

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 118  
HOUSE BILL 297

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

The General Assembly of North Carolina enacts:

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

"The Charter of the City of Lenoir.

"ARTICLE I.

"INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1. Incorporation. The City of Lenoir, North Carolina, in the County of Caldwell, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'City of Lenoir', hereinafter at times referred to as the 'city'.

"Sec. 1.2. Powers. The City of Lenoir shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the City of Lenoir, specifically, or upon municipal corporations, generally, by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. Corporate limits. The corporate limits of the City of Lenoir shall be those existing at the time of ratification of this Charter, as the same are set forth on an official map of the city, and as the same may be altered from time to time in accordance with law. The official map of the city showing the current boundaries of the city, entitled 'Map of the City of Lenoir, North Carolina', shall be maintained in the office of the city manager, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the city shall be made.

"Sec. 1.4 through 1.10. (Reserved.)

"ARTICLE II.

"MAYOR AND COUNCIL.

"Sec. 2.1. Governing body. The mayor and council, elected and constituted as herein set forth, shall be the governing body of the city. On behalf of the city, and in conformity with applicable laws, the mayor and council may provide for the exercise of all municipal powers, and shall be charged with the general government of the city.

"Sec. 2.2. Council; composition; terms of office. The city council shall be composed of seven members, each of whom shall be elected by and from the qualified voters of

the city for terms of four years each in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. Mayor, term of office; duties. The mayor shall be elected by and from the qualified voters of the city in the manner provided by Article III of this Charter to serve for a term of two years, or until his successor is elected and qualified. The mayor shall be the official head of the city government and shall preside at all meetings of the council. He shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the council. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the city.

"Sec. 2.4. Mayor pro tempore. In accordance with applicable State laws, the council shall elect one of its members to act as mayor pro tempore to perform the duties of the mayor in the mayor's absence or disability. The mayor pro tempore shall serve in such capacity for a term of two years or until the expiration of his term of office as a member of the council, whichever first occurs.

"Sec. 2.5. Meetings of the council. In accordance with the General Statutes, the council shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

"Sec. 2.6. Ordinances and resolutions. The adoption, amendment, repeal, pleading, or proving of city ordinances and resolutions shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The enacting clause of all city ordinances shall be: "Be it ordained by the City Council of the City of Lenoir."

"Sec. 2.7. Voting requirements; quorum. Official action of the council shall, unless provided otherwise by law, be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the council, is present. Vacant seats are to be subtracted from the normal council membership to determine the actual membership.

"Sec. 2.8. Qualifications for office; vacancies. The qualifications of governing body members and the filling of vacancies on the governing body shall be in accordance with applicable provisions of the General Statutes.

"Sec. 2.9. Compensation of the mayor and council members. The mayor shall receive for his services such salary as the city council shall by ordinance determine, and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected. The council may establish a salary for its members. Such salary may be reduced, but no increase therein shall be made to take effect earlier than the beginning of the fiscal year opening 180 days or more after the increase is voted.

"Sec. 2.10 through 2.15. (Reserved.)

### "ARTICLE III.

### "ELECTIONS.

"Sec. 3.1. Regular municipal elections; conduct and method of election. Regular municipal elections shall be held in the city every two years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North

Carolina. The mayor and members of the council shall be elected according to the nonpartisan primary and election method.

"Sec. 3.2. Election of the mayor. At the regular municipal election in 1977, and biennially thereafter, there shall be elected a mayor to serve a term of two years. The mayor shall be elected by all the voters of the city voting at large.

"Sec. 3.3. Election of council members. At the regular municipal election in 1977 and quadrennially thereafter, there shall be elected four (4) council members to serve terms of four years each. At the regular municipal elections in 1979 and quadrennially thereafter, there shall be elected three (3) council members to serve terms of four years each. Newly elected members of the council shall fill the seats of those council members whose terms are then expiring.

