

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 1137
HOUSE BILL 1024

AN ACT TO REVISE AND REORGANIZE THE CHARTER OF THE CITY OF GREENSBORO, AND TO AMEND THE FOLLOWING SECTIONS OF THE GENERAL STATUTES OF NORTH CAROLINA: G. S. 143-129; G. S. 147-8; G. S. 147-9; G. S. 160-181.1; G. S. 105-387 (a); AND G. S. 160-452.

The General Assembly of North Carolina do enact:

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

CHAPTER I. ORGANIZATION AND POWERS
SUBCHAPTER A. INCORPORATION: CORPORATE POWERS AND THEIR
EXERCISE

Section 1.01. Incorporation and Corporate Powers.

The City of Greensboro shall continue to be a body politic and corporate by the name of "City of Greensboro." Under that name the city continues to be vested with all property and rights of property which now belong to the 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.

Sec. 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 or, if this charter makes no provision, as provided by ordinance or resolution of the city council, and as provided by the general laws of North Carolina pertaining to municipalities, and their officers, agencies, and employees.

SUBCHAPTER B. CITY BOUNDARIES
ARTICLE 1. EXISTING CITY BOUNDARIES

Sec. 1.21. Existing City Boundaries.

The corporate limits of the city shall be as follows until changed as provided by law:

BEGINNING at a point on the North line of Friendly Road and the South line of the corporate limits of Guilford College, said point being 200 feet West of the center line of Muir's Chapel Road, and running thence with the North line of Friendly Road in an easterly direction 2,100 feet, more or less, to Julius A. Coltrane's southeast corner, the southeast corner of the corporate limits of Guilford College; thence with the said corporate limits (North 08 degrees 84 minutes West as stated in the 1955 Session Laws of North Carolina in Chapter 210, page 163) North 07 degrees 06 minutes 30 seconds West as shown on plat of Briarwood Estates approximately 1,385 feet to a point, the northwest corner of lot number 12 of Briarwood Estates; thence South 87 degrees 00 minutes 10 seconds East 581.61 feet to a point, the northeast corner of lot number 13 of said Briarwood Estates; thence South 00 degrees 47 minutes 02 seconds West 950 feet, more or less, to a point in Dr. J. N. Caudle's East line, said point being 250 feet as measured perpendicularly from the center line of Friendly Road; thence in a northeasterly direction parallel with and 250 feet from the center line of Friendly Road approximately 1,590 feet to a point 250 feet West of the center line of Westridge Road; thence in a northeasterly direction parallel with the center line of Westridge Road about 370 feet to a point in the northern boundary of the First Baptist Church property; thence North 84 degrees 43 minutes West 35 feet, more or less, to a point; thence South 86 degrees 41 minutes West 230.99 feet to an iron pipe, the northwest corner of the First Baptist Church property; thence North 76 degrees 49 minutes 30 seconds West 71.54 feet to an iron pipe; thence South 87 degrees 43 minutes 30 seconds West 175.0 feet to an iron pipe in the eastern margin of Jefferson Road, said iron pipe being 664.71 feet in a northern direction from the northeastern corner of Friendly Road and Jefferson Road; thence North 00 degrees 41 minutes West with the eastern margin of Jefferson Road 450.02 feet to an old iron pipe, said point being the southwest corner of Thomas T. Lambeth's property; thence North 87 degrees 44 minutes 08 seconds East 399.8 feet with Lambeth's southern line to an iron pipe; Ruby C. Barry's southwest corner; thence South 64 degrees 47 minutes East 265 feet, more or less, with Ruby C. Barry's southern line to a point, said point being 250 feet in a northwestern direction from the center line of Westridge Road; thence in a northeasterly direction parallel with the center line of Westridge Road 4,500 feet, more or less, to a point in the southern line of lot number 32 of Friendly Acres; thence South 85 degrees 03 minutes West 220 feet, more or less, to the southwest corner of said lot number 32 of Friendly Acres; thence North 89 degrees 59 minutes 10 seconds West 1,024.31 feet to an iron pipe; thence North 68 degrees 27 minutes 30 seconds West 1,837.16 feet to an iron pipe; thence North 07 degrees 40 minutes 30 seconds East 692.19 feet to an iron pipe; thence South 89 degrees 36 minutes East 866.54 feet to an iron pipe; thence North 41 degrees 36 minutes 50 seconds East 415.03 feet to an iron pipe; thence South 48 degrees 10 minutes 30 seconds East 113.66 feet to an iron pipe; thence North 05 degrees 48 minutes East 465.41 feet to an iron pipe; thence North 80 degrees 18 minutes West 329.66 feet to an iron pipe; thence North 00 degrees 18 minutes West 432.66 feet to an iron pipe; thence North 88 degrees 29 minutes 30 seconds East 809.29 feet to an iron pipe; thence South 05 degrees 05 minutes 30 seconds West 772 feet to an iron pipe; thence South 05

