

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 289  
HOUSE BILL 585

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF STATESVILLE.

"ARTICLE 1.

"INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. Incorporation. The City of Statesville North Carolina in the County of Iredell, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the "City of Statesville".

"Sec. 1.2. Powers. The City of Statesville 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 Statesville specifically or upon municipal corporations generally, by this Charter, by the State Constitution, or by general or special statute. Provided further that the City of Statesville shall be authorized to participate in all Federal programs not contrary to the Constitution of the State of North Carolina and not explicitly denied to municipalities by the General Statutes.

"Sec. 1.3. Corporate Limits. The corporate limits of the City of Statesville shall be those existing at the time of the ratification of this Charter, as the same are set forth on the official map and written description of the City, and as the same may be altered from time to time in accordance with law. The official map and written description of the City, showing the current City boundaries, shall be maintained permanently in the office of the City Clerk, and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the Council shall cause to be made the appropriate changes to the official map and written description.

"ARTICLE II.

"MAYOR AND COUNCIL.

"Sec. 2.1. Governing Body. The Mayor and City 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. City Council; Terms of Office. The City Council shall be composed of six members, each of whom shall be elected by the qualified voters of the City to serve for a term of two years in the manner provided by Article III of this Charter.

"Sec. 2.3. Mayor; Term of Office. The Mayor shall be elected by the qualified voters of the City to serve for a term of two years, in the manner provided by Article III of this Charter. He shall preside at meetings of the City Council, but he shall vote only when there is an equal division upon any question before the Council. He shall vote in no other case except where otherwise authorized by law, and may not vote to break a tie vote in which he participated.

"Sec. 2.4. Mayor Pro Tempore. In accordance with State law, the City Council shall appoint one of its number mayor pro tempore to exercise the functions of Mayor whenever the Mayor is absent or unable for any reason to discharge the duties of his office.

"Sec. 2.5. Vacancies. If any vacancy should occur in the office of Mayor or councilman in the City, the City Council, before filling the vacancy, shall give public notice of the same in some newspaper published in the City at least 15 days before the date fixed for the filling of such vacancy. After giving this notice, the Council may then proceed to fill the vacancy in accordance with State law.

"Sec. 2.6. Organizational, Regular, and Special Meetings. The City Council shall hold organizational meetings, regular meetings, and special meetings, in accordance with State law; provided, however, that prior to the final adoption of any ordinance establishing the time and place for such regular meetings, notice thereof shall be published in a newspaper having a general circulation throughout the City. This notice shall be so published at least once, not more than 30 days nor less than 10 days prior to the introduction and first reading of any such ordinance.

### "ARTICLE III.

#### "ELECTIONS.

##### "Chapter 1. Regular City Elections.

"Sec. 3.1. Method of Election. Regular municipal elections shall be held in the City biennially in odd-numbered years, and shall be conducted in accordance with State law governing municipal elections. The Mayor and members of the City Council shall be elected by the nonpartisan election and runoff election method.

"Sec. 3.2. Election of the Mayor; Term of Office. At each regular municipal election in the City, a Mayor shall be elected for a term of two years by and from the qualified voters of the City voting at large.

"Sec. 3.3. Election of the City Council; Terms of Office. At each regular municipal election in the City, there shall be elected six members to the City Council, one Council member from each of the six wards established pursuant to Section 3.4, to serve for terms of two years each. Every person elected to the City Council and every candidate for the City Council shall reside in the ward which he represents or seeks to represent, but all candidates shall be voted upon and elected by all the qualified voters of the City.

"Sec. 3.4. Wards and Ward Boundaries. The City shall be divided into six wards as follows:

WARD ONE: Beginning at the intersection of the centerline of East Broad Street with the centerline of Bost Street; thence with the centerline of East Broad Street in an easterly direction to the city limits; thence with the city limits in a northerly and westerly direction to the centerline of Radio Road; thence with the centerline of Radio Road in a southerly direction to its intersection with the centerline of Bost Street; thence with the centerline of Bost Street in a southerly direction to the beginning.

WARD TWO: Beginning at the intersection of the centerline of Broad Street with the centerline of Center Street; thence with the centerline of South Center Street in a southerly direction to the main line of the Southern Railway; thence with the main line of the Southern Railway in a easterly direction to the city limits; thence with the city limits in a northerly and easterly direction to the centerline of East Broad Street; thence with the centerline of East Broad Street in a westerly direction to the beginning.

WARD THREE: Beginning at the intersection of the centerline of Broad Street with the centerline of Center Street; thence with the existing and projected centerline of South Center Street in a southerly direction to the main line of the Southern Railway; thence with the main line of the Southern Railway in a westerly direction to a point, said point being the intersection of the projected centerline of Seventh Street and the main line of the Southern Railway; thence with the projected and existing centerline of Seventh Street in a southerly direction to the centerline of Fayetteville Avenue; thence with the centerline of Fayetteville Avenue in an easterly direction to the center line of Boulevard (Sixth Street); thence with the centerline of Boulevard (Sixth Street) in a southerly direction to the city limits; thence with the city limits in a northwesterly direction to the centerline of Bristol Road; thence with the centerline of Bristol Road in an easterly direction to its eastern terminus; thence with the projected centerline of Bristol Road diagonally across Industrial Boulevard to the existing centerline of Bristol Road at its western terminus; thence with the centerline of Bristol Road in an easterly direction to the centerline of West Front Street; thence with the centerline of West Front Street in an easterly direction to the centerline of Buena Vista Street; thence with the centerline of Buena Vista Street in a northerly direction to the centerline of Cherry Street; thence with the centerline of Cherry Street in an easterly direction to its eastern terminus; thence with the projected centerline of Cherry Street across the Mitchell Community College campus to the centerline of West Broad Street at its western terminus; thence with the centerline of West Broad Street in an easterly direction to the beginning.

