

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

2

HOUSE BILL 1212  
Committee Substitute Favorable 6/9/14

Short Title: Burlington Charter/Revision and Consolidation.

(Local)

Sponsors:

Referred to:

May 28, 2014

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF BURLINGTON.

"CHAPTER I. ORGANIZATION AND POWERS.

"SUBCHAPTER A. INCORPORATION, CORPORATE POWERS AND THEIR EXERCISE.

"Section 1.01. Incorporation and Corporate Powers. The City of Burlington shall continue to be a body politic and incorporate by the name of "City of Burlington." Under that name the City shall continue to be vested with all property and rights of property which now belong to the municipal corporation; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract and be contracted with; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to or otherwise acquired by it and, from time to time, may hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

"Section 1.02. Exercise of Power. All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such powers, functions, rights, privileges, and immunities shall be carried into execution as provided by ordinance or resolution of the City Council and as provided by the pertinent general laws of North Carolina.

"SUBCHAPTER B. CITY BOUNDARIES.

"Section 1.21. Corporate Limits. The corporate limits of the City shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current boundaries, shall be maintained permanently in the Office of the City Clerk 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 shall be made, and copies shall be filed in the Office of the Secretary of State, the Alamance County Register of Deeds, the Guilford County Register of Deeds, and the appropriate boards of elections.

"SUBCHAPTER C. CHAPTER AMENDMENTS.

"Section 1.41. Incorporation of Amendments.



\* H 1 2 1 2 - V - 2 \*

1 (a) As soon as possible after the adjournment of each General Assembly, the City  
2 Attorney shall present to the City Council copies of all local laws relating to the property,  
3 affairs, and government of the City of Burlington that were enacted by the General Assembly,  
4 whether or not in terms amending this Charter, which the City Attorney recommends be  
5 incorporated into this Charter. Such recommendations may include suggestions for  
6 renumbering or rearranging the provisions of the laws, for providing titles and catch lines, and  
7 for such other changes in arrangement and form that do not change the law as may be thought  
8 necessary to implement the purposes of this section.

9 (b) After considering the recommendations of the City Attorney, the City Council may  
10 provide for the incorporation of such laws into this Charter.

11 (c) The purpose of this section is to enable the City to maintain at all times a current  
12 and accurate City Charter, organized in clear and orderly fashion and embracing all local laws  
13 relating to the property, affairs, and government of the City.

14 "CHAPTER II. COMPOSITION OF CITY COUNCIL; ELECTIONS.

15 "SUBCHAPTER A. COMPOSITION AND METHOD OF ELECTION OF CITY COUNCIL.

16 "Section 2.01. Composition, election, and terms of City Council.

17 (a) The City Council shall consist of four members and a Mayor who shall be elected at  
18 large by and from the qualified voters of the City. The Mayor shall be elected for a term of two  
19 years and the members of City Council for a term of four years.

20 (b) The terms of all members shall begin at the date and hour prescribed by Section  
21 3.03 of this Charter for the taking of the oath of office, but members shall serve until their  
22 successors are elected and qualified. In the event that it is not possible otherwise to determine  
23 which of two or more persons should be considered a holdover Councilmember or holdover  
24 Councilmembers, a decision shall be made by lot between the outgoing Councilmembers who  
25 are willing to serve, the lots to be cast under the supervision of the remaining qualified  
26 Councilmembers.

27 "SUBCHAPTER B. CONDUCT OF CITY ELECTIONS.

28 "Section 2.21. Regular City elections. Regular City elections shall be held in each  
29 odd-numbered year in accordance with the uniform election laws of North Carolina.

30 "Section 2.22. Method and determination of results. The election shall be by the nonpartisan  
31 primary method as provided by G.S. 163-294.

32 "Section 2.23. Special Elections. The procedure for calling and conducting special elections  
33 shall be as provided by G.S. 163-287.

34 "CHAPTER III. ORGANIZATION AND POWERS OF CITY COUNCIL.

35 "SUBCHAPTER A. CITY COUNCIL: QUALIFICATIONS; VACANCIES;  
36 COMPENSATION; OATHS OF OFFICE.

37 "Section 3.01. Qualifications of Councilmembers and Mayor; vacancies; removal.

38 (a) No person shall be eligible to be nominated or elected to the City Council, nor to  
39 serve thereon, unless the person is a qualified voter and a resident of the City. No person shall  
40 be eligible to be nominated or elected to the office of Mayor or to serve as such unless he or she  
41 is a qualified voter and resident of the City.

42 (b) In the case of a vacancy in the office of Mayor, the remaining members of the City  
43 Council shall select from their own number the Mayor's successor for the unexpired term.

44 (c) If there is a vacancy in the office of Councilmember after election or qualification,  
45 or if any Councilmember is unable to discharge the duties of office, the City Council shall  
46 choose some person for the unexpired term, or during the member's disability, as the case may  
47 be, to act as Councilmember. Councilmembers so selected shall have all the powers and duties  
48 of regularly elected Councilmembers.

49 "Section 3.02. Compensation of Mayor, Mayor Pro Tem, and Councilmembers.

50 (a) The Mayor, Mayor Pro Tem, and each Councilmember shall receive as  
51 compensation for service to the City an amount fixed by the City Council in the annual budget.

1 (b) In addition to the compensation provided for by subsection (a) of this section, the  
2 Mayor, Mayor Pro Tem, and Councilmembers may be reimbursed for actual and necessary  
3 travel expenses or other expenses incurred by them in the performance of their official duties.

4 "Section 3.03. Oaths of office. All newly elected or appointed Councilmembers and the  
5 Mayor before entering upon their duties shall take and subscribe before the City Clerk an oath  
6 to perform faithfully the duties of their offices and the oaths of office required by general law.  
7 Elected Councilmembers and the Mayor shall meet at the City Hall for the purpose of taking  
8 such oath at the organizational meeting following the date of their election. A Councilmember  
9 appointed to fill a vacancy shall take the oath at the next City Council meeting following his or  
10 her appointment. The Mayor appointed to fill a vacancy shall take the oath at the next City  
11 Council meeting following his or her appointment. Any member who is not present at the time  
12 and place provided for by this section may take the oaths at any time thereafter. In the absence  
13 of the City Clerk, the oaths may be administered by any other person authorized by law to  
14 administer oaths of office.

15 "SUBCHAPTER B. CITY COUNCIL: ORGANIZATION AND PROCEDURE.

16 "Section 3.21. Organizational meeting; Mayor Pro Tem. The organizational meeting of each  
17 City Council shall be held in accordance with G.S. 160A-68. The City Council shall elect, by  
18 the choice of its members, a Mayor Pro Tem who shall hold office as such for a term of two  
19 years and until a successor is selected and qualified. The organization of the City Council shall  
20 take place notwithstanding the absence, death, refusal to serve, or nonelection of one or more  
21 members, provided that at least three of the persons entitled to be members are present and, if  
22 necessary, take oath.

23 "Section 3.22. Regular and special meetings; emergency meetings. Except where otherwise  
24 specifically provided by this Charter, the City Council shall have authority to determine the  
25 time and place of City Council meetings within or outside Alamance County, to make such  
26 provisions as it may deem wise relative to regular, special, emergency, adjourned, and  
27 continued meetings, to adopt rules of procedure, and generally to regulate the time, place,  
28 manner, and method of the exercise of its powers.

29 "Section 3.23. Quorum; votes.

30 (a) A majority of the members of the City Council shall constitute a quorum to do  
31 business, but a lesser number may adjourn from time to time and compel the attendance of  
32 absent members by ordering them taken into custody.