degrees 46 minutes 20 seconds West 657.27 feet to an iron pipe; thence South 85 degrees 12 minutes 20 seconds East 1,058.97 feet to an iron pipe; thence North 01 degree 57 minutes East 33.62 feet to an iron pipe; the northwest corner of lot number 35 of Friendly Acres; thence South 54 degrees 05 minutes East 710 feet, more or less, to a point in the northern line of said lot number 35 of Friendly Acres; said point being 250 feet as measured perpendicularly in a northwestern direction from the center line of Westridge Road; thence in a northeastern direction parallel with the center line of Westridge Road 1,130 feet, more or less to a point in the southern line of Westridge Heights Subdivision; thence North 86 degrees 55 minutes West approximately 750 feet to a point; thence North 02 degrees 07 minutes East approximately 1,500 feet to a point in the Starmount Company line; thence South 87 degrees 53 minutes East 1,104 feet to an iron pipe, the northwest corner of lot number 2, block B, of the Westridge Heights Subdivision; thence continuing South 87 degrees 53 minutes East 130 feet, more or less, to a point in the northern line of lot number 1, block B, of Westridge Heights Subdivision, said point being 250 feet westwardly from the center line of Westridge Road and 168.85 feet northwardly from the northern property line of Pinetop Road; thence in a northern and northeastern direction parallel with the center line of Westridge Road 3,690 feet, more or less, to a point in the MacMillan property, 250 feet southwest of the center line of Whitehurst Road; thence in a northwestwardly direction parallel with and 250 feet from the center line of Whitehurst Road, approximately 1,623 feet to a point in the Davis-Chapman property line; thence with the Davis-Chapman line, 235 feet, more or less, to the southern edge of the Whitehurst Road right-of-way line; thence with the southern margin of Whitehurst Road (the Caffey line) North 84 degrees 47 minutes West, approximately 2,000 feet to an iron pin, Starmount corner; thence North 4 degrees 49 minutes West 10 feet to an iron pin; thence North 25 degrees 39 minutes East along the Starmount-Caffey line, 438.15 feet to an iron pin; thence South 88 degrees 35 minutes East 33.40 feet to an iron pin; thence North .01 degree 28 minutes West 444.3 feet along the Starmount-Caffey line to an iron pin; thence along the Caffey line North 89 degrees .01 minutes East 526.3 feet to an iron pin; thence along the Caffey-Guilford Recreational Club line, North 0 degrees 15 minutes West 1,456.50 feet to an iron pin; thence with the Caffey line South 85 degrees 43 minutes East 631.0 feet to an iron pin; thence North 01 degree 33 minutes East, 112.38 feet to an iron pin in the Caffey-Star line; thence with the Caffey-Star line and crossing U. S. Highway No. 220 North 70 degrees 00 minutes East 468.94 feet to a point in the northeastern margin of U. S. Highway No. 220 right-of-way; thence in a southeastwardly direction parallel with and 50 feet from the center line of U. S. Highway No. 220 South 44 degrees .02 minutes East approximately 3,315 feet to a point on the northeast right-of-way line of U. S. Highway No. 220, said point being 250 feet measured perpendicular from the center line of Westridge Road; thence in a northeastwardly direction perpendicular with the center line of the Southern Railway approximately 400 feet to a point 50 feet East of the center line of the Southern Railway; thence parallel with the center line of the Southern Railway North 13 degrees 59 minutes West approximately 3,200 feet to the South line of the Guilford Battleground National Park property; thence with the line of said park