"Sec. 3.4 through 3.10. (Reserved.)

#### "ARTICLE IV.

#### "ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of government. The city shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. City manager. The council shall appoint a city manager who shall be the head of the administrative branch of city government, and who shall be responsible to the council for the proper administration of the affairs of the city. The manager shall be appointed on the basis of merit only, and he shall serve at the pleasure of the council. In exercising his duties as chief administrator, the manager shall have the following powers and duties:

(a) He shall appoint and suspend or remove all city employees whose appointment or removal is not otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.

(b) He shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.

(c) He shall attend all meetings of the council and recommend any measures that he deems expedient.

(d) He shall see that all laws of the State, the city Charter and the ordinances, resolutions and regulations of the council are faithfully executed within the city.

(e) He shall prepare and submit the annual budget and capital program to the city.

(f) He shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.

(g) He shall make any other reports that the council may require concerning the operations of the city departments, offices, and agencies subject to his direction and control.

(h) He shall perform any other duties that may be required and authorized by the council.

"Sec. 4.3. City attorney. The council shall appoint a city attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the city attorney to prosecute and defend suits against the city; to advise the mayor, council and other city officials with respect to the affairs of the city; to draft all legal documents relating to the affairs of the city; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the city may be concerned; to attend meetings of the council; and to perform other duties required by law or as the council may direct.

"Sec. 4.4. City clerk. The manager shall appoint a city clerk to keep a journal of the proceedings of the council, 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 council may direct.

"Sec. 4.5. City finance officer. The manager shall appoint a city finance officer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 4.6. City tax collector. The manager shall appoint a city tax collector to collect all taxes, licenses, fees and other revenues accruing to the city, subject to the General Statutes, the provisions of this Charter and the ordinances of the city. The tax collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes and other revenues by municipalities.

"Sec. 4.7. Consolidation of functions. The city manager may consolidate any two or more positions of city manager, city clerk, tax collector and finance officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. Other administrative officers and employees. Consistent with applicable State laws, the council may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the city government in order to promote the orderly and efficient administration of the affairs of the city.

"Sec. 4.9 through 4.15. (Reserved.)

## "ARTICLE V.

### "RETIREMENT AND PENSION FUNDS.

"Sec. 5.1. Retirement system authorized. A. The city council is hereby authorized to establish or provide for a retirement system to provide for the payment of benefits to its employees or to their beneficiaries, in the following cases:

- (1) Retirement, because of age
- (2) Disability
- (3) Death

B. The retirement system shall include such officers and employees of the city as shall be determined by the council. The city shall contribute to the system in such amounts as it shall determine, in order to meet the liabilities accruing because of personal services rendered to the city by its officers and employees; provided, however, that the system may also provide benefits which are based, partly or entirely, upon personal services rendered to the city prior to the establishment thereof, and the city

may contribute the entire costs of benefits based on any such prior service. The city council may provide that employees shall share in the cost of financing the system, upon such terms as it deems advisable. The expense of administering the system shall be paid as provided by the city council and the city council shall appropriate each year sufficient revenue to provide for the expense of the administration.

C. The system shall be maintained on a solvent actuarial reserve basis for all benefits beginning at its inauguration date, excepting the present value of benefits based on prior service.

D. The contribution required to cover the cost of benefits based on prior service, if any, shall be sufficient to fund the liability for such prior service in not more than 40 years from the date of establishment of the system.

E. The ordinance may provide for the appointment or election of a retirement board or board of trustees, and for the delegation to such board of such powers and duties as may be deemed necessary to carry out the intent and purpose for which the system is established. If such a retirement board or board of trustees is provided for, the board shall consist of a member or members of the city council, an employee or employees entitled to participate in the system, and one or more citizens of the city not officially connected with the city, nor entitled to participate in the system.