WARD FOUR: Beginning at the intersection of the centerline of Broad Street with the centerline of Center Street; thence with the centerline of West Broad Street in a westerly direction to its western terminus; thence with the projected centerline of West Broad Street across the Mitchell Community College campus to the centerline of Cherry Street at its eastern terminus; thence with the centerline of Cherry Street in a westerly direction to the centerline of North Race Street; thence with the centerline of North Race Street in a northerly direction to the centerline of North Center Street; thence with the centerline of North Center Street in a northerly direction to the city limits; thence with the city limits in an easterly direction to the centerline of Radio Road; thence with the centerline of Radio Road in a southerly direction to the centerline of Bost Street; thence with the

centerline of Bost Street in a southerly direction to the centerline of East Broad Street; thence with the centerline of East Broad Street in a westerly direction to the beginning.

WARD FIVE: Beginning at the intersection of the centerline of Cherry Street with the centerline of North Race Street; thence with the centerline of Cherry Street in a westerly direction to the centerline of Buena Vista Street; thence with the centerline of Buena Vista Street in a southerly direction to the centerline of West Front Street; thence with the centerline of West Front Street in a westerly direction to the centerline of Bristol Road at its western terminus; thence with the projected centerline of Bristol Road diagonally across Industrial Boulevard in a westerly direction to the existing centerline of Bristol Road at its eastern terminus; thence with the centerline of Bristol Road in a westerly direction to the city limits; thence with the city limits in a northerly and easterly direction to the centerline of North Center Street; thence with the centerline of North Center Street in a southerly direction to the centerline of North Race Street; thence with the centerline of North Race Street in a southerly direction to the beginning.

WARD SIX: Beginning at the intersection of the projected centerline of South Center Street and the main line of the Southern Railway; thence with the main line of the Southern Railway in a westerly direction to a point, said point being the intersection of the projected centerline of Seventh Street with the main line of the Southern Railway; thence with the projected and the existing centerline of Seventh Street in a southerly direction to the centerline of Fayetteville Avenue; thence with the centerline of Fayetteville Avenue in an easterly direction to the centerline of Boulevard (Sixth Street); thence with the centerline of Boulevard (Sixth Street) in a southerly direction to the city limits; thence with the city limits in a northeasterly direction to its intersection with the main line of the Southern Railway; thence with the main line of the Southern Railway in a westerly direction to the beginning.

"Sec. 3.5. Special City Election. In the event that the voters of the City of Statesville in the special election to be held on June 28, 1977 approve a change in the mode of the election of the City Council to that specified in North Carolina General Statutes 160A-101 (6)(b), then this Charter shall be deemed amended so that thereafter the election of the City Council shall be conducted in accordance with the results of such election.

(Sections 3.6. through 3.10. reserved.)

#### "Chapter 2. Recall of Elected Officials.

"Sec. 3.11. Removal of Officeholders. The holder of any elective office serving in the municipal government of the City may be removed at any time by the electors qualified to vote for a successor of such incumbent.

"Sec. 3.12. Procedure. (a) A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum (25%) of the registered and qualified voters of the City, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk. The petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he

believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(b) Within 10 days from the date of filing of such petition, the City Clerk shall examine and from the voters' register ascertain whether or not the petition is signed by the requisite number of qualified electors, and he shall attach to the petition his certificate, showing the results of such examination. If by the Clerk's certificate it is shown to be insufficient, it may be amended within 10 days from the date of the certificate. The Clerk shall, within 10 days after such amendment, make a like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the Clerk shall submit the same to the City Council without delay.

(c) If the petition shall be found to be sufficient, the City Council shall order and fix a date for holding a primary election, in accordance with State law governing special elections. If in the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one receives a majority of all the votes cast therein, then the Council shall call another election, to be held in accordance with State law governing special elections, at which election the two candidates receiving the highest vote in the primary shall be voted upon. Insofar as possible, the laws, rules and procedures governing the conduct of regular municipal elections shall apply to any election called pursuant to this section.

"Sec. 3.13. Successor in Office. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he or she requests otherwise in writing, the Clerk shall place his or her name on the official ballot without nomination. At such election, if some person other than the incumbent is elected the incumbent shall thereupon be deemed removed from the office upon qualification of his or her successor. If the incumbent received a majority of the votes in the primary election, he or she shall continue in office.

"Sec. 3.14. Failure to Qualify. In case the person elected should fail to qualify within 10 days after receiving notification of election, the office shall be deemed vacant. In that event, the unexpired term shall be filled by appointment by the City Council, but the person removed shall not be eligible for appointment. The person so appointed by the Council shall be subject to recall as other members of Council.

"Sec. 3.15. Right of Recall Continued. Such method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in the case of an officer originally elected.

#### "ARTICLE IV.

#### "ORGANIZATION AND ADMINISTRATION.

##### "Chapter 1. City Manager.

"Sec. 4.1. Council-Manager Form of Government. The City shall operate under the Council-Manager form of government in accordance with Part 2 of Article 7, Chapter 160A of the General Statutes.