property South 87 degrees 17 minutes 45 seconds East 583.75 feet to a marble monument; thence South 07 degrees 48 minutes 15 seconds West 109.80 feet to a marble monument; thence South 86 degrees 41 minutes 45 seconds East 249.00 feet to a marble monument; thence North 01 degree 00 minutes East 119.57 feet to a marble monument; thence South 88 degrees 58 minutes 30 seconds East approximately 629.51 feet to Monument Circle; thence around the outside of said circle in a counterclockwise direction to the East edge of a road leading North; said road being along the East boundary of Guilford Battleground National Park property; thence with the East line of said road in a northerly direction 1,400 feet to the South line of New Garden Road; thence with the South line of New Garden Road in an easterly direction approximately 335 feet to the northeast corner of the property conveyed to the County of Guilford, North Carolina, by deed recorded in the office of Register of Deeds of Guilford County, N. C., in book 561, page 236; thence with the East line of said county property South 03 degrees 38 minutes West 1,156 feet to property belonging to City of Greensboro; thence with said city property North 88 degrees 41 minutes East 1,316.1 feet to an iron pipe; thence South 02 degrees 30 minutes West 106.4 feet to an iron pipe; thence South 85 degrees 55 minutes East 103.76 feet to the West line of Lawndale Drive Extension; thence South 05 degrees 11 minutes West 454.0 feet to a point; thence South 08 degrees 23 minutes East 417.83 feet to a point; thence North 88 degrees 01 minutes West 160.9 feet to a stone; thence South 02 degrees 21 minutes West 353.05 feet to an iron pipe; thence North 89 degrees 41 minutes West 377.25 feet to an iron pipe; thence South 02 degrees 01 minute 15 seconds West 1,062.95 feet to an iron pipe; thence North 88 degrees 04 minutes 40 seconds East 767.90 feet to the West line of Lawndale Road; thence southwardly with the West line of Lawndale Road approximately 531.27 feet to the City of Greensboro's corner; thence North 87 degrees 11 minutes 50 seconds West 325.90 feet to an iron pipe; thence South 01 degree 34 minutes East 1,416.13 feet; thence North 88 degrees 29 minutes West 72.53 feet to an iron pipe; thence South 09 degrees 33 minutes West 652.88 feet to an iron pipe; thence still with the city's property North 88 degrees 29 minutes West 573.93 feet to an iron pipe; thence South 00 degrees 53 minutes West approximately 361.9 feet to a point on the City of Greensboro's line, said point being 175 feet as measured perpendicular from the center line of Pisgah Church Road; thence in an easterly direction parallel with Pisgah Church Road approximately 1,850 feet to the West line of Lawndale Drive; thence with the West line of Lawndale Drive in a northwesterly direction approximately 25 feet to a point 200 feet as measured perpendicular from the center of Pisgah Church Road; thence in an easterly direction parallel with said Pisgah Church Road approximately 11,300 feet to the West line of Scotsdale Road; thence crossing Scotsdale Road to the northwest corner of lot number 89 of Jessie Wharton School Development; thence North 75 degrees 50 minutes East along the North line of lots number 89 through 75 of said development 449.69 feet to Gordon Road; thence crossing Gordon Road to the northwest corner of lot number 73; thence North 62 degrees 52 minutes East with the North line of lots number 73 through 65, 258.36 feet to the northeast corner of lot number 65; thence with the East line of lot number 65 in a southerly direction 60.00 feet to the northwest corner of lot