33 (b) No member shall be excused from voting except upon matters involving the  
34 consideration of the member's own official conduct or involving his or her financial interest. In  
35 all other cases, a failure to vote by a member who is present or who, having been present, has  
36 withdrawn from the meeting without being excused, shall be deemed an affirmative vote and  
37 shall be so recorded. A member who has withdrawn from a meeting without being excused  
38 shall be counted as present for purposes of determining whether or not a quorum is present.

39 "SUBCHAPTER C. CITY COUNCIL: POWERS AND DUTIES.

40 "Section 3.41. General powers of City Council.

41 (a) The government of the City and the general management of the City shall be vested  
42 in the City Council, except that the City Manager shall have the powers hereinafter specified  
43 and provided by general law.

44 (b) In addition to other powers conferred upon it by law, the City Council may adopt  
45 and provide for the execution of such ordinances, rules, and regulations, not inconsistent with  
46 this Charter, as may be necessary or appropriate to protect health, life, or property, or to  
47 preserve or promote the comfort, convenience, security, good order, better government, or  
48 general welfare of the City or its inhabitants; may enforce the same by imposing penalties on  
49 such as violate them; and may compel the performance of the duties imposed upon others by  
50 suitable penalties.

1 "Section 3.42. Residential development projects in municipal service districts. The city  
2 council may, in accordance with G.S. 158-7.1, et seq., make appropriations and authorize  
3 economic incentives for the purposes of aiding and encouraging residential development  
4 projects within the city in a municipal service district established pursuant to Article 23 of  
5 Chapter 160A of the General Statutes which, in the discretion of the city council, is likely to  
6 have a significant effect on the economic revitalization of that district. In connection with the  
7 foregoing, the city council may make loans and grants from public funds for revitalization  
8 projects that will have a significant revitalization effect on the city.

9 "SUBCHAPTER D. CITY COUNCIL: ORDINANCE PROCEDURE.

10 "Section 3.61. Applicable general laws. Except as otherwise herein provided, the adoption,  
11 amendment, repeal, pleading, and proving of ordinances shall be governed by provisions of  
12 general law applying to cities.

13 "Section 3.62. Adoption of ordinances and resolutions. The affirmative vote of a majority of  
14 the members of the City Council shall be necessary to adopt any ordinance or resolution.  
15 Notwithstanding the provisions of G.S. 160A-75, an ordinance may be finally passed on the  
16 date on which it was introduced by vote of a majority of the members of the Council.

17 "SUBCHAPTER E. MAYOR.

18 "Section 3.81. Powers and duties of Mayor.

19 (a) The powers and duties of the Mayor shall be as conferred upon him or her by this  
20 Charter or general law, together with any other powers and duties conferred by the City  
21 Council pursuant to law.

22 (b) The Mayor shall preside at all meetings of the City Council and shall have the right  
23 to vote upon all questions but shall have no additional vote in case of a tie and no veto. The  
24 Mayor shall be considered a member of the City Council for all purposes. The Mayor shall be  
25 recognized as the official head of the City by the courts for the purpose of serving civil process  
26 and by the public for all ceremonial purposes. The Mayor shall have the power to administer  
27 oaths.

28 "Section 3.82. Mayor Pro Tem. During the disability of the Mayor or the Mayor's absence  
29 from the City, the functions of the office of Mayor shall devolve upon the Mayor Pro Tem. The  
30 Mayor Pro Tem shall preside at all City Council meetings in the absence of the Mayor.

31 "CHAPTER IV. ADMINISTRATIVE OFFICES; POWERS AND PROCEDURE.

32 "SUBCHAPTER A. CREATION AND FUNCTIONS OF DEPARTMENTS, OFFICES, AND  
33 OTHER AGENCIES IN GENERAL.

34 "Section 4.01. Offices, positions, departments, and other agencies continued by Charter or  
35 created by Council.

36 (a) The following administrative offices and positions, are hereby provided for by this  
37 Charter: City Manager, City Clerk, Finance Director, City Attorney, Chief of Police, and Fire  
38 Chief.

39 (b) The City Council may create, change, abolish, and consolidate boards and  
40 commissions whose members it appoints.

41 (c) The City Manager may create new positions or departments or assign additional  
42 functions to offices, positions, or departments as provided by general law.

43 "SUBCHAPTER B. CITY MANAGER.

44 "Section 4.21. City Manager: Appointment, qualifications, term, compensation, and oath.

45 (a) The City Council shall appoint a City Manager who shall be the administrative head  
46 of the City government and shall be responsible for the administration of all City departments.  
47 The Manager shall be appointed with regard to merit only and need not be a resident of the  
48 City.

49 (b) The City Manager shall hold office at the pleasure of the City Council and shall  
50 receive such compensation as the City Council may fix by ordinance.

1 "Section 4.22. City Manager: Powers and duties. The City Manager shall (i) be the  
2 administrative head of the City government and, as such, shall be responsible for the  
3 administration of all City offices, positions, and departments created by or under this Charter  
4 and general law; (ii) ensure that within the jurisdiction of the City, the laws of the State and the  
5 ordinances, resolutions, and regulations of the City Council are faithfully executed; (iii) attend  
6 all meetings of the Council and recommend for adoption such measures as he or she shall deem  
7 expedient; and (iv) make reports to the Council, from time to time, upon the affairs of the City  
8 and keep the City Council fully advised of the City's financial condition and its future financial  
9 needs.

10 "SUBCHAPTER C. PERSONNEL.

11 "ARTICLE 1. APPOINTMENTS AND REMOVALS.

12 "Section 4.61. Appointment, removal, and supervision of department heads and employees  
13 by City Manager.

14 (a) The City Manager, except as otherwise provided in this Charter, shall be responsible  
15 for the appointment, suspension, and removal of heads of City departments and City  
16 employees.

17 (b) Except where expressly authorized by this Charter, neither the City Council nor any  
18 of its members shall take any part in the appointment or removal of department heads, officers,  
19 or employees who are subject to appointment by the City Manager. Except for the purpose of  
20 inquiry or investigation, the City Council and its members shall deal with the department heads,  
21 officers, and employees through the City Manager, and neither the City Council nor any of its  
22 members shall give orders to any subordinate of the City Manager, either publicly or privately.

23 (c) Subject to the provisions of this Charter, the department heads, officers, and  
24 employees subject to appointment by the City Manager shall perform such duties as may be  
25 required of them by the Manager under general regulations of the City Council.

26 "Section 4.62. Appointment and removal of members of boards and commissions. Except  
27 as otherwise provided by this Charter, and notwithstanding any other provision of law, the City  
28 Council shall appoint and may suspend and remove all members of boards and commissions  
29 subject to appointment by the council.

30 "ARTICLE 2. COMPENSATION; PERSONNEL POLICIES.

31 "Section 4.71. Classification and compensation of employees and officers. The City  
32 Manager shall be responsible for the preparation of position classifications and pay plans which  
33 shall be submitted to the City Council for approval. The plans may apply to any or all  
34 employees of the City and any of its agencies and offices. Salaries of employees shall be fixed  
35 by the City Manager within salary ranges approved by the City Council.

36 "Section 4.72. Personnel policies. The City Council may adopt ordinances and policies,  
37 consistent with applicable laws (i) concerning annual leave, sick leave, hours of employment,  
38 and holidays and (ii) concerning other personnel policies, including policies relating to working  
39 conditions. The ordinances may apply to any or all employees of the City and any of its  
40 agencies and offices.