"Sec. 4.2. Appointment; Qualifications; Compensation. The City Council shall appoint a City Manager, and he shall serve at the pleasure of the Council. The Manager shall be chosen on the basis of his executive and administrative qualifications, with special reference to his actual experience in or his knowledge of accepted practice with respect to the duties of a City Manager. At the time of his appointment, the Manager need not be a resident of the City or the State, but during his tenure of office he shall reside within the City. The Manager shall receive such salary as the Council may establish.

"Sec. 4.3. Powers and Duties. The City Manager shall be the administrative head of the City government, and shall be responsible to the City Council for the proper administration of all affairs of the City. Except as otherwise provided by this Charter, he shall have all the powers and duties assigned or delegated to a City Manager by State law. The City Manager shall also perform such other duties as are prescribed for him by the Council.

(Sections 4.4. through 4.10. reserved.)

"Chapter 2. City Attorney.

"Sec. 4.11. Appointment; Qualifications; Compensation. (a) The City Council shall appoint a City Attorney to be its legal advisor, and he shall serve at the pleasure of the Council. The City Attorney shall be an attorney-at-law licensed to practice in this State. He shall receive such compensation as the Council may establish.

(b) The City Council may also employ such other attorneys as it deems advisable in order to provide proper legal advice and assistance to the City.

"Sec. 4.12. Duties. The City Attorney shall be the principal legal advisor to the City, and shall perform whatever duties are prescribed for him by the City Council.

(Sections 4.13. through 4.20. reserved.)

"Chapter 3. Other Administrative Officers and Employees.

"Sec. 4.21. City Clerk and Deputy City Clerk. (a) The City Council shall appoint a City Clerk and may appoint a Deputy 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 or City Manager may direct.

(b) The City Council may combine the position of the City Clerk with any other office or offices that it sees fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

"Sec. 4.22. Tax Collector. (a) The City Council shall appoint a Tax Collector and may appoint a Deputy Tax Collector to collect all taxes, licenses, fees, and other moneys due the City, subject to the provisions of State law and ordinances of the City. The Tax Collector shall diligently comply with and enforce all the general laws of North Carolina relating to the collection of taxes by municipalities, and shall perform such other duties as the Council may direct.

(b) The City Council may combine the position of Tax Collector with any other office or offices that it sees fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

"Sec. 4.23. City Treasurer. (a) The City Council shall appoint a Treasurer and may appoint a Deputy Treasurer to perform the duties of the finance officer as required by the Local Government Budget and Fiscal Control Act, and to perform such other duties as the Council may direct.

(b) The City Council may combine the position of the City Treasurer with any other office or offices that it sees fit, vesting in the person holding such combined office or offices the powers and duties of all offices.

## "ARTICLE V.

### "CIVIL SERVICE BOARD.

"Sec. 5.1. Members; Term of Office. The Civil Service Board of the City, hereinafter referred to as the 'Board', shall consist of five members. Terms shall begin on the first day of July and expire on the last day of June.

The present members of the Board shall continue to serve until their present terms expire. That person appointed to fill the first term expiring shall be appointed to a three-year term. Of those appointed to the next three terms expiring, one shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term. That person appointed to fill the last present term expiring shall serve a three-year term. These staggered terms are to ensure that a majority of the terms shall not expire during the same year. After the expiration of the term of these appointments, all appointments shall be for a three-year term.

"Sec. 5.2. Appointment of Members; Vacancies; Reappointments. All members of the Board shall be appointed by the senior Resident Judge of the Superior Court of the Judicial District of which Iredell County is a part. Vacancies on the Board shall be filled by appointment in the same manner, and any member appointed to fill a vacancy shall serve the remainder of the unexpired term. No member of the Board, after having served a full two or three-year term, shall be eligible for reappointment to the next succeeding term.

"Sec. 5.3. Qualifications; Removal From Office. Any person, other than a member of the City Council, an elective officer, a member or employee of the police or fire department, or an employee of the City, who is a qualified voter in the municipal elections in the City, shall be eligible for membership on the Board; provided that at least two members shall be of a political party different from that of the majority of the Board. Each member of the Board shall take an oath (or affirmation) for the faithful discharge of the duties of his office. The members of the Board shall be subject to removal from office by the senior Resident Superior Court Judge for any cause which, in his discretion, makes such removal in the best interests of the public.

"Sec. 5.4. Election of Officers; Duties; Records Open to Public. The Board shall elect from its membership a chairman and a secretary for a term of one year. The chairman shall preside at all meetings of the Board. The secretary shall keep the minutes of the proceedings of the Board and shall be the custodian of all papers and records pertaining to the business of the Board, and shall perform such other duties as the Board

may direct. All of the records of the Board shall be open to public inspection, during normal business hours at their place of keeping, except where otherwise prohibited by law.

"Sec. 5.5. Powers and Duties. The Board shall establish and fix requirements of applicants for employment in the police department and the fire department of the City, not contrary to State law. These requirements shall be printed and made available for public inspection and for the use of the employees of and applicants for employment in such departments.

"Sec. 5.6. Compensation. The members of the Board shall receive as compensation for each meeting the sum of fifteen dollars (\$15.00).

"Sec. 5.7. Rooms and Clerical Help. The City shall provide suitable rooms for the Board and shall provide all necessary clerical and stenographic help and all stationery, forms, and other supplies needed by the Board, and shall allow such reasonable use of the facilities of the City for the holding of examinations, and such other use as may be necessary for the proper conduct of its affairs.