F. The city may provide for the payment of one or more of the benefits enumerated in subsection B hereof by contracting with the governing body of any other municipality or municipalities in the State, with the United States Government or any of its agencies or departments, with the State of North Carolina or any of its agencies or departments, or may contract with any insurance company or other corporation for the performance of any service in connection with the establishment of such fund, or for the investment, care, or administration of such fund, or for any other service relating thereto.

The city or any other governing body, agency, insurance company, person, or corporation contracting with the city for the investment, care or administration of the retirement system may invest and reinvest the funds thereof in one or more of the types of securities or other investments authorized by Section 58-79 of the General Statutes of North Carolina, as amended, and by other State law, for the investment of assets of domestic life insurance companies.

G. Nothing in this section shall be construed to prohibit the city from providing or continuing to provide old age and survivors' insurance, or social security coverage, for its officers and employees as the same may be authorized by federal and State laws, either separately or in addition to the fund authorized herein, or any other retirement or pension plan or fund authorized by general law or local act.

"Sec. 5.2. Firemen's supplemental retirement fund. A. The board of trustees of the local firemen's relief fund of the City of Lenoir, as established in accordance with G.S. 118-6, hereinafter called the board of trustees, shall create and maintain a separate fund to be called the Lenoir Paid Firemen's Supplemental Retirement Fund, hereinafter called the supplemental retirement fund, and shall maintain books of account for such fund separate from the books of account of the firemen's local relief fund of the City of

Lenoir hereinafter called the local relief fund. The board of trustees shall pay into the supplemental retirement fund the funds prescribed by this section.

B. Notwithstanding the provisions of G.S. 118-7, the board of trustees of the local firemen's relief fund of the city shall:

(1) prior to July 1, 1974, transfer to the supplemental retirement fund all funds, including earnings on investments, of the local relief fund in excess of seventy-five thousand dollars (\$75,000);

(2) at any time when the amount of funds in the local relief fund shall by reason of disbursements authorized by G.S. 118-7, be less than seventy-five thousand dollars (\$75,000) transfer from the supplemental retirement fund to the local relief fund an amount sufficient to maintain in the local relief fund the sum of seventy-five thousand dollars (\$75,000);

(3) as soon as practicable after July 1 of each year, divide the sum of the annual funds paid to the local relief fund by authority of G.S. 118-5, the income earned in the preceding fiscal year upon investments of funds belonging to the local relief fund and the income earned in the preceding fiscal year upon investments of funds belonging to the supplemental retirement fund into equal amounts and disburse the same as supplemental retirement benefits in accordance with subsection C hereof. Provided, however, in the event the total amount of these funds in any fiscal year exceeds the total of the benefit limits of seven hundred twenty dollars (\$720.00) per annum per eligible person, as set forth in subsection C of this section such excess amount shall become a part of the supplemental retirement fund.

C. Each fully-paid active city fireman who retired after July 1, 1974, with 20 years or more service and has attained the age of 60 shall be entitled to and shall receive in each fiscal year following the fiscal year in which he retires an annual supplemental retirement benefit, provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of seven hundred twenty dollars (\$720.00).

Any fireman of the city who is not otherwise entitled to supplemental retirement benefits under the first paragraph of this subsection shall nevertheless be entitled to such benefits in any fiscal year in which the board of trustees makes the following written findings of fact:

(1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) that, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(3) that, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the city a position of employment the normal duties of which he was capable of performing.

D. It is the intention of subsection C hereof to authorize the disbursement as supplemental retirement benefits only of the income derived in any fiscal year from

funds received from subsection B, part (3). It is the intention of subsection B of this section to require that the funds paid into the supplemental retirement fund pursuant to parts (1) and (3) thereof shall be held in trust, and that no funds paid into the supplemental retirement fund pursuant to parts (1) and (3) thereof or as a gift, grant, bequest, or donation to such fund shall ever be disbursed except as and when required by part (2).