number 64; thence North 62 degrees 52 minutes East along the North line of lots number 64 through 50, 253.6 feet to the West line of Randolph Road; thence with the West line of Randolph Road in a northwesterly direction to a point 300 feet as measured perpendicularly from the center of Pisgah Church Road; thence in an easterly direction parallel with Pisgah Church Road approximately 500 feet to a point on the extension of F. A. Setzer's West line (the West line of lot number 55 of Jessie Wharton School Development); thence along the extension of Setzer's line in a southerly direction approximately 100 feet to the northwest corner of lot number 55 of the said development; thence North 62 degrees 54 minutes East along the North line of lots number 55 through 45 to the southwest corner of lot number 40; thence North 7 degrees 16 minutes West with the West line of lot number 40, 37.29 feet to the northwest corner of lot number 40; thence North 84 degrees 44 minutes East with the North line of lot number 40, 240 feet to the West line of Church Street Extension; thence northwardly with the West line of Church Street Extension approximately 90 feet to a point on the extension of the North line of lot number 4 of L. J. Duffy property; thence along that line in an easterly direction about 250 feet to Mrs. Minnie Smith's West line; thence with Smith's West line southwardly to the North line of Pisgah Church Road; thence southwardly across Pisgah Church Road to a point in the South line of Pisgah Church Road, said point being eastwardly 200 feet measured at right angles from the center line of Church Street; thence southwardly parallel with the center line of Church Street approximately 3,000 feet to a point 200 feet North of the center line of Denny Road; thence eastwardly parallel to and 200 feet North of the center line of Denny Road and to its extension approximately 4,400 feet to the West line of Yanceyville Road; thence across Yanceyville Road in an eastwardly direction to a point in the East line of Yanceyville Road, said point being 200 feet northwardly from the center line of Rankin Road as measured perpendicular to it; thence in an easterly direction parallel with Rankin Road approximately 3,050 feet to the East line of Summit Avenue; thence continuing eastwardly in the same direction 200 feet to a point; thence in a southerly direction parallel with the East line of Summit Avenue and 200 feet therefrom a distance of approximately 400 feet to the North line of Hanner Street; thence with the North line of Hanner Street and its extension in an eastwardly direction approximately 1,000 feet to a point 200 feet East of Martin Street; thence South 07 degrees 07 minutes West parallel with Martin Street approximately 1,350 feet to the northwest corner of lot number 21 of sheet number 2 of "Rankin Land"; thence in an easterly direction with the North line of lot number 21 approximately 185 feet to David Prevett's northwest corner; thence in an easterly direction with the North lines of David Prevett, R. E. Daney, and T. E. Sykes approximately 1,240 feet to T. E. Sykes' northeast corner on Bryson's line; thence with said Sykes' East line in a southerly direction approximately 270 feet to the North line of an alley, W. W. Lewis' southwest corner; thence in an easterly direction with W. W. Lewis' South line and an extension of his line approximately 750 feet to the East line of A. H. Nuckle's property; thence with Nuckle's East line in a southerly direction approximately 450 feet to Mrs. Samuel Welborn's northeast corner; thence in an easterly direction parallel with McKnight Mill Road approximately 700 feet to Annie