41 "SUBCHAPTER D. FINANCES AND FISCAL MATTERS.

42 "ARTICLE 1. TAXATION.

43 "Section 4.111. Levy, collection, and payment of property taxes.

44 (a) Except as otherwise herein provided, property taxes shall be imposed and collected  
45 in the manner provided by general law.

46 (b) Property taxes shall become due and payable on the date provided by general law.  
47 Interest shall be charged for late payment, and discounts may be allowed for prepayment of  
48 taxes in the amounts and during the periods covered by general law.

49 "ARTICLE 2. BORROWING.

50 "Section 4.121. Borrowing authority and procedures. The City shall be governed by  
51 applicable general laws concerning borrowing authority and procedures.

1 "ARTICLE 3. BUDGETING, ACCOUNTING, FISCAL AFFAIRS.

2 "Section 4.131. Application of Local Government Budget and Fiscal Control Act. Subject  
3 to the provisions of this Charter, all of the provisions of the Local Government Budget and  
4 Fiscal Control Act, Article 3 of Chapter 159 of the General Statutes, apply to the City.

5 "Section 4.132. Reserve funds. The City may establish reserve funds as provided by general  
6 law.

7 "Section 4.133. Investment of surplus funds. The City may invest surplus funds as provided  
8 by general law.

9 "SUBCHAPTER E. PROCUREMENT AND PROPERTY MANAGEMENT.

10 "ARTICLE 1. CONTRACTING, PURCHASING, AND PROPERTY MANAGEMENT  
11 PROCEDURES.

12 "Section 4.151. Contracting procedures; authentication of documents.

13 (a) In all respects not provided for by this Charter, formal requirements concerning the  
14 making and execution of contracts by the City shall be governed by general law.

15 "ARTICLE 2. LEASING PROVISIONS.

16 "Section 4.161.1. Lease of real property in municipal service districts.

17 (a) Notwithstanding the provisions of G.S. 160A-272, the city council may, in its  
18 discretion, lease city-owned property in its municipal service districts established pursuant to  
19 Article 23 of Chapter 160A of the General Statutes for such consideration and upon such terms  
20 and conditions as the city council may determine, including terms of more than 10 years in  
21 accordance with the procedures of this subsection. Before leasing its interest in property owned  
22 in its municipal service districts, the city shall hold a public hearing. The city shall publish  
23 notice of the public hearing at least 10 days before the hearing is held; the notice shall describe  
24 the property being leased, the terms and conditions of the lease, the proposed consideration and  
25 the city council's intention to approve the lease.

26 (b) The provisions of this section shall be construed in addition to all other provisions  
27 of law authorizing or prescribing the method of leasing property owned by the city.

28 "SUBCHAPTER F. OTHER DEPARTMENTS, OFFICES, AND AGENCIES.

29 "ARTICLE 1. CITY ATTORNEY.

30 "Section 4.171. City Attorney. As provided by general law, the City Council shall appoint a  
31 City Attorney to serve at its pleasure and to be its legal advisor.

32 "ARTICLE 2. CITY CLERK AND FINANCE DIRECTOR.

33 "Section 4.181. City Clerk and Finance Director.

34 (a) The City Manager shall appoint a City Clerk and finance director.

35 (b) The City Clerk shall do all of the following:

36 (1) Keep a journal of City Council proceedings.

37 (2) Record in a book kept for the purpose all ordinances and resolutions.

38 (3) Be the custodian of all City records.

39 (4) Perform such other duties as prescribed by law or this Charter or required by  
40 the City Council which are not inconsistent with general law.

41 (c) The Finance Director shall perform the duties of finance officer as set forth in the  
42 Local Government Budget and Fiscal Control Act, Article 3 of Chapter 159 of the General  
43 Statutes, or as may be set forth elsewhere in general law, and as required by the City Manager  
44 or City Council which are not inconsistent with general law.

45 "ARTICLE 3. POLICE.

46 "Section 4.191. Powers and duties of Chief of Police and members of police force. The  
47 Chief of Police, each member of the police force, and any other designated officers shall have  
48 the powers and duties as provided in Article 13 of Chapter 160A of the General Statutes and  
49 otherwise provided for by general law.

50 "CHAPTER V. REGULATORY AND PLANNING FUNCTIONS.

51 "SUBCHAPTER A. MOTOR VEHICLES AND TRAFFIC.

1 "Section 5.01. Location of traffic control devices.

2 (a) The Traffic Commission shall recommend to the City Council the location or  
3 removal of any and all official traffic control devices in the City.

4 (1) If the recommendation is for installation of such a device at a particular  
5 location, the recommendation shall state why its installation is necessary in  
6 order to control traffic congestion in the interest of public safety.

7 (2) If the device is to be moved or removed from a particular location, the  
8 recommendation shall state why the device is no longer required at such  
9 location for the control of traffic congestion in the interest of public safety.

10 An "official traffic control device," as used in this section, is a sign, signal, marking, or  
11 device, including a parking meter, which is intended to regulate vehicular or pedestrian traffic.

12 (b) Upon adoption by the City Council of any recommendation from the Traffic  
13 Commission pursuant to subsection (a) of this section, the action shall be recorded in the  
14 minutes of the Council. The installation, moving, or removal of the official traffic control  
15 device shall then be carried out by City staff.

16 (c) For purposes of enforcement, the installation, moving, or removing of a traffic  
17 control device pursuant to subsection (a) of this section shall take effect immediately when the  
18 device is installed, moved, or removed. The location of a traffic control device may be proved  
19 by the testimony of the official who installed or moved it.

20 (d) The installation, moving, or removing of a traffic control device pursuant to the  
21 provisions of this section shall have the force and effect of an ordinance, and the failure to obey  
22 any such device shall be punishable as a violation of an ordinance.

23 (e) Nothing in G.S. 20-175 shall prohibit the City Council from adopting ordinances  
24 placing additional restrictions or prohibitions on persons standing on any street, highway, or  
25 right-of-way, excluding sidewalks, while soliciting or attempting to solicit any employment,  
26 business, or contributions from the driver or occupants of any motor vehicle. The City may not  
27 adopt ordinances placing restrictions or prohibitions on the activities of licensees, employees,  
28 or contractors of the North Carolina Department of Transportation.

29 "Section 5.02. Obstruction of alleys. If, in the opinion of the City Council, a fire hazard is  
30 created by the obstruction of private alleys, the City Council may adopt regulations governing  
31 the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise.

32 "Section 5.03. Regulation of ambulances and wreckers. The City Council may establish  
33 regulations governing the operation of ambulances, wreckers, and other motor vehicles used in  
34 connection with emergencies, disasters, or accidents.

35 "SUBCHAPTER B. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION.

36 "Section 5.21. Liability insurance or surety bond to be furnished by demolition contractors.

37 (a) The City Council may require every demolition contractor to furnish and keep in  
38 effect for each building demolition project in the City he or she may undertake, or as a  
39 condition of engaging in the business of building demolition in the City, a policy of insurance  
40 or surety bond with sureties, licensed to do business in North Carolina, whose solvency shall at  
41 all times be subject to the approval of the Council. The policy or bond shall be in such amount  
42 or amounts as may be fixed by the Council and shall be conditioned upon the contractor  
43 responding in damages for any liability incurred on account of any injury to persons or  
44 damages to property resulting from the prosecution of the demolition project. The policy or  
45 bond, if required, shall be filed with the City Council as a condition precedent to conducting  
46 any building demolition project in the City.

