of the Board of Commissioners 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.

"Section 6.2. 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.

"Section 6.3. 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.

"Section 6.4. Consolidation of Functions. The Town Manager may, with the approval of the Board of Commissioners, 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 Commissioners, himself perform all or any part of the functions of any of the named officers, in lieu of appointing other persons to perform the same.

#### "ARTICLE VII. FINANCE

"Section 7.1. 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.

"Section 7.2. 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 Commissioners 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 Commissioners.

#### "ARTICLE VIII. CLAIMS AGAINST THE TOWN

"Section 8.1. Presentation of Claim; Suit Upon Claims. (a) All claims or demands against the Town of Fairmont arising in tort or in contract shall be presented to the Board of Commissioners in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town on account of damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment 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 Commissioners 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.

#### "ARTICLE IX.

In exercising the power of eminent domain the Town of Fairmont may, in its discretion, use the procedures set forth in Article 9 of Chapter 136 of the General Statutes, or the procedures of any general law or local act applicable to the Town."

**Sec. 2.** The purpose of this act is to revise the Charter of the Town of Fairmont 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, specifically or by implication, 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 Fairmont;

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

**Sec. 4.** The following acts or portions of acts, having served the purpose for which enacted, or having been consolidated into this act, are hereby repealed: c. 112, Private Laws of 1899; c. 82, Private Laws of 1901; c. 42, Private Laws of 1907; c. 308, Private Laws of 1913; c. 312, Private Laws of 1913; c. 476, Private Laws of 1913; c. 151, Private Laws of 1915; c. 149, Private Laws of 1919; c. 64, Private Laws of 1921; c. 149, Private Laws of 1929; c. 183, Private Laws of 1929; c. 157, Private - Local Laws

of 1931; c. 282, Session Laws of 1943; c. 198, Session Laws of 1947; c. 555, Session Laws of 1947; c. 86, Session Laws of 1949; c. 446, Session Laws of 1949; c. 800, Session Laws of 1949; c. 148, Session Laws of 1951; c. 223, Session Laws of 1953; c. 203, Session Laws of 1955; c. 452, Session Laws of 1957; c. 666, Session Laws of 1957; c. 741, Session Laws of 1957; c. 43, Session Laws of 1963; c. 172, Session Laws of 1965; c. 752, Session Laws of 1967; c. 308, Session Laws of 1969; c. 323, Session Laws of 1969; c. 772, Session Laws of 1969; c. 1007, Session Laws of 1969.

**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 Fairmont, and all existing rules or regulations of departments or agencies of the Town of Fairmont, 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 Fairmont 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 circumstance 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 become effective upon its ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1973.