A. Sykes' East line; thence with Sykes' East line in a southerly direction approximately 180 feet to the North line of McKnight Mill Road; thence continuing in a straight line across McKnight Mill Road to the South line of said road; thence with the South line of McKnight Mill Road in a westerly direction approximately 130 feet to the northwest corner of the J. H. Kellam Estate; thence with the West line of said Kellam Estate in a southerly direction approximately 1,080 feet to the J. H. Kellam corner in Dr. T. E. Sykes' North line; thence with Sykes' North line South 86 degrees 30 minutes East approximately 950 feet to a stone monument, Dr. T. E. Sykes' northeast corner; thence with Sykes' East line South 02 degrees 30 minutes West 2,178.66 feet to a cedar stake at the water line of North Buffalo Creek; thence continuing in the same direction to the center of North Buffalo Creek; thence with the present city limits line down Buffalo Creek as it meanders approximately 6,850 feet to Mildred F. Lewis' northwest corner on North Buffalo Creek; thence South 1 degree 45 minutes West 411.98 feet to an iron pipe; thence South 2 degrees 28 minutes West 208.0 feet to an iron pipe; thence North 88 degrees 39 minutes West 401.68 feet to an iron pipe; thence North 09 degrees 14 minutes 30 seconds West 56.85 feet to an iron pipe; thence South 84 degrees 02 minutes West 1,418.49 feet to an iron pipe at Alonzo Neal's northwest corner; thence South with Alonzo Neal's West line 250 feet to the northeast corner of the tract purchased by John R. Taylor and wife from Josephine Neal; thence with the eastern line of said tract South 10 degrees 04 minutes West 303.7 feet; thence South 23 degrees West 399 feet to a corner with Higgins; thence with Higgins' East line South 2 degrees West 561 feet to Higgins' corner; thence with Higgins' North line South 85 degrees 25 minutes East 610.7 feet to a corner; thence South 02 degrees 17 minutes East 1,001.34 feet to a corner; thence South 84 degrees 05 minutes East 1,487.76 feet to a corner; thence with Higgins' East line South 04 degrees West approximately 1,200 feet to Ruby T. Davis' northwest corner; thence with Davis' North line in an easterly direction 238 feet to Davis' northeast corner; thence with Davis' East line South 03 degrees 00 minutes West 160 feet to Rufus Chavis' southwest corner; thence with Chavis' South line in an easterly direction about 485 feet to a stake, a corner with Mildred Lewis'; thence with Mildred Lewis' West line South 4 degrees 30 minutes West approximately 320 feet to the North line of Huffine Mill Road; thence with the North line of Huffine Mill Road in an easterly direction approximately 300 feet to a point on the extension of the northeast line of the Mt. Zion School property; thence South 17 degrees 38 minutes East approximately 60 feet to the northeast corner of the Guilford County Board of Education's property; thence with said school line South 17 degrees 38 minutes East 401 feet to Alfred H. Waddell's corner; thence with Waddell's line and the East line of the school property in a southerly direction approximately 200 feet to the North line of the J. Robert Landreth Subdivision; thence with the North line of said Subdivision North 89 degrees 32 minutes West approximately 180 feet to the northeast corner of lot number 14 of said Landreth subdivision; thence with the line between Lots 14 and 15 South 00 degrees 28 minutes West 200 feet; thence South 30 feet to the South line of Anderson Street; thence with the South line of Anderson Street in a westerly direction approximately 25 feet to the northwest corner of lot number 32; thence with the line