"Sec. 5.8. Examination of Applicants. All applicants for sworn positions in the police department and qualified firefighters in the fire department of the City shall be subject to an examination by the Board, which examination shall be competitive and open to all persons, subject to a reasonable limitation as to age, health, moral character and general reputation. The examination shall relate to those matters which will fairly test the relative ability of the person examined to discharge in a proper fashion the duties of the position which he seeks to be appointed to, and shall include tests of physical, mental, and moral qualifications, but no applicant shall be examined concerning his political opinions or affiliations. Due regard shall be given by the Board in its examination of applicants for positions in the police department and fire department to the experience or training of any applicant which may qualify him for the duties which he would be called upon to discharge as a member of either department.

"Sec. 5.9. Notice of Examinations. Notice of the time and place of every examination shall be given by the Board by advertisement in some newspaper published in the City.

"Sec. 5.10. Eligibility List; Appointments. The Board shall prepare and keep an eligibility list of persons successfully passing its examinations for the positions of patrolmen and firefighters. Each person shall be graded according to his respective showing upon such examinations, and the Board shall make appointments to vacancies, which occur in the departments, on a basis of the grades made by the various applicants upon the examinations so given. All examinations given by the Board shall be made under the rules and regulations established by the Board.

All names which remain on the eligibility list for a period of two years shall be stricken therefrom; provided, however, any person who becomes eligible for appointment to either the police department or fire department, and is given proper notification that a vacancy exists, shall have seven days to accept or reject the appointment and if he rejects same, his name shall be removed immediately from the eligibility list.

"Sec. 5.11. Appointment of Policemen and Firemen; Responsible to Mayor and Council. The Chiefs and members of the Police and Fire Departments shall be appointed by a majority vote of the Board.

The Chiefs and members of the Police and Fire Departments shall be under the direction and control of, and shall be directly responsible to, the Mayor and City Council or, upon proper delegation, to the City Manager.

"Sec. 5.12. Promotions. All promotions shall be by competitive examination within the departments and shall be made by the respective chiefs, with the approval of the Board.

"Sec. 5.13. Acting Chiefs. Notwithstanding any other section to the contrary, if a vacancy occurs in the position of Chief and a new Chief is not immediately appointed, an acting Chief shall be appointed by the City Manager from within the department. The acting Chief shall have all the powers, duties and responsibilities as does the Chief. The acting Chief may be removed from office at any time by the City Manager, in which case he shall be restored to his former position.

"Sec. 5.14. Suspension of Fire and Police Chiefs. The Mayor and City Council or, upon proper delegation, the City Manager shall have the authority to suspend, demote, or terminate from employment the Chiefs of the fire and police departments.

The Board may hear appeals submitted by the Chiefs of the police and fire departments relative to any suspension, demotion, or termination. The Board shall submit a written statement of findings of fact and recommendations to the proper authority. When the Board finds the action appealed has been the result of political, religious, or racial prejudice, age or sex discrimination, or for any cause unrelated to job performance, the Chief shall be reinstated to his position, subject to the City's right to appeal to the Superior Court.

"Sec. 5.15. Suspensions; Demotions; Terminations. The Chief of the police or fire department may suspend, demote, or terminate from employment any member of their respective departments for the infraction of any departmental rules and regulations. The Chief may also suspend a departmental employee during the investigation, hearing, or trial of said employee on any criminal charge, when suspension would be in the best interest of the department; where the suspension is terminated by full reinstatement of the employee, back pay shall be recoverable. Suspensions for an infraction of departmental rules and regulations of more than 15 days at any one time, or one which would make the total number of days suspended exceed 25 during any six-month period; demotions in rank and terminations may be appealed to the Board, upon written request filed with the respective Chief within three days of notification of the disciplinary action taken. The rules and regulations of each department may provide for appeals in the case of all suspensions for infractions of departmental rules and regulations; the Board shall have the power to hear such appeals. Upon notification of an appeal, the Board may make such investigation as it may direct and shall hold a hearing at which the accused shall be given an opportunity to be heard and present evidence in his own behalf. The Board shall have power to subpoena witnesses and compel testimony.

The Board shall have the authority to suspend, demote in rank, or terminate from employment any employee who has appealed. The Board shall sustain the disciplinary action imposed by the Chief or vacate the same or impose such disciplinary action as it may determine.

Notwithstanding any provisions to the contrary herein, a probationary employee of either department may be summarily discharged by the Chief of that department with no right to appeal to the Board.

Decisions regarding disciplinary actions made by the Chiefs, where no right to appeal exists, and all decisions of the Board under this section, shall be final and not subject to judicial review.

This section shall not apply to terminations due to a reduction in personnel.

"Sec. 5.16. Political Activity. No member or employee of the police department or the fire department shall contribute to or take part in any manner, directly or indirectly, in any election or function involving the election of a candidate for municipal office, other than casting his secret ballot.

No employee of the police department or the fire department shall seek a political office while employed as a member of either department, and shall not be granted a leave of absence prior to offering for election. Such employee shall automatically be dropped from the payroll of the City on the date the filing fee is paid to the Election Board.

## "ARTICLE VI.

### "ALCOHOLIC BEVERAGE CONTROL BOARD.

"Sec. 6.1. Membership; Terms of Office; Appointment; Vacancies. The City of Statesville Board of Alcoholic Control shall consist of a chairman and two other members, all of whom shall be residents of the City and well known for their character, ability and business acumen. The chairman and two other members of the Board shall serve for terms of three years each on a staggered basis, with the term of one member expiring each year. All appointments to the Board, including appointments to fill vacancies, shall be made by the Mayor and City Council of Statesville. Any person appointed to fill a vacancy on the Board shall serve for the remainder of the unexpired term. The present members of the Board shall be exempt from the residency requirement of this section.