47 (b) As used in this section, the term "demolition contractor" means a person, firm, or  
48 corporation who undertakes on his or her account or for another, whether for an agreed price or  
49 for cost plus a fixed fee or otherwise, to raze, dismantle, or demolish a building.

50 "SUBCHAPTER C. PLANNING ZONING; BUILDING REGULATIONS AND RELATED  
51 MEASURES.

1 "ARTICLE 1. SUBDIVISION CONTROLS.

2 "Section 5.41. Authority to require installation of certain improvements prior to approval of  
3 plats.

4 (a) In connection with subdivision or platting controls, the City Council may require the  
5 improvement and grading of streets and the construction and installation of street pavements,  
6 curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains as a  
7 condition precedent to the approval of a plat. The requirements may provide for tentative  
8 approval of the plat previous to the improvement and installation, but any tentative approval  
9 shall not be entered on the plat. The requirements may provide that, in lieu of completion of the  
10 work and installations prior to final approval of the plat, the City Council may accept a bond  
11 from a company licensed to do business in North Carolina, in an amount and with surety and  
12 condition satisfactory to it, providing for and securing to the City the actual construction and  
13 installation of the improvements and utilities within a period specified by the City Council and  
14 expressed in the bond. The City is empowered to enforce the bond by all appropriate legal and  
15 equitable remedies. Requirements adopted under this subsection may be adopted throughout the  
16 area over which the City is authorized by law to exercise platting or subdivision controls.

17 (b) The requirements may provide, in lieu of the completion prior to the final approval  
18 of the plat of the work and installation on land within the corporate limits of the City, for an  
19 assessment under this Charter, Article 10 of Chapter 160A of the General Statutes, or other  
20 general or local law whereby the City may do the work and make the installations at the cost to  
21 the owners of the property within the subdivision using any of the bases and methods  
22 prescribed by law.

23 "Section 5.42. Authority to require reservation of recreation areas and school sites.

24 In connection with subdivision or platting controls, the City Council may, as provided by  
25 G.S. 160A-372, require the reservation of recreation areas and school sites as a condition  
26 precedent to the approval of a plat. The reservation shall be for a period of no longer than two  
27 years, subject to future acquisition by purchase or condemnation by a governmental unit or  
28 agency.

29 "Section 5.43. Territorial extent of powers. The authority conferred by Section 5.41 and  
30 Section 5.42 of this Charter may be exercised throughout the area within which the City  
31 Council is now or hereafter empowered to regulate the platting and recording of any  
32 subdivision of land.

33 "ARTICLE 2. BUILDING REGULATIONS.

34 "Section 5.51. Power to destroy property to stop fires. The Chief of the Fire Department  
35 may order the blowing up, tearing down, or other destruction of any building when it is deemed  
36 necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for  
37 acting in obedience to orders thus given, nor shall the Fire Chief be held liable, civilly or  
38 criminally, for the giving of such orders or for damages to property ordered destroyed.

39 "ARTICLE 2A. HOUSING COMMISSION.

40 "Section 5.52. Housing commission. The City Council may provide for the creation and  
41 organization of a housing commission to which appeals may be taken from the decision of the  
42 building inspector upon any provision of the Housing Code of the City.

43 "ARTICLE 3. STREET IMPROVEMENTS.

44 "Section 5.61. Comprehensive transportation plan. Transportation planning, including street  
45 improvements for the City, shall be carried out by and through the Burlington-Graham  
46 Metropolitan Planning Organization (MPO) established pursuant to 23 U.S.C. § 23. The City  
47 Council shall adopt the portion of the comprehensive transportation plan pertaining to the City  
48 and its planning jurisdiction and may, from time to time, propose revisions for consideration by  
49 the MPO.

50 "Section 5.62. Subdivision Streets. Dedication, extension, and construction of new streets in  
51 subdivisions shall be carried out as provided in the City's subdivision ordinance.

1 "Section 5.63. Transportation Corridor Plan. In the event of a particular roadway  
2 improvement project, the City Council shall adopt a transportation corridor official map  
3 pursuant to Article 2E of Chapter 136 of the General Statutes. A certified copy of the map shall  
4 be filed with the Alamance County Register of Deeds. Advance acquisition of property,  
5 issuance of building permits, and approval of subdivisions within the officially designated  
6 corridor shall be as provided for in Article 2E of Chapter 136 of the General Statutes.

7 "SUBCHAPTER D. MAINTENANCE OF RAILROAD CROSSINGS.

8 "Section 5.81. Railroad crossings. As authorized by general law, the City shall have the  
9 power to require any railroad or railway company to keep in good repair any grade crossings  
10 over its tracks, and to construct and keep in repair from curb to curb railroad bridges and  
11 crossings over all ditches running under any grade crossings so that the tracks, turnouts, and  
12 switches shall interfere, as little as may be reasonable, with travel over the streets at the grade  
13 crossing, and to regulate the grade of all of the streets of the City as they may hereafter be or  
14 are now established, except as herein otherwise provided.

15 "CHAPTER VI. CITY SERVICES AND FACILITIES.

16 "SUBCHAPTER A. ESTABLISHMENT AND MAINTENANCE OF SERVICES AND  
17 FACILITIES.

18 "ARTICLE 1. LOCAL DEVELOPMENT.

19 "Section 6.01. Authority to levy tax for local development. Nothing in this Charter shall  
20 affect the power of the City to levy taxes for local development purposes under Article 1 of  
21 Chapter 158 of the General Statutes.

22 "SUBCHAPTER B. EMINENT DOMAIN.

23 "Section 6.41. Authority to acquire needed property. The City shall have authority to  
24 purchase or acquire by condemnation a property right for any lawful public use or purpose. The  
25 procedure in all such condemnation proceedings shall conform to the procedure provided in  
26 Article 3 of Chapter 40A of the General Statutes.

27 "SUBCHAPTER C. ASSESSMENTS FOR LOCAL IMPROVEMENTS.

28 "Section 6.61. General Authority. The City Council shall have the authority to make special  
29 assessments against benefited property as provided by general law.

30 "Section 6.62. Water and sewer mains between streets. Whenever the City Council finds it  
31 in the public interest, and it will be more economical and the interest of the property owners  
32 will best be served by constructing either water or sanitary sewer mains, or both, between  
33 streets rather than in a street, the petition may provide therefor, or, in the event the water and  
34 sanitary sewer mains may be constructed in a street without petition, they may be constructed  
35 between streets without petition. The cost of the construction of the water or sewer mains and  
36 laterals shall be assessed according to the street frontage in the same manner and to the same  
37 extent that it would be assessed if the improvements were constructed in a street. However, the  
38 City shall provide the rights-of-way for construction and maintenance of the mains at its own  
39 expense without assessing the cost thereof.

40 "Section 6.68. Inclusion of more than one improvement in single proceeding.

41 (a) Any proceeding may include one or more local improvements on one or more  
42 streets, but all improvements included in one procedure shall be practically uniform in cost and  
43 kind. A petition may include improvements on only one side of a street.

44 (b) The petition may provide for making any one or more local improvements in or on a  
45 street or streets and for the assessment of the cost thereof, except the City's portion, wholly  
46 against the property abutting one side of the street or streets or otherwise against the abutting  
47 property as may be designated in the petition in any of the following cases: (i) where there is  
48 park land or unimproved land abutting one side, or a part of one side, of a street; (ii) where the  
49 land abutting one side, or a part of one side of a street, is of such a nature or is devoted to such  
50 a purpose that a special assessment against it cannot be made or, if made, would probably

1 exceed the value of the land assessed; or (iii) where the owners of all the property to be  
2 assessed agree thereto.