between Lots 32 and 33 South 00 degrees 28 minutes West 230.52 feet to the South line of said Landreth Subdivision; thence North 87 degrees 00 minutes West approximately 70 feet to Rosa Lee McConnell's northeast corner; thence with said McConnell's East line South 05 degrees 32 minutes West 706.0 feet to Rosa Lee McConnell's Southeast corner on Lillian Murray's North line; thence with Murray's North line North 82 degrees 53 minutes West 277.5 feet to an iron pipe; thence with Lillian Murray's West line in a southerly direction approximately 310 feet to a stone at an angle point in said line; thence South 09 degrees 33 minutes West along Murray's line and the East line of Ward Heights Subdivision for approximately 1,070 feet to the northwest corner of the G. E. Pridmore property; thence with said Murray's South line in an easterly direction approximately 680 feet to R. W. Tucker's northeast corner; thence with Tucker's East line in a southerly direction approximately 220 feet to a point 300 feet as measured perpendicularly from the North line of East Market Street; thence in an easterly direction parallel with said East Market Street approximately 520 feet to W. A. Fryar's northwest corner; thence with Fryar's West line and its extension in a southeasterly direction approximately 500 feet to the center line of the Southern Railroad leading from Greensboro to Raleigh; thence with the center line of said railroad in a westerly direction approximately 3,640 feet to the East line of the Bessemer Sanitary District; thence with the Bessemer Sanitary District line South 3 degrees 41 minutes West approximately 880 feet to a corner; thence continuing with the Bessemer Sanitary District line North 86 degrees 18 minutes West 1,000 feet to a corner; thence continuing with the Bessemer Sanitary District line South 3 degrees 41 minutes West 2,370 feet to a corner; thence continuing with the Bessemer Sanitary District line North 86 degrees 18 minutes West to a point 150 feet East of the East line of Lowdermilk Street; thence southwardly parallel with the East line of Lowdermilk Street to the North line of Holts Chapel Road; thence southwardly across Holts Chapel Road to the South line of Holts Chapel Road a corner between properties belonging to French P. Wise and Frances A. Wyrick; thence South 6 degrees 31 minutes East 346.09 feet to Wyrick's southwest corner in Heath's line; thence with Wise's South line North 84 degrees 30 minutes West 113 feet to Wise's southwest corner in Carter's line; thence with Carter's line South 3 degrees 45 minutes West about 640 feet to northwest corner of A & T College property; thence with said college property's West line South 0 degrees 24 minutes West 661.73 feet to a corner in Grandview Heights Subdivision as recorded in Plat Book 17, Page 50; thence with the East line of said subdivision South 04 degrees 08 minutes West about 1,850 feet to a point 200 feet South of the South line of McConnell Road as measured perpendicular thereto; thence westwardly 200 feet from and parallel with McConnell Road approximately 1,500 feet to the West line of Woodlawn Dairy Farm Subdivision; thence South 8 degrees West approximately 111 feet to a corner of lot number 19 of Woodlawn Dairy Subdivision; thence North 79 degrees 05 minutes West 114.3 feet to another corner of lot number 19; thence South 04 degrees 40 minutes West 760.5 feet to a stone, the southwest corner of said subdivision; thence with the North line of the Holder property South 84 degrees 57 minutes East 507.0 feet to a stone; thence South 84 degrees 22 minutes East 875.6 feet to a stone, Mrs. Mary Mitchell's

northeast corner; thence with the West line of A & T College Farm in a southerly direction approximately 1,200 feet to the present city of Greensboro's corporate limit line; thence continuing with A & T College line and the City of Greensboro's East line in a southerly direction approximately 1,720 feet to the center line of South Buffalo Creek; thence up the creek approximately 7,000 feet to a point 200 feet West of the center of Willow Road; thence southwardly 200 feet West of and parallel with the center line of Willow Road approximately 3,150 feet to the South line of Alamance Road at a point 200 feet West of the center of Willow Road; thence in a westerly direction approximately 500 feet to Hase H. Smith's northwest corner; thence with Smith's West line South 01 degree 21 minutes West 1,465.63 feet to a stone; thence with A. Hoyle Hinkle's North line in a westerly direction approximately 200 feet to Hinkle's northwest corner; thence with Hinkle's West line in a southerly direction approximately 1,340 feet to the northeast line of Highway No. 421; thence crossing said highway to E. D. Holden's northeast corner; thence with Holden's East line South 34 degrees 20 minutes West 200 feet; thence in a westerly direction parallel with Highway No. 421 approximately 360 feet to a point which is 200 feet East of the center line of the Pleasant Garden Road as measured perpendicularly from it; thence in a southwesterly direction 200 feet from and parallel with the center line of the Pleasant Garden Road approximately 1,950 feet to the North line of property belonging to Eula Anthony et al; thence with said Anthony line North 85 degrees 30 minutes West to the eastern margin of Pleasant Garden Road; thence North 85 degrees 30 minutes West across Pleasant Garden Road to a point on the West side of Pleasant Garden Road, Taylor's corner; thence with Taylor's South line North 85 degrees 30 minutes West about 2,700 feet to Taylor's corner; thence continuing with Taylor's line South 6 degrees 45 minutes West 722 feet to corner; thence continuing with Taylor's line South 86 degrees West 1,386 feet to Taylor's corner; thence with Taylor's line North 6 degrees 19 minutes West 564.78 feet to W. C. Pope's southeast corner; thence along Pope's South line North 85 degrees 53 minutes West approximately 1,800 feet to a point 200 feet East of the center line of South Elm Street; thence southwardly 200 feet from and parallel with the center line of South Elm Street to a point 200 feet South of the center line of Pinecrest Road if extended; thence in a westwardly direction 200 feet distant from and parallel with the center line of Pinecrest Road and its extension about 3,500 feet to a point 200 feet West of the center line of Randleman Road; thence northwardly parallel with the center line of Randleman Road to the South line of the E. D. Foushee Subdivision as recorded in Plat Book 5 page 407; thence along the South line of the E. D. Foushee Subdivision North 84 degrees West about 1,770 feet to southwest corner of said Foushee Subdivision; thence continuing a straight line North 84 degrees West about 1,800 feet to the northwestern side of U. S. No. 29; thence southwestwardly along the northwestern side of U. S. No. 29 about 3,000 feet to a point 175 feet southwardly from the center line of Rocky Knoll Road as measured perpendicular thereto; thence in a westerly direction parallel with Rocky Knoll Road approximately 4,500 feet to the East line of Pineroft Road; thence crossing Pineroft Road to a point 175 feet South of the center line of Freeman Mill Road as measured perpendicularly from it; thence in a