E. The board of trustees is hereby authorized to invest any funds, either of the local relief fund or of the supplemental retirement fund, in any investment named in or authorized by G.S. 159-28.1, only in accordance with the provisions thereof, and is hereby directed to invest all of the funds of the supplemental retirement fund in one or more of such investments.

F. The board of trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the supplemental retirement funds.

G. The board of trustees shall bond the treasurer of the local relief fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the board of trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The board of trustees shall pay from the local relief fund the premiums of the bond of the treasurer.

#### "ARTICLE VI.

#### "ALCOHOLIC BEVERAGE CONTROL.

"Sec. 6.1. Election authorized on alcoholic beverages. Upon a petition to the city council signed by residents of the city equal in number to fifteen percent (15%) of the number of votes cast by resident voters of the city in the last city election, all such petitioners being registered and qualified voters of the city, or, upon its own motion, the city council shall order an election to be held on the question of whether or not city alcoholic beverage control stores may be operated in the city; and if a majority of the votes cast in such an election shall be for the operation of such stores, it shall be legal for alcoholic beverage control stores to be set up and operated in the city, but if a majority of the votes cast in the election shall be against the operation of alcoholic beverage control stores, no such stores may be set up or operated in the city under the provisions of this Article.

"Sec. 6.2. Election procedures. The city council shall submit the question hereinabove mentioned and call a special election for the purpose of submitting such question within four (4) months after the receipt of the petition required by Section 6.1 of this Article, notwithstanding the provisions of any general or local laws to the contrary. In the event the special election is called it shall be held and conducted on the date fixed by the city council. A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those who register in the alcoholic beverage control election shall be entitled to vote in such election. In the election a ballot shall be used upon which shall be printed on separate lines for each proposition, 'For City Alcoholic Beverage Control Stores' and 'Against City Alcoholic Beverage Control Stores'. Those favoring setting up and operating alcoholic beverage control stores in the City of Lenoir shall mark in the voting square to the left of the words 'For City Alcoholic Beverage Control Stores',

printed on the ballot and those opposed to city alcoholic beverage control stores shall mark in the square to the left of the words, 'Against City Alcoholic Beverage Control Stores'. Except as otherwise herein provided, if a special election is called, the special election authorized shall be conducted under the same statutes, rules and regulations applicable to general elections for the governing body of the City of Lenoir, and the cost shall be paid from the general fund of the city.

"Sec. 6.3. City board of alcoholic control may be created. If the operation of city alcoholic beverage control stores is authorized under the provisions of this Article, the city council shall immediately create a city board of alcoholic control to be composed of a chairman and two (2) other members who shall be well known for their character, ability and business acumen. The board shall be known and designated as 'The City of Lenoir Board of Alcoholic Control'. The members and chairman of the board shall be designated by the mayor and council and a member designated as chairman shall serve for his first term a period of three (3) years. As to the other members, one (1) member shall serve for his first term a period of two (2) years, and the other members shall serve for his first term a period of one (1) year; and all terms shall begin with the date of their appointment. Thereafter, as the terms of the chairman and members expire, their successors in office shall serve for terms of three (3) years each, and until their successors are appointed and qualified. Any vacancy shall be filled by the city council for the unexpired term. Compensation of the members of the board of alcoholic control shall be fixed by the city council.

"Sec. 6.4. Same; powers and duties. The city board of alcoholic control shall have all the powers and duties imposed by G.S. 18A-17 on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control the same as county boards of alcoholic control as provided in G.S. 18A-15. The board of alcoholic control and the operation of any city alcoholic beverage control stores authorized under the provisions of this Article shall be subject to and in pursuance with the provisions of Article 1 of Chapter 18A of the General Statutes of North Carolina except to the extent which the same may be in conflict with the provisions of this Article. Wherever the word 'county' board of alcoholic control appears in that Article, it shall include the City of Lenoir Board of Alcoholic Control. The city board of alcoholic control shall have authority to employ legal counsel and such other employees as it may deem wise, and to fix their compensation.