3 "Section 6.69. The petition; certificate of sufficiency.

4 (a) Except as otherwise provided in subsection (b) of this section, the petition for any  
5 local improvements shall designate by a general description the improvements proposed and  
6 shall request that the proportion of the cost of each of the improvements as may be specified in  
7 the petition be specially assessed against the property abutting on the street or streets or part  
8 thereof in which or on which the improvements are proposed to be made. The petition shall be  
9 filed with the City Clerk.

10 (b) (1) In any case where the improvement is to be made on one side of a street  
11 only, the petition shall request that the assessment be made only against the  
12 property abutting that side of the street whereon the improvement is to be  
13 made.

14 (2) In any case where it is proposed to assess the cost of any local improvement  
15 covering the entire width of a street against the land abutting one side of the  
16 street only or against any lands less than all of those abutting the improved  
17 portion of the street, the petition shall designate the lands to be assessed.

18 (c) Except as otherwise provided in subsection (d) of this section, the petition shall be  
19 signed by at least a majority in number of the owners, which majority must own at least a  
20 majority of all the lineal feet of frontage of the lands abutting the street or streets or part of a  
21 street or streets proposed to be improved, excluding street intersections.

22 (d) (1) A petition for the making of local improvements on one side of a street only  
23 need be signed only by a majority in number of the owners of land abutting  
24 the side of the street whereon the improvement is to be made, which  
25 majority must own at least a majority of all the lineal feet of frontage of the  
26 lands abutting the side of the street, excluding street intersections.

27 (2) Any petition for the making of any improvements covering the entire width  
28 of a street, and the assessment of the cost thereof against the land abutting  
29 one side of the street only or against any lands less than all of those abutting  
30 the improved portion of the street, shall be signed by all of the owners of the  
31 lands thus proposed to be assessed.

32 (e) (1) For the purpose of the petition, all the owners of undivided interests in any  
33 land shall be deemed and treated as one person, and the land shall be  
34 sufficiently signed for when the petition is signed by the owner or owners of  
35 a majority in amount of the undivided interest.

36 (2) For the purpose of this section, the word "owner" shall be considered to  
37 include the owners of any life estate, an estate by entirety, or the estate of  
38 inheritance and shall not include mortgages, trustees of a naked trust,  
39 trustees under deeds of trust to secure the payment of money, lienholders, or  
40 persons having inchoate rights of courtesy or dower.

41 (f) Upon the filing of the petition, the City Clerk shall investigate the sufficiency of the  
42 petition, and, if it is found to be sufficient, he or she shall certify the same to the Council.

43 "Section 6.70. When petition unnecessary.

44 (a) No petition shall be necessary for the making of any local improvements for which  
45 the City bears the entire cost without assessment.

46 (b) If, in the judgment of the City Council, the abutting property to be assessed will be  
47 benefited in an amount at least equal to the assessment, no petition for local improvement shall  
48 be necessary in the cases set forth in subsections (c) through (g) of this section.

49 (c) Street paving improvements – When, in the judgment of the Council:

50 (1) Any street or part of a street is unsafe; or

- 1 (2) The improvement of a street or part of a street not more than three blocks in  
2 length is necessary to connect streets already paved; or
- 3 (3) The improvement of a street or part of a street is necessary to connect a  
4 paved street, or portion thereof, within the City with a paved highway  
5 beyond the City limits; or
- 6 (4) The improvement of a street or part of a street is necessary to provide a  
7 paved approach to a railroad or street grade separation or any bridge; or
- 8 (5) Any street or part of a street should be widened.

9 (d) Water main improvements – When, in the judgment of the Council, any street or  
10 part of a street, or any property within the City, is without a public water supply and can be  
11 served, and water service should be provided in the public interest.

12 (e) Sanitary sewer improvements – When, in the judgment of the Council, any street or  
13 part of a street, or any property within the City, is without a public sanitary sewer system and  
14 can be served, and sanitary sewer service should be provided in the public interest.

15 (f) Storm sewer improvements – When, in the judgment of the Council, any street or  
16 part of a street, or any property within the City, is without storm sewer facilities and can be  
17 served, and storm sewers should be provided in the public interest.

18 (g) Sidewalk improvements – When, in the judgment of the Council, any street or part  
19 of a street is without sidewalks, and sidewalks should be provided in the public interest, or any  
20 existing sidewalk is unsafe and should be repaired.

21 "Section 6.71. Notice of hearing.

22 (a) Upon the presentation of a sufficient petition for local improvements, or when it is  
23 proposed to make without petition any improvements authorized to be made without petition, a  
24 notice shall be prepared by the City Attorney which shall contain substantially the following:

- 25 (1) That a sufficient petition has been filed for the making of the improvements  
26 or, if it is proposed to make the improvements without petition, a statement  
27 of the reasons proposed for the making thereof;
- 28 (2) A brief description of the proposed improvements;
- 29 (3) The proportion of the cost of the improvements to be assessed and the terms  
30 of payment;
- 31 (4) A statement of the time and place of a public hearing on the proposed  
32 improvements; and
- 33 (5) A statement that all objections to the legality of the making of the proposed  
34 improvements shall be made in writing, signed in person or by attorney, and  
35 filed with the City Clerk at or before the time of the hearing and that any  
36 objections not so made will be waived.

37 (b) The notice shall be published one time in a newspaper published in the City which  
38 is qualified to carry legal notices, or, if there is no newspaper, the City Clerk shall cause it to be  
39 posted in three public places in the City, the date of publication or posting to be not less than  
40 five days prior to the date fixed for the hearing. A copy of the notice shall be served upon the  
41 owners of the lands subject to assessment for the improvements by certified or registered mail.  
42 The certificate of the person designated to mail the notices shall be conclusive in the absence of  
43 fraud. The mailing of notices shall be completed not less than five days prior to the date fixed  
44 for the hearing. The word "owners," as used herein, has the same meaning as in Section  
45 6.69(e)(2) of this Charter.

46 "Section 6.72. Public hearing. At the time for the public hearing, or at some subsequent  
47 time to which the hearing shall be adjourned, the City Council shall consider objections to the  
48 legality of the improvements made in compliance with Section 6.71(a)(5) of this Charter,  
49 together with objections to the policy or expediency of the making of the improvements, and  
50 the City Council shall thereafter determine whether it will order the making of the  
51 improvements. Any objections to the legality of the making of the improvements not made in

1 writing, signed in person or by attorney, and filed with the City Clerk at or before the time or  
2 adjourned time of the hearing shall be considered as waived, and, if any objection shall be  
3 made and shall not be sustained by the Council, the adoption of the resolution ordering the  
4 making of the improvements shall be the final adjudication of the issues presented, unless  
5 within 10 days after the adoption of the resolution proper steps shall be taken in a court of  
6 competent jurisdiction to secure relief.