southwesterly direction parallel with Freeman Mill Road approximately 3,700 feet to a point 175 feet from the center line of Davis Road; thence still in a southwesterly direction parallel with the center line of Davis Road and 175 feet therefrom for approximately 230 feet to a point 175 feet northeast of Twin Oak Drive, the northeast line of lot number 15 of J. W. Blackwelder's Subdivision; thence with the line of lot number 15, 150 feet to the East line of Davis Road; thence southwest with the East line of Davis Road to a point 175 feet southeast of the center line of Freeman Mill Road as measured perpendicular with it; thence in a westerly direction parallel with Freeman Mill Road approximately 4,440 feet to a point 250 feet West of the center line of Groometown Road; thence in a northerly direction parallel with Groometown Road approximately 3,670 feet to the South line of Forbes Drive; thence with the South line of Bowman Park Subdivision in a westerly direction approximately 75 feet to a point on the West line of lot number 106 of Bowman Park Subdivision extended; thence with that line in a northerly direction to the northeast corner of lot number 103; thence in a westerly direction with the South line of a street approximately 310 feet to the point of intersection with the East line of lot number 87 extended; thence with the East line of lots number 87 and 78, 400 feet to the South line of Oakvale Street; thence with the South line of said Oakvale Street in a westerly direction to an intersection with the East line of lot number 50 of Bowman Park Subdivision extended; thence with that line in a northerly direction 250 feet to Elliston Street; thence with the South line of Elliston Street in an easterly direction to a point 250 feet from the West property line of Groometown Road; thence in a northwesterly direction parallel with Groometown Road approximately 380 feet to E. R. Ward's southeast corner; thence with the South line of lot number 20 of said Bowman Park Subdivision in a westerly direction to E. R. Ward's southwest corner; thence in a northerly direction to the northeast corner of lot number 4 of Bowman Park Subdivision; thence with the North line of lot number 4 in a westerly direction 200.2 feet to the East line of High Point Road; thence with the East line of High Point Road in a southerly direction to an intersection with the South line of Lot 79 of Scales-Bernau Place Subdivision extended East across High Point Road; thence North 64 degrees 14 minutes West across the High Point Road to the southeast corner of Lot 79 of the Scales-Bernau Place Subdivision; thence with the South line of Lots 79 through 95, inclusive, of said subdivision North 64 degrees 14 minutes West 2,029 feet to Helen T. Jamison's East line; thence in a southerly direction approximately 35 feet to the North line of Lot 123 of a resubdivision of Carlisle Estates as recorded in Book 19, page 59 in the Register of Deeds Office of Guilford County; thence with the North line of lot number 124 North 89 degrees 22 minutes West 249.50 feet to the East line of Fairfax Road; thence continuing on the same line 50 feet to the West line of said road; thence northwardly with the West line of Fairfax Road approximately 262 feet to the southeast corner of lot number 2 of said resubdivision of Carlisle Estate; thence North 83 degrees 49 minutes West 436.46 feet to the southwest corner of lot number 18 of said resubdivision of Carlisle Estates; thence with the West line of lot number 18 North 06 degrees 20 minutes East 93.57 feet to the southeast corner of lot number 132 of Carlisle Estates as recorded in the office of the Register of Deeds of Guilford County,