"Sec. 6.2. Powers and Duties. The Board shall have all the powers and duties imposed by State law on county boards of alcoholic control, shall be subject to the authority of the State Board of Alcoholic Control to the same extent as are county boards of alcoholic control, and shall operate all city alcoholic beverage control stores in accordance with State laws regulating the operation of county alcoholic beverage control stores.

"Sec. 6.3. Distribution of Net Profits. After deducting from the proceeds of sales the salaries, expenses, and working capital as provided in G.S. 18A-18, and the amount for law enforcement, education, and rehabilitation as provided in G.S. 18A-17(14), the net profits derived from the operation of liquor stores in the City shall be distributed quarterly as follows:

(1) Twenty-five percent (25%) shall be turned over to the Board of Trustees of Mitchell Community College to be used to retire the outstanding library debt, for land acquisitions and capital improvements, as the needs arise.

(2) Twenty-five percent (25%) shall be turned over to the Board of Education of the City of Statesville.

(3) Ten percent (10%) shall be turned over to the Statesville Arts and Science Museum.

(4) The remaining forty percent (40%) shall be turned over to the city council to be used in its discretion.

(5) Mitchell Community College, the Board of Education and the Arts and Science Museum shall submit to the City Council annually line item budgets showing how these funds are to be used.

## "ARTICLE VII.

### "FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

"Sec. 7.1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Statesville, 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 Statesville 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, hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Article.

"Sec. 7.2. Transfers of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City shall:

(a) 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 thirty thousand dollars (\$30,000), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of thirty thousand dollars (\$30,000);

(b) as soon as practical after January 1, of each year, but in no event later than July 1, 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 calendar year upon investment of funds belonging to the Local Relief Fund and the funds belonging to the Supplemental Retirement Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 7.3 of this Article.

"Sec. 7.3. Supplemental Retirement Benefits. (a) Each City fireman, whether fully paid or volunteer, who has previously retired with 20 years or more service as a City fireman and has attained the age of 55 years, shall be entitled to and shall receive in each calendar year following the calendar 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 six hundred dollars (\$600.00).

(b) Any fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this section shall nevertheless be entitled to

such benefits in any calendar 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; and
- (4) that, since the preceding January 1, a physician licensed to practice medicine in North Carolina has certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; provided, that the Board of Trustees, after initially making the findings of fact specified in (1) and (2) of this subsection, need not specify such findings in subsequent calendar years.

"Sec. 7.4. Intention. It is the intention of Section 7.1, 7.2, and 7.3 of this Article to authorize in any calendar year the disbursement of supplemental retirement benefits only when the Firemen's Relief Fund of the City equals or exceeds thirty thousand dollars (\$30,000).

"Sec. 7.5. Investment of Funds. 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. 159-30; and 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.

"Sec. 7.6. Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

"Sec. 7.7. Bond of Treasurer. 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 VIII.

### "ASSESSMENTS FOR STREET AND SIDEWALK IMPROVEMENTS.

"Sec. 8.1. Assessments for Improvements. The City Council shall have full power and authority to adopt by ordinance such a system of laying out districts or sections of streets, together with curbs and gutters, drainage conduits and drainage structures and sidewalks for permanent improvements, and of equalizing assessments on real estate to

pay the cost of such improvements as may be just and proper. In order to more fully carry out the duties imposed by the provisions of this Article for more permanent improvement of all streets together with curbs and gutters, drainage conduits and drainage structures and all sidewalks abutting thereon, the Council shall have the power to pass an ordinance assessing against the property owners on each side of the street one-fourth of the cost of paving or repaving any such street together with one-fourth of the cost of the curbs and gutters on either side of such street, including drainage conduits and drainage structures constructed or reconstructed, and one-half of the cost of paving or repaving the sidewalk adjoining on the real estate abutting on one side of the street, or portion thereof so laid out and improved, together with one-half of the cost of paving or repaving the sidewalk adjoining on the real estate abutting on the other side of such street, or portion thereof so laid out and improved. It shall be incumbent on the owners of the real estate on each side of the street, or part thereof, so laid out and improved, to pay the amounts so assessed for such improvements, and the amounts charged against each land owner shall be assessed on and shall constitute a lien on the lot or lots of such land owners abutting on the street; provided, that the city shall pay for the remainder of the cost and for all street intersections so improved.

"Sec. 8.2. Equalization of Assessments. In order to equalize the assessments on real estate for the purpose of improving the streets and sidewalks as hereinbefore provided the City Council shall take the total cost of paving or repaving, together with the total cost of constructing curbs and gutters, drainage conduits and drainage structures throughout the entire length of such work within each district, and shall then prorate the cost thereof on the real estate abutting thereon in proportion to the frontage on the street or sidewalk or portion thereof so improved, and charge to and assess upon the real estate upon each side of the street upon which the work is done its pro rata share of the cost of such improvement made. Immediately upon the completion of the work upon any street or sidewalk ordered done by the Council under the provisions of this Article the person in charge of the work shall make a report in writing to the Council showing the cost of paving or repaving, together with the total cost of constructing or reconstructing curbs and gutters, drainage conduits and drainage structures throughout the entire length of the work, with the number of feet frontage of each of such lots. The Council, after receipt of this report, shall cause notice of the assessments against abutting property on any street or sidewalk in any improvement district or section to be advertised at least once a week for two consecutive weeks, which notice shall be deemed to be full and sufficient notice to all property owners abutting on the street or sidewalk. This notice shall state the time and place when and where such assessments are to be made and determined, and shall notify all persons interested to appear and show cause, if any, why such assessment shall not be made. At such time and place the Council shall proceed to prorate the costs of the work and assess the property as above provided; provided, however, that no assessment against any piece of property improved as herein allowed shall exceed in amount the enhancement in value of the property by reason of such improvement.