7 "Section 6.73. Resolution ordering improvements; publication. After the public hearing, if  
8 the City Council determines to make the improvements proposed, it shall adopt a resolution  
9 which shall contain the following:

- 10 (1) If the improvements are to be made by petition, a finding by the City  
11 Council as to the sufficiency of the petition, which finding shall be final and  
12 conclusive.
- 13 (2) If the improvements are to be made without petition, a finding by the City  
14 Council of such facts as are required in order to authorize improvements  
15 without petition.
- 16 (3) A general description of the improvements to be made and the designation of  
17 the street or streets or parts thereof where the work is to be done.
- 18 (4) If the improvement directed to be made is the paving of a roadway or part  
19 thereof wherein a railroad company has tracks, a direction that the company  
20 pave that part of the street occupied by its tracks, the rails of the tracks, and  
21 18 inches in width outside the tracks, with the material and in the manner as  
22 the governing body may prescribe, and that unless the paving be completed  
23 on or before a day specified in the resolution, the governing body will cause  
24 the same to be done. Where the railroad company shall occupy the street or  
25 streets under a franchise or contract which otherwise provides, the franchise  
26 or contract shall not be affected by this section, except insofar as may be  
27 consistent with the provisions of the franchise or contract.
- 28 (5) If the improvement directed to be made includes the construction of water  
29 mains or sewers and, in order to provide the mains or sewers in the street or  
30 streets to be improved, it is necessary to extend them beyond the limits of  
31 the street or streets, the resolution shall contain a provision for the necessary  
32 extension of the mains or sewers and a further provision that the cost of the  
33 extension shall eventually be assessed against the lots or parcels of land  
34 abutting the street or streets in which the extensions are made but that  
35 assessments shall not be made until such time as the City Council shall  
36 thereafter determine by appropriate resolution.
- 37 (6) If the improvement directed to be made is the paving of a roadway or part  
38 thereof, or the construction of sidewalks, the resolution may, but need not,  
39 contain a direction that the owner of each lot abutting the part of the street to  
40 be improved connect his or her lot by means of laterals with water mains,  
41 gas or sewer pipes, or any one or more thereof located in the street adjacent  
42 to his or her premises in accordance with the requirements governing the  
43 laying of laterals, and that unless the owners cause laterals to be laid on or  
44 before a date specified in the resolution, the date to be not less than 30 days  
45 after the date of the resolution, the City Council will cause the same to be  
46 laid.
- 47 (7) A designation of the proportion of the cost of the improvements to be  
48 assessed against abutting property and of the number of equal annual  
49 installments in which assessments may be paid.

50 "Section 6.74. Details of construction; contracts for construction. The City Council shall  
51 have power to determine the character and type of construction and of material to be used and

1 to determine any other details of plan or construction necessary to be determined in making any  
2 local improvements and to determine whether any work to be done by the City shall be done by  
3 contract or by the City. The City Council shall have power also, unless otherwise limited, to  
4 determine the number of water, sewer, and gas laterals that shall be laid to any lot on any street  
5 to be improved. If the work or any part thereof is to be done by contract, the City Council may  
6 let all of the work in one contract, or it may divide it into several contracts and may let  
7 contracts separately.

8 "Section 6.75. Determination as to cost of improvements. Upon completion of the  
9 improvements, the City Council shall ascertain the total cost. In addition to other items of cost,  
10 there may be included therein the cost of all necessary legal services, the amount of interest  
11 paid during construction, the amount of damages paid or to be paid for injury to property by  
12 reason of any change of grade or drainage, including court costs and other expenses incidental  
13 to the determination of damages, and the cost of retaining walls, sidewalks, or fences built or  
14 altered in lieu of cash payment for property damage, including the cost of moving or altering  
15 any building. The determination of the City Council as to the total cost of any improvement  
16 shall be conclusive.

17 "Section 6.76. Preliminary assessment.

18 (a) Having determined the total cost, the City Council shall make a preliminary  
19 assessment. The preliminary assessment shall be advisory only and shall be subject to  
20 modification. Except as otherwise provided in subsection (b) of this section, the preliminary  
21 assessment shall be as follows:

22 (1) Roadway paving. The total cost of any roadway paving improvement,  
23 excluding the cost incurred at street intersections, shall be specially assessed  
24 against the lots and parcels of land abutting the street containing the roadway  
25 paved, according to the frontages thereon, by an equal rate per foot of  
26 frontage except that, where the petition so requested, the cost shall be  
27 assessed against the lands on one side of the street only or against the lands  
28 as were designated in the petition.

29 (2) Water mains and sewers. The cost of not exceeding an eight-inch water or  
30 sanitary sewer main and of not exceeding a 30-inch storm sewer main shall  
31 be assessed against the abutting property. The cost shall be assessed against  
32 the lots and parcels of land according to their respective frontages thereon by  
33 an equal rate per foot of the frontage or upon such other basis as the City  
34 Council may determine. If a water or sanitary sewer main in excess of eight  
35 inches in size or a storm sewer in excess of 30 inches in size is laid, the  
36 excess cost shall be borne by the City. If the resolution ordered the  
37 construction of any pumping station, outfall, septic tank, or disposal plant,  
38 no part of the cost of the same shall be specially assessed. Nothing contained  
39 herein shall be construed to limit the power of the City Council to contract  
40 with any property owner or owners for the construction of any pumping  
41 station, outfall, septic tank, or disposal plant or for the construction of water  
42 mains or storm or sanitary sewers and for the assessment of the cost thereof  
43 according to the terms of the contract. The entire cost of each water and  
44 sewer lateral shall be specially charged against the particular lot or parcel of  
45 land for or in connection with which it was constructed, except that the  
46 assessments shall be calculated as if the lateral were laid from the center of  
47 the street. The cost of installing storm sewers may, however, be assessed as  
48 part of the cost of roadway paving.

49 (3) Sidewalks. The total cost of constructing or reconstructing sidewalks shall  
50 be assessed against the lots and parcels of land abutting that side of the street  
51 upon which the improvement is made according to their respective frontages

1 thereon by an equal rate per foot of the frontage, the lots within a block  
2 being deemed to abut upon a sidewalk although the latter extends beyond the  
3 lot to the curb line of an intersecting street. The total cost of constructing  
4 portions of driveways within the street area shall be assessed against the lots  
5 for which they are constructed.

6 (4) Grassplots. The entire cost of grading or otherwise improving or of planting  
7 the grassplots in any street or part thereof shall be assessed against the lots  
8 and parcels of land abutting the street or part thereof where or whereon the  
9 improvements are made by an equal rate per foot front of the frontage;  
10 provided, that this subdivision shall be construed to mean that when a  
11 grassplot in any street is graded or planted or otherwise improved, the cost  
12 thereof shall be assessed against all of the property abutting the street within  
13 the block where the grassplot is located.

14 (b) If the petition, or the resolution in those cases where the improvement was ordered  
15 made without petition, specified that there should be specially assessed against the abutting  
16 property a smaller proportion of the cost of any improvement other than that set forth in  
17 subsection (a)(2) of this section, there shall be assessed against abutting property only the  
18 proportion of the cost as was specified in the petition or in the resolution. No restriction or  
19 denial of access to an abutting street shall affect the levy or collection of any assessment for  
20 local improvements.

21 (c) The cost of paving, water, sewer, and sidewalk improvements upon, in, or to any  
22 portion of a right-of-way or any property owned by the State of North Carolina or any agency  
23 or subdivision thereof shall be assessed against the right-of-way or property and shall be paid  
24 by the State, its agency, or subdivision.

25 "Section 6.77. Corner lot exemptions. The City Council shall have authority to determine  
26 the amount and applicability of assessment exemptions for corner lots and to distinguish  
27 between different classifications of property uses. The exemptions for water mains and sanitary  
28 sewers shall not exceed 150 feet for residential uses and 100 feet for business uses. If the corner  
29 formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of  
30 providing sight distance or for any other purpose of construction, the frontage for assessment  
31 purposes shall be calculated to the midpoint of the curve or foreshortened corner.

