

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 371
SENATE BILL 525

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF RAEFORD

"CHAPTER 1. INCORPORATION AND CORPORATE POWERS

"1-1. Incorporation and Corporate Powers. The inhabitants of the City of Raeford are a body corporate and politic under the name of the City of Raeford. Under that name they have all the powers, duties, rights, privileges and immunities conferred and imposed on cities by the general law of North Carolina.

"CHAPTER 2. CORPORATE BOUNDARIES

"2-1. City Boundaries. The boundaries of the City of Raeford are set out on a map entitled 'Boundary Map of the City of Raeford, North Carolina.' The map is maintained in the Office of the City Manager.

"CHAPTER 3. GOVERNING BODY

"3-1. Structure of Governing Body; Number of Members. The governing body of the City of Raeford is the City Council, which has five members, and the Mayor.

"3-2. Manner of Election of Council. The qualified voters of the entire City elect the members of the Council.

"3-3. Term of Office of Members of the Council. Members of the Council are elected to two-year terms.

"3-4. Election of Mayor; Term of Office. The qualified voters of the entire City elect the Mayor. He is elected to a two-year term of office.

"CHAPTER 4. ELECTIONS

"4-1. Conduct of City Elections. City officials shall be elected on a nonpartisan basis and the results determined by plurality, as provided by G.S. 163-292.

"CHAPTER 5. ADMINISTRATION

"5-1. City to Operate Under Council-Manager Plan. The City of Raeford operates under the council-manager plan as provided in the general law of North Carolina relating to cities.

"CHAPTER 6. STREET IMPROVEMENTS

"6-1. Special Assessments Authorized Without Petition. The City of Raeford is authorized to make special assessments against benefited property within its corporate limits for constructing, reconstructing, paving, widening, installing curbs and gutters,

and otherwise building and improving streets without the necessity of a petition therefor from the affected property owners.

"CHAPTER 7. EMINENT DOMAIN

"7-1. Alternate Condemnation Procedures Authorized. In exercising the power of eminent domain, the City of Raeford may, in its discretion, use the procedures of Article 9 of Chapter 136 of the General Statutes, or the procedures of any general law or local act applicable to the City.

"CHAPTER 8. CLAIMS AGAINST THE CITY

"8-1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the City of Raeford arising in tort or in contract shall be presented to the City Council 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 City for 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 occurrence of 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 occurrence of 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. 2. The purpose of this act is to revise the Charter of the City of Raeford 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, or in any manner 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 Raeford;

(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 purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

CHAPTER	LAWS
125	Pr. 1901
64	Pr. 1903
133	Pr. 1905
643	P.L.1913
588	P.L.1915
599	P.L.1919
199	Pr. 1927
19	Pr. 1929
73	Pr. 1933
14	Pr. 1935
483	P.L.1939
134	S.L.1949
787	S.L.1949
689	S.L.1955
723	S.L.1955
132	S.L.1959
180	S.L.1961
44	S.L.1963
244	S.L.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 City of Raeford and all existing rules or regulations of departments or agencies of the City of Raeford 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 Raeford 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 the provisions of this act are hereby repealed.

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of May, 1973.