N. C., in Book 8, page 35; thence North 83 degrees 49 minutes 46 seconds West 597.88 feet to the southwest corner of Lot 129 of said Carlisle Estates; thence South 6 degrees 10 minutes 14 seconds West approximately 300 feet to W. R. Campbell's southeast corner; thence with Campbell's South line in a westerly direction approximately 200 feet to W. R. Campbell's southwest corner; thence with Campbell's West line in a northerly direction approximately 100 feet to Herman W. House's southeast corner, the southeast corner of lot number 9 of S. S. Hurt Estate recorded in Plat Book 14, page 54; thence with the South line of Lots 9 through 26 North 84 degrees 12 minutes West 700.71 feet to the southwest corner of lot number 26 of S. S. Hurt Estate; thence crossing the Southern Railroad in a northwesterly direction to the southeast corner of lot number 132 of Hill Top Heights as recorded in the office of the Register of Deeds of Guilford County, N. C., in Plat Book 19, page 12; thence with the South line of Lots 132 through 149 North 51 degrees 26 minutes West 461.8 feet to the East line of Roediger Road; thence across Roediger Road in a westerly direction 60 feet to the southeast corner of lot number 150; thence with South line of Lots 150 through 157 of Hill Top Heights North 51 degrees 26 minutes West 200 feet to the southeast corner of lot number 158; thence North 50 degrees 09 minutes West 124.37 feet to the southwest corner of lot number 162; thence South 81 degrees 07 minutes 30 seconds West 30.00 feet to the southeast corner of lot number 166; thence North 08 degrees 52 minutes 30 seconds East 98.28 feet to the South corner of lot number 36; thence with the East line of lot number 36 of Hill Top Heights and its extension North 23 degrees 50 minutes 30 seconds East 561.72 feet crossing Hill Top Road to a point in the Pomona Terra Cotta Company's property; thence in a northwesterly direction across said property approximately 1,940 feet to the southwest corner of a tract of land belonging to Pomona Terra Cotta Company as recorded in Deed Book 974, page 40; thence along said Pomona Terra Cotta Company's West line North 5 degrees 52 minutes East 1,845.19 feet; thence North 27 degrees 03 minutes East 215 feet; thence North 60 degrees 04 minutes West 263.95 feet; thence North 60 degrees 25 minutes West 198.38 feet; thence North 16 degrees 05 minutes East 350.78 feet; thence South 83 degrees 07 minutes East about 550 feet to a point 1,000 feet East of the center line of Stanley Road; thence northwardly parallel with the center line of Stanley Road about 2,800 feet to the North right-of-way line of U. S. No. 421; thence northwestwardly along the North right-of-way line of U. S. No. 421 approximately 1,500 feet to a point 200 feet northwardly from the center line of Deep River Church Road as measured perpendicular thereto; thence eastwardly along a line 200 feet distant from and parallel to the center line of Deep River Church Road (Red Road) about 8,200 feet to the East line of property belonging to Worth Williams as recorded in Deed Book 1574, page 289; thence along William's East line and its extension North 0 degrees 50 minutes East about 