32 "Section 6.78. Preliminary assessment roll. The City Council shall cause to be prepared a  
33 preliminary assessment roll on which shall be entered a brief description of each lot or parcel of  
34 land assessed the amount assessed against each lot and the name or names of the owner or  
35 owners of each lot, as far as the same can be ascertained; provided, that a map of the  
36 improvements on which is shown the frontage and location of each affected lot, together with  
37 the amount assessed against each lot and the name or names of the owner or owners thereof, as  
38 far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution  
39 directed the making of more than one improvement, a single preliminary assessment roll for all  
40 the improvements authorized by the resolution shall be sufficient, but the cost of each  
41 improvement to each lot affected shall be shown separately. After the preliminary assessment  
42 roll has been completed, it shall be filed in the Office of the City Clerk, and there shall be  
43 published in some newspaper published in the City which is qualified to carry legal notices, or  
44 if there is no newspaper, the City Clerk shall cause to be posted in three public places in the  
45 City, a notice of the completion of the assessment roll, setting forth a description in general  
46 terms of the improvements, the amount of each assessment, and stating the time fixed for the  
47 meeting of the City Council for the hearing of objections to the special assessments. The  
48 meeting shall not be earlier than five days after the publication or from the date of posting of  
49 the notice. Any number of assessment rolls may be included in one notice.

50 "Section 6.79. Hearing; revision; confirmation; lien. At the time appointed for that purpose  
51 or at some other time to which it may adjourn, the City Council shall hear objections to the

1 preliminary assessment roll of all persons interested who may appear and offer proof in relation  
2 thereto. Then or thereafter, the City Council shall either annul, sustain, or modify, in whole or  
3 in part, the assessment, either by confirming the preliminary assessment against any or all lots  
4 or parcels described thereon or by cancelling, increasing, or reducing the same according to the  
5 special benefits which the City Council decides each of the lots or parcels has received or will  
6 receive on account of the improvements, except that assessments against railroads because of  
7 contract or franchise obligations shall be in accordance with such obligations. If any property is  
8 omitted from the preliminary roll, the City Council may place it on the roll and levy the proper  
9 assessment. The City Council may thereupon confirm the assessment roll, and the assessments  
10 so confirmed shall be in proportion to the special benefits, except in the case of franchise  
11 obligations of railroads. Whenever the governing body shall confirm assessments for local  
12 improvements, the City Clerk shall enter on the City Council minutes and on the assessment  
13 roll the date, hour, and minute of confirmation, and, from the time of confirmation, the  
14 assessments shall be a lien on the property assessed of the same nature and to the same extent  
15 as County and City taxes and shall be superior to all other liens and encumbrances. After the  
16 assessment roll is confirmed, a copy of the same shall be delivered to the City Tax Collector.

17 "Section 6.80. Appeal to superior court. If the owner of, or any person interested in, any lot  
18 or parcel of land against which an assessment is made is dissatisfied with the amount of the  
19 assessment, he or she may, within 10 days after the confirmation of the assessment roll, give  
20 written notice to the City Council that he or she takes an appeal to the Superior Court of  
21 Alamance County, in which case he or she shall within 20 days after the confirmation of the  
22 assessment roll serve on the Mayor or City Clerk a statement of facts upon which he or she  
23 bases his or her appeal. The appeal shall be tried as other actions at law. The remedy herein  
24 provided for any person dissatisfied with the amount of the assessment against any property of  
25 which he or she is the owner or in which he or she is interested shall be exclusive.

26 "Section 6.81. Power to correct error in assessment. If it shall appear after confirmation of  
27 any assessment roll that an error has been made, the City Clerk shall cause to be published one  
28 time in some newspaper published in the City, or if there is no newspaper, the City Clerk shall  
29 cause to be posted at three public places in the City a notice referring to the assessment roll in  
30 which the error was made, naming the owner or owners of the lot or parcel of land affected by  
31 the error, if the same can be ascertained, and naming the time and place fixed for a hearing by  
32 the City Council for the correction of the error. The meeting shall not be earlier than 10 days  
33 from the publication or from the date of the posting of the notice. At the time fixed in the notice  
34 or at some subsequent time to which the City Council may adjourn, the Council, after giving  
35 the owner or owners of the property affected and other persons interested therein an  
36 opportunity to be heard, may proceed to correct the error, and the assessment then made shall  
37 have the same force and effect as if it had originally been properly made. No notice and hearing  
38 shall be necessary if the correction does not increase an assessment against any property not  
39 owned by the City or if all of the property owners affected by the correction waive notice in  
40 writing.

41 "Section 6.82. Reassessment. The City Council shall have the power, when in its judgment  
42 there is any irregularity, omission, error, or lack of jurisdiction in any of the proceedings  
43 relating thereto, to set aside the whole of the local assessment made by it and thereupon to  
44 make a reassessment. In such a case, there shall be included as a part of the cost of the  
45 improvements involved all interest paid or accrued on notes or certificates of indebtedness or  
46 bonds issued by the City to pay the expenses of the improvement. The proceeding shall, as far  
47 as practicable, be in all respects as in the case of original assessments, and the reassessment  
48 shall have the same force as if it had originally been properly made.

49 "Section 6.83. Publication of notice of confirmation of assessment roll. Within 10 days  
50 from the confirmation of the assessment roll, the City Clerk shall give notice to all owners of  
51 lands to be assessed that the assessment roll has been confirmed and that assessments may be

1 paid at any time before the expiration of 30 days from the date of the notice, without interest  
2 from the date of the confirmation of the assessment roll, but that if the assessment is not paid in  
3 full within the time, all installments thereof shall bear interest at the rate of eight percent (8%)  
4 per annum from the date of confirmation of the assessment roll. The notice by the City Clerk  
5 shall be given by regular mail. The certificate of the City Clerk that notices have been mailed  
6 shall be conclusive in the absence of fraud.

7 "Section 6.84. Payment of assessments in cash or by installments. The property owner  
8 hereinbefore mentioned in this Charter shall have the option and privilege of paying for the  
9 improvements hereinbefore provided for in cash as provided in Section 6.83 of this Charter or  
10 in not less than five or more than 10 equal annual installments as may have been determined in  
11 the original resolution ordering the improvement or improvements. If paid in installments, the  
12 installments shall bear interest at the rate of eight percent (8%) per annum from the date of  
13 confirmation of the assessment roll. If any assessment is not paid in cash, the first installment  
14 thereof with interest thereon shall become due and payable 30 days after the notice required by  
15 Section 6.83 of this Charter, and one subsequent installment and interest thereon shall be due  
16 and payable on the same day of the same month in each successive year until the assessment is  
17 paid in full; provided, however, that if the governing body shall so direct the installments shall  
18 become due and payable on the same date when property taxes of the City are due and payable.  
19 If any installment with interest thereon is not paid when due, it shall be subject to the same  
20 penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein  
21 provided for. The whole assessment may be paid at any time by the payment of the full amount  
22 due with accrued interest.

23 "Section 6.85. Enforcement of payment of assessments. Upon the failure of any property  
24 owner to pay any installment when due and payable, all of the installments remaining unpaid  
25 shall immediately become due and payable, and property and rights-of-way may be sold by the  
26 City under the same rules, regulations, rights of redemption, and saving as are now prescribed  
27 by law for the sale of land for unpaid taxes. Unpaid assessments, interest, and penalties owed  
28 by railroad companies and the State of North Carolina, its agencies, or subdivisions may be  
29 collected by writs of mandamus issued by the Superior Court of Alamance County. Collection  
30 of assessments with interest and penalties may also be made by the City by proceedings to  
31 foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws  
32 of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or  
33 parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same  
34 resolution after default in the payment of any installment. The payment of all installments due,  
35 together with interest and penalties due thereon and costs, before the lot or parcel of land  
36 against which the same is a lien is sold or the lien is foreclosed shall bar the right of the City to  
37 sell land or to foreclose the lien by reason of default.