Sec. 6.5. Same; financial administration. Out of the gross profits derived from the operation of city alcoholic beverage control stores, there shall first be paid all costs and operating expenses. The net profits which remain shall be expended in the following manner:

- (a) 5% for law enforcement purposes;
- (b) 5% for educational programs on the excessive use of alcohol, and the rehabilitation of alcoholics;
- (c) 10% to the county school administrative unit;
- (d) the remainder to the city to be expended for any lawful purpose authorized to the city.

"Sec. 6.6. Additional stores authorized. The City of Lenoir Board of Alcoholic Control may authorize the establishment and operation of additional stores within the city if, in its discretion, it finds the same desirable.

"Sec. 6.7. Subsequent elections. If a subsequent election shall be held and at such election a majority of the votes cast shall be cast 'Against City Alcoholic Beverage Control Stores', the city alcoholic beverage control board shall, within 3 months after the canvassing of such votes and the declaration of the results thereof, close such stores and shall thereafter cease to operate the same, and within said three (3) months the city alcoholic beverage control board shall dispose of all alcoholic beverages on hand, all fixtures and all other property in the hands and under the control of said board and convert the same into cash and turn the same over to the city finance officer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within the city in force and effect prior to the authorization to operate city alcoholic beverage control stores shall be in full force and effect the same as if such election had not been held, and until and unless another election is held under the provisions of this Article in which a majority of the votes cast shall be cast 'For City Alcoholic Beverage Control Stores'.

## "ARTICLE VII.

### "SPECIAL PROVISIONS.

"Sec. 7.1. Assessments for street and sidewalk improvements; petition unnecessary.

A. 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 section.

B. The council may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by council as a fact:

- (1) that the street improvement project does not exceed 1,200 linear feet, and
- (2) that such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement, or
- (3) that it is in the public interest to connect two streets, or portions of a street already improved, or
- (4) 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 a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this section.

C. For the purposes of this section the term 'street improvement' shall refer to the initial improvement of an unimproved, unpaved street, including initial acquisition of rights-of-way, grading, surfacing, and the construction of curb and gutter and street drainage facilities. For the purposes of this section, the term 'sidewalk improvement' shall refer to the initial acquisition of rights-of-way, laying out, grading and surfacing of new sidewalks. The provisions of this section are not intended to refer to those activities that are normally included under the city's street maintenance program, such as street resurfacing and repairs, curb and gutter and sidewalk maintenance and repairs.

D. 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 without the necessity of a petition, to make or to order to be made sidewalk improvements according to standards and specifications of the city, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the council 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.

E. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this section, the city council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

F. The effect of the act of levying assessments under the authority of this section shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"Sec. 7.2. Power of eminent domain. The procedures provided in Article 9 of Chapter 136 of the General Statutes, as specifically authorized by G.S. 136-66.3(c), shall be applicable to the city in the case of acquisition of lands, easements, privileges, rights-of-way and other interest in real property for streets, sewer lines, water lines, electric power lines, and other utility lines in the exercise of the power of eminent domain. The city, when seeking to acquire such property or rights or easements therein or thereto, shall have the right and authority, at its option and election, to use the provisions and procedures as authorized and provided in G.S. 136-66.3(c) and Article 9 of Chapter 136 of the General Statutes for any of such purposes without being limited to streets constituting a part of the State Highway System; provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c), unless (1) the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the city, or (2) it is first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

"Sec. 7.3. Supplemental authority to sell real and personal property.