"Sec. 8.3. Assessment Lien; Payment; Foreclosure. The amount of charges made against the landowners and assessed on the respective lots as hereinbefore provided

shall be and constitute liens and the respective lots upon which they are charged and assessed. These amounts shall be placed in the hands of the tax collector for collection and any property owner shall have the right to pay the charges made as hereinbefore prescribed in ten equal annual installments from and after the adoption of the assessment ordinance, with interest thereon at eight percent (8%) per annum from the date that such assessment was made, in which case the amounts due shall be and remain a lien on the lot or lots against which they are charged and assessed until fully paid. Any property owner may elect to pay such assessment in cash without interest, if same be done within 30 days from and after the date that the Council shall make the assessment. In case there shall be a default in the payment of any annual installment for 30 days after the same shall become due, then and in that event the installments remaining, if any, shall become due and the tax collector may proceed to sell such lot or lots for cash to the highest bidder at the courthouse door of Iredell County, after advertisement for 30 days in some newspaper published in the City, and the tax collector shall make a deed to the purchaser and out of the moneys arising from this sale pay off and discharge the amount charged and assessed on such lot or lots, together with the interest on the same and the cost of sale, and pay the surplus, if any, to the person or persons legally entitled to the same.

"Sec. 8.4. Lien Book; Open to Public. For the convenience of the public the Tax Collector shall keep in his office a lien book, in which shall be entered the location of the lots and street number, if known, upon which assessments have been made, the name or names of the reputed owners thereof, and the amount due on such assessments. This book shall be indexed and shall be open for public inspection.

"Sec. 8.5. Appeals From Assessments. Any person who shall feel aggrieved by the assessments made by the City Council as herein provided, shall have the right within 30 days after the assessments are made, and not after that time, to file his objection to the assessments, and to appeal from the decision of the Council to the next term of the Superior Court of Iredell County, by serving upon the City notice in writing of his intention to do so, specifying in the notice the grounds of his objections to the findings, and by filing within such time with the Clerk of the Superior Court of Iredell County a written undertaking in the sum of two hundred dollars (\$200.00), with sufficient surety to be justified before and approved by the clerk, to the effect that the appellant will pay to the City all such costs and damages as it may sustain by reason of the appeal. In the case of an appeal from the decision of the Council, the ordinance laying out the improvement district, the action of the Council in making or levying the assessment, and the objections of the property owner filed thereto, shall constitute the case on appeal. All of the papers shall be certified by the City Clerk to the Superior Court, and shall be docketed on the civil issue docket and stand at issue as other civil cases regularly brought in such court. If all issues be found in favor of the appellant on the appeal as above provided, the lien for assessments shall be discharged. If, however, the issues of any of them be found in favor of the City to any amount, the judgment shall be rendered in favor of the City for such amount, and the amount so found, together with the costs of the appeal (which costs shall be assessed as costs in other civil actions) shall be and continue a lien against the property upon which the original assessment was

placed from the date of the commencement of the work or improvement. Upon such appeal from the decision of the Council, all sections and provisions of this Article shall be *prima facie* presumed to have been complied with.

"Sec. 8.6. Definitions. The word 'cost', whenever the same shall appear in this Article, shall be construed to mean the actual cost of the materials used in the work, together with all other costs incident to constructing the improvements, including the cost of all grading and excavation incident thereto. Any part of any lot in the City which abuts upon any street or sidewalk shall be construed to be 'frontage' within the meaning of this Article. The word 'street' or 'sidewalk' shall mean the entire area defined by the street or sidewalk rights-of-way and not just that portion of the rights-of-way upon which actual improvements have been constructed.

## "ARTICLE IX. "CONDEMNATION PROCEEDINGS.

"Sec. 9.1. Power to Purchase and Condemn Land; Procedure for Condemnation. When, in the opinion of the City Council, any land, right-of-way, privilege, or easement shall be required for the purpose of opening new streets or of extending or widening those already open, or for the extension and maintenance of the drainage, sewerage, or water systems of the City of Statesville or for the extension and maintenance of the light, distribution, or power system of the City, or for any other public purpose, the City may purchase the same from the owner or owners thereof and pay such compensation therefor as may be agreed upon; but if the City or the City Council shall be unable to agree with the owner or owners thereof upon the amount of compensation, condemnation of such land, right-of-way, privilege, or easement therein for such public use may be made in the manner hereinafter set forth.

"Sec. 9.2. Proposed Condemnation; Order of the City Council. When it is proposed to condemn any land, rights, privileges, or easements for the purpose herein specified, an order or resolution of the City Council at a regular or special meeting of the City Council shall be made, stating generally, or as near as may be, the nature of the improvements for which the land, rights, privileges, or easements are required.