38 "Section 6.86. Assessment of cost of water main and sewer extensions. If the resolution  
39 ordering the making of any improvement or improvements included a provision for any  
40 necessary extension of a water main or sewer or sewers beyond the limit of a street or streets, at  
41 such time after the completion of the extension or extensions as, in the judgment of the  
42 Council, circumstances justify the assessment of the cost thereof, the City Council shall cause a  
43 preliminary assessment to be made, and the procedure thereafter to be followed with respect to  
44 the assessment and the force and effect thereof shall be as already prescribed for other  
45 assessments.

46 "Section 6.87. Apportionment of assessments. In any case where one or more special  
47 assessments have been made, and property has been or is about to be subdivided and it is  
48 desirable that the assessments be apportioned among the subdivisions of the property, the City  
49 Council may, upon application by the owner or owners, apportion the assessments among the  
50 subdivisions. Thereafter, each subdivision shall be relieved of any part of the original  
51 assessment except the part apportioned to the subdivision, and the part of the original

1 assessment apportioned to any subdivision shall be of the same force and effect as the original  
2 assessment.

3 "Section 6.88. Change of ownership. No change of ownership of any property or interest  
4 therein after the passage of a resolution ordering the making of a local improvement shall affect  
5 subsequent proceedings, and the improvement may be completed and assessment made therefor  
6 as if there had been no change in ownership.

7 "Section 6.89. Lands subject to assessment. No lands in the City, including railroad  
8 company lands and rights-of-way and property of the State of North Carolina, its agencies, or  
9 subdivisions shall be exempt from special assessments, except lands belonging to the United  
10 States which are exempt under the provisions of federal statutes, and the City Council and the  
11 officers, trustees, or boards of all incorporated or unincorporated bodies in whom is vested the  
12 right to hold and dispose of real property shall have the right by authority duly given to sign the  
13 petition for any local improvements.

14 "Section 6.90. Proceedings in rem. All proceedings for special assessments shall be  
15 proceedings in rem, and no mistake or omission as to the name of any owner or person  
16 interested in any lot or parcel of land affected thereby shall be regarded as a substantial mistake  
17 or omission.

18 "Section 6.91. Grassplot, sidewalk, and driveway maintenance. It shall be the responsibility  
19 of the abutting property owner to maintain any grassplot or driveway between the property line  
20 and the curb of a paved street and to maintain in good passable condition any sidewalk  
21 immediately fronting his or her lot.

22 "Section 6.92. City Council may hold in abeyance certain water and sewer assessments.

23 (a) The City Council may provide by resolution that assessments levied against abutting  
24 lots or parcels of land for water main improvements or sanitary sewer improvements, when in  
25 its opinion the improvements may not presently be used by the owner or owners of the abutting  
26 lots or parcels of land, may be held in abeyance without the payment of any interest thereon  
27 until such time as the City Council shall determine that any such assessments shall be paid in  
28 accordance with the terms set out in the confirming resolution. A part of the assessments levied  
29 for the improvements herein set out on a street or streets, or portion thereof, may be held in  
30 abeyance as herein provided without holding all of the assessments in abeyance.

31 (b) All statutes of limitations are hereby suspended during the time that any assessment  
32 is held in abeyance without the payment of interest, as provided in subsection (a) of this  
33 section. Such time shall not be a part of the time limited for the commencement of action for  
34 the enforcement of the payment of any such assessment, and the action may be brought at any  
35 time within 10 years from the date of the adoption of a resolution by the Council determining  
36 that the assessment shall be paid in accordance with the original resolution confirming it.

37 (c) Nothing herein shall be construed to revive any right of action which has heretofore  
38 been barred by the statute of limitations.

39 "Section 6.93. Abutting property outside City limits. If any lots or parcels of land abutting  
40 any local improvements are located outside the City limits, the City Council may continue and  
41 delay the levy of assessments against the property until the City limits are extended to include  
42 the property, or the City Council may provide that no water or sewer service connections shall  
43 be made to the property, pending the annexation thereof, until all assessments thereon are paid.  
44 Upon annexation, if not paid prior thereto, the City Council may levy assessments for the local  
45 improvements against the property, and the procedure therefor shall be the same as provided in  
46 this Charter. Nothing contained in this section shall be construed to prohibit or restrict the City  
47 Council and a property owner from entering into an agreement for payment in lieu of  
48 assessment.

#### 49 "CHAPTER VII. MISCELLANEOUS

50 "Section 7.01. Settlement of claims by City Manager. The City Manager shall have  
51 authority to settle claims against the City as provided by ordinance."

1           **SECTION 2.** The purpose of this act is to revise the Charter of the City of  
2 Burlington and to consolidate certain acts concerning the property, affairs, and government of  
3 the City. It is intended to continue without interruption those provisions of prior acts which are  
4 expressly consolidated into this act so that all rights and liabilities which have accrued are  
5 preserved and may be enforced.

6           **SECTION 3.** This act does not repeal or affect any acts concerning the property,  
7 affairs, or government of public schools or any acts validating official actions, proceedings,  
8 contracts, or obligations of any kind.

9           **SECTION 4.** The following acts, having served the purposes for which they were  
10 enacted or having been consolidated into this act, are expressly repealed:

- 11           (1) Chapter 119 of the 1961 Session Laws, Section 1 only.
- 12           (2) Chapter 765 of the 1961 Session Laws.
- 13           (3) Chapter 828 of the 1963 Session Laws.
- 14           (4) Chapter 400 of the 1967 Session Laws.
- 15           (5) Chapter 362 of the 1967 Session Laws.
- 16           (6) Chapter 479 of the 1967 Session Laws.
- 17           (7) Chapter 642 of the 1969 Session Laws.
- 18           (8) Chapter 679 of the 1979 Session Laws.
- 19           (9) S.L. 2005-30.
- 20           (10) S.L. 2010-25.
- 21           (11) S.L. 2010-53.

22           **SECTION 5.** This act does not repeal by implication any local acts otherwise  
23 applicable to the City of Burlington.

24           **SECTION 6.** The Mayor and City Councilmembers serving on the date of  
25 ratification of this act shall serve until the expiration of their terms or until their successors are  
26 elected and qualified.

27           **SECTION 7.** This act does not affect any rights or interests which arose under any  
28 provisions repealed by this act.

29           **SECTION 8.** All existing ordinances, resolutions, and other provisions of the City  
30 of Burlington not inconsistent with the provisions of this act shall continue in effect until  
31 repealed or amended.

32           **SECTION 9.** No action or proceeding pending on the effective date of this act by  
33 or against the City of Burlington or any of its departments or agencies shall be abated or  
34 otherwise affected by this act.

35           **SECTION 10.** Whenever a reference is made in this act to a particular provision of  
36 the General Statutes and such provision is later amended, superseded, or recodified, the  
37 reference shall be deemed amended to refer to the amended General Statute or to the General  
38 Statute which most clearly corresponds to the statutory provision which is superseded or  
39 recodified.

40           **SECTION 11.** This act is effective when it becomes law.