A. The city shall have the authority at all times to sell or exchange any real property belonging to the city after having advertised the same once a week for four (4)

consecutive weeks in a newspaper published in the county, according to the procedure prescribed by the general laws of the State for the foreclosure of mortgages and deeds of trust under the power of sale contained therein; provided, that before any bid shall be deemed accepted or any sale made, or title passed by virtue of such sale, such sale shall be confirmed by the city council and the council may, in its discretion, refuse confirmation. When so authorized, a deed for such real estate may be executed by the mayor and attested by the city clerk, when the corporate seal of the city is attached; provided, however, this shall not apply to plots in the city cemetery except as to the manner of execution of the deed. In the sale of real property, the city is authorized to execute deeds in the usual form and containing full covenants of warranty.

B. The city council shall have the authority, in addition to the authority granted by G.S. 160A-266, 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:

- (1) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars (\$500.00) or less;
- (2) 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); provided, that all such bids received shall be recorded on the minutes of the council;
- (3) to the highest bidder upon receipt of sealed bids after one (1) week's public notice, if the property has a market value in excess of two thousand dollars (\$2,000); provided, that all such sealed bid proposals shall be opened in public and recorded on the minutes of the council.

"Sec. 7.4. Authority to regulate loudspeakers. The city is authorized to regulate and restrict the use of loudspeakers, amplifying systems or public address systems within the corporate limits of the city and within a radius one mile therefrom. To this end, the city may adopt ordinances regulating the time for using or operating such systems, the volume of sound produced by such systems, and may issue or deny permits for loudspeaker, amplifier and public address system use.

"Sec. 7.5 through 7.15. (Reserved.)"

**Sec. 2.** The purpose of this act is to revise the Charter of the City of Lenoir 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 Lenoir;

(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 12, Public Laws of 1841  
Chapter 326, Private Laws of 1851  
Chapter 246, Private Laws 1855  
Chapter 222, Private Laws 1859  
Chapter 24, Private Laws 1866  
Chapter 31, Private Laws 1869  
Chapter 124, Public Laws 1870  
Chapter 45, Private Laws 1870  
Chapter 58, Private Laws 1874  
Chapter 65, Private Laws, 1875  
Chapter 127, Private Laws 1883  
Chapter 23, Private Laws 1855  
Chapter 479, Public Laws 1897  
Chapter 221, Private Laws 1901  
Chapter 315, Private Laws 1901  
Chapter 140, Private Laws 1903  
Chapter 769, Public Laws 1903  
Chapter 83, Private Laws 1907  
Chapter 167, Private Laws 1905  
Chapter 26, Private Laws 1909  
Chapter 37, Private Laws 1909  
Chapter 83, Private Laws 1909  
Chapter 248, Private Laws 1913  
Chapter 164, Private Laws 1915  
Chapter 202, Private Laws 1915  
Chapter 104, Private Laws 1917  
Chapter 1, Private Laws 1923  
Chapter 236, Private Laws 1923  
Chapter 266, Private Laws 1923  
Chapter 42, Private Laws 1924  
Chapter 183, Private Laws 1927  
Chapter 41, Private Laws 1929  
Chapter 89, Private Laws 1931  
Chapter 107, Private Laws 1933  
Chapter 173, Private Laws 1933  
Chapter 200, Private Laws 1933  
Chapter 68, Private Laws 1935  
Chapter 131, Public-Local Laws 1941  
Chapter 615, Session Laws 1947  
Chapter 445, Session Laws 1951  
Chapter 398, Session Laws 1963  
Chapter 487, Session Laws 1967

Chapter 8, Session Laws 1969

Chapter 978, Session Laws 1971

**Sec. 5.** The following act, having served the purpose for which it was enacted, is hereby repealed to the extent of its application to the City of Lenoir:

Chapter 1069, Session Laws 1945.

**Sec. 6.** 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 pursuant to or within the scope of any provisions of law repealed by this act.

**Sec. 7.** 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. 8.** All existing ordinances and resolutions of the City of Lenoir and all existing rules or regulations of departments or agencies of the City of Lenoir, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

**Sec. 9.** 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 Lenoir or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Sec. 10.** If any 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. 11.** Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

**Sec. 12.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Sec. 13.** This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 28th day of March, 1977.