"Sec. 9.3. Petition to be Filed with Clerk of Superior Court. The City shall file with the Clerk of the Superior Court of Iredell County its verified petition praying for the appointment of commissioners to appraise and value the real property or rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and to ascertain and report to the court what sum should be paid to the owner or owners as damages for the property, rights, privileges, or easements so taken, the assessments to be made by the commissioners according to the value of the property, rights, privileges, or easements to be acquired for public use. The petition shall set forth and describe the particular property rights, privileges, or easements proposed to be taken or condemned for the purpose aforesaid, and shall also state the names and residences of the owner or owners thereof and of the person who may have any interest therein, which may be affected by the condemnation, and whether any of the owners are minors, with or without guardians.

"Sec. 9.4. Summons to Parties Interested; Proceedings. Upon the filing of such a petition, the clerk of the superior court shall issue a summons to the parties interested in

the lands, rights, privileges, or easements described in the petition, requiring them to appear at his office in the courthouse of the county ten days after the service of the summons, and answer or otherwise plead to the petition, and the proceedings shall be conducted in all respects as are other special proceedings, and the clerk may issue process and make publication for parties and appoint guardians in like manner as provided by law in the case of special proceedings.

"Sec. 9.5. Appointment of Commissioners; Duties; Report; Exception to Report; Appeal. If the clerk shall find that the property, rights, privileges, or easements described in the petition are required for public use, he shall make an order appointing three disinterested and competent freeholders of Iredell County to ascertain and assess the value of the property, rights, privileges, or easements proposed to be taken and the damages to be paid to the owner or owners thereof by the City. The clerk shall issue a notice of their appointment to the freeholders, to be served upon them by the sheriff of the county, and when so notified they shall, within five days, go upon the premises and ascertain the value of the lands, rights, privileges, or easements proposed to be taken or condemned for the public use, determine by a majority vote the amount of damages to be paid for the same, and make a report of their finding in writing to the Clerk of the Superior Court of Iredell County, within five days after they view the premises. Before making such report they may take the evidence of witnesses offered as to any values to be assessed; that if any party to the proceedings shall be dissatisfied with the report of the commissioners, he may file exceptions thereto with the clerk of the superior court within ten days after the filing of the report with the clerk; and all issues of fact and law raised before the clerk in such proceedings and upon such exceptions shall be transferred to the superior court for trial in like manner as provided in the case of other precedence over all other civil cases or matters on the docket of the court. If the City, at the time of the appraisal, shall pay into court the sum appraised by the commissioners, then and in that event the City may enter, take possession of, and hold such lands, notwithstanding the pendency of the appeal, and until the final judgment rendered on the appeal. From the judgment of the superior court rendered in such proceedings any of the parties may appeal to the Court of Appeals; provided, however, that no appeal shall hinder or delay the City in opening such streets, in constructing such lines, or erecting such improvements.

"Sec. 9.6. Considerations Governing Assessments. In making the valuation and assessment aforesaid, the commissioners shall take into consideration the loss or damage that may accrue to the owner or owners by reason of the land, right-of-way, privilege, or easement being surrendered, and also any benefit or advantage such owner may receive from the placing, maintaining, extending or constructing of the proposed improvements for which such land, right-of-way, privilege, or easement shall be required, and shall ascertain the amount of loss or damage in excess of the benefit or advantage, or the value or amount of such benefit or advantage in excess of loss or damage, as the case may be; that the value of any benefit or advantage to any lot or land arising from the placing, maintaining, extending, or constructing of the proposed improvements accruing to such lot or other land may be assessed by the commissioners against the lot or land and shall be a lien thereon.

"Sec. 9.7. Powers of Court. In all cases of appraisal under this Article where the mode or manner of the proceedings is not expressly or sufficiently provided for herein, the court before which such proceedings may be pending shall have the power to make all necessary orders and give proper directions to carry into effect the object and intent of this Article and the practice and procedure in such cases shall conform as near as may be to the ordinary practice and procedure in such court.

"Sec. 9.8. Transfer of Ownership not to Delay Proceedings. No change of ownership or transfer of the real estate or any interest therein or of the subject matter of the appraisal or any part thereof shall in any manner affect such proceedings after the same has been instituted, but the same may be carried on and perfected as if no conveyance or transfer had been made or attempted to be made.

"Sec. 9.9. Defective Titles; New Proceedings to Perfect Title; Possession Bond. If at any time after the attempt to acquire such property or rights by appraisal of damages or otherwise, it shall be found that the title to such property or rights proposed to be taken or condemned or which have been acquired and condemned, are defective, the City may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made; and at any stage of the new proceedings the court may authorize the petitioner, if in possession of the property or rights, to continue in possession of the same, and if not in the possession to take possession and use such property or rights during the pending and until the final conclusion of such new proceedings, upon such petitioner paying into court a sufficient sum or giving security as the court may direct for damage, which may be finally assessed and recovered against it.

"Sec. 9.10. Right of City to Recover Payments on Defective Titles. If the title to any property or rights, privileges, or easements condemned in any proceedings instituted under this Article shall prove defective, the City may by action recover of the party or person who has received the money or compensation for the property, rights, privileges, or easements so condemned any loss or damage it may have sustained by reason of such defect of title, not exceeding the amount so paid as compensation.

"Sec. 9.11. Service of Summons. The summons in the proceedings begun hereunder shall be served in the same manner and way as is provided for the service of summons in special proceedings.

"Sec. 9.12. Title to Vest in City. The title to any real estate, rights, privileges, or easements which have been condemned under the provisions of this Article shall vest in the City upon its paying into court, or to the parties entitled to receive same, the amount of compensation or damages recovered against it, together with the costs adjudged to be paid by it in such proceedings and upon its further compliance with the judgment of the court.

"Sec. 9.13. Power of Eminent Domain. (a) 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 interests in real property for 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 subsection 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.

(b) The authority conferred upon the City in subsection (a) shall only be exercised when the City is seeking to acquire land, easements, privileges, rights-of-way, or other interests in real property located in and outside the corporate limits of the City.

## "ARTICLE X.

### "SPECIAL PROVISIONS.

"Sec. 10.1. Ad Valorem Taxes; Disposition. The collection hereafter made of all ad valorem taxes levied by the City Council of the City of Statesville, which at the beginning of any fiscal year were due and payable two years or more prior to the beginning of the fiscal year, shall accrue to the benefit of, and be deposited in the General Fund of the City of Statesville.

"Sec. 10.2. Funds for Sheltered Workshops. The City Council, in its discretion, may appropriate funds, other than property tax funds, for the use of the Iredell Vocational Workshop, Inc.

"Sec. 10.3. Authority to Sell Power Lines and Rights-of-way. The City-owned electric enterprise shall not be sold, leased to another, or discontinued without compliance with State law, provided that the City Council shall have the power to sell, purchase or trade, at private or public sale, either at a negotiated price or upon sealed bids, any power lines and rights-of-way owned by the City or by others lying inside or outside the corporate limits of the City for cash or in exchange for privately or publicly owned lines located within or without the corporate limits of the City.

Any cash proceeds or exchanged power lines shall be used by the City in its discretion in the operation of its electrical distribution system; provided, that the Council shall have first determined by resolution that such power lines and rights-of-way are not needed to serve the residents of the City and that it would be in the best interest of the City to so buy, sell or exchange such lines and rights-of-ways, and that same will not adversely affect any bonded indebtedness of the City concerning the operation of the electrical distribution system.

"Sec. 10.4. Passage of Ordinances. No ordinance shall be passed by the City Council upon the date of its introduction, except in the case of a public emergency. In the case of a public emergency, an ordinance may be adopted on the date of its introduction if it is adopted by a two-thirds vote of all Council members present and voting.

All other ordinances shall be introduced at a regular meeting, and shall stand for passage at the next regular meeting of council, except as otherwise provided by State law.

"Sec. 10.5. Incorporation by Reference. (a) The City Council is hereby authorized to adopt by reference the provisions of any code or public record, as herein defined, or portions thereof, without setting forth the provisions of such code or public record in full, and the contents of any map or plat; provided that official copies of all codes, public records, maps, and plats, as are adopted by reference, shall be maintained for public inspection in the office of the City Clerk.

(b) As used in this section, the following terms shall have the meanings indicated as follows, unless the context otherwise requires:

- (1) 'Code' shall mean and include any published compilation of rules and regulations which have been prepared by various technical trade associations, agencies or departments of the State of North Carolina, and shall include specifically, but shall not be limited to, building codes; plumbing codes; electrical wiring codes; fire prevention codes; traffic codes; inflammable liquids codes; gas codes; heat and air conditioning codes; together with any other code which embraces rules and regulations pertinent to a subject which is a proper municipal legislative matter;
- (2) 'Public Records' shall mean and include any municipal, State or federal statute, rule or regulation adopted prior to the exercise by the City of the authority to incorporate by reference herein granted; provided, however, that this definition shall not include the municipal ordinances, rules and regulations of any municipality except those of the City of Statesville nor shall this definition include the State laws, rules and regulations of any other than the State of North Carolina;
- (3) 'Map' or 'Plat' shall mean any map or plat recorded in the office of the Register of Deeds of Iredell County, North Carolina, or on file in the office of the City Clerk of the City of Statesville, North Carolina;
- (4) 'Published' shall mean printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

(c) Any amendment which may be made to any code, public record, map, or plat incorporated by reference by the City Council hereunder may be likewise adopted by reference; provided, that such amendment adopted by reference shall be maintained for public inspection in the office of the City Clerk.

"Sec. 10.6. No Levy on City Property or for City Debts. No levy shall be made on any property belonging to the City, nor shall any levy be made on the property of any individual for any debt due by the City, but all such debts shall be paid only by taxation upon subjects taxed by the City."

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

(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:

Session Laws of 1959, Chapter 667  
Session Laws of 1961, Chapter 887  
Session Laws of 1959, Chapter 1052  
Session Laws of 1963, Chapter 719  
Session Laws of 1963, Chapter 1055  
Session Laws of 1965, Chapter 534  
Session Laws of 1965, Chapter 738  
Session Laws of 1965, Chapter 775  
Session Laws of 1965, Chapter 788  
Session Laws of 1967, Chapter 757  
Session Laws of 1969, Chapter 447  
Session Laws of 1969, Chapter 471  
Session Laws of 1971, Chapter 664  
Session Laws of 1973, Chapter 214  
Session Laws of 1973, Chapter 418  
Session Laws of 1973, Chapter 509  
Session Laws of 1975, Chapter 30

**Sec. 5.** The City of Statesville shall continue to be exempt from the application of Section 4, Session Laws of 1963, Chapter 1058.

**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 (including the adoption of ordinances or resolutions) 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 effect enumerated or designated laws.

**Sec. 8.** (a) All existing ordinances and resolutions of the City of Statesville and all existing rules or regulations of departments or agencies of the City of Statesville, not inconsistent with the provisions of this act, shall continue in full force or 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 Statesville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Sec. 9.** If any 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. 10.** 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. 11.** All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

**Sec. 12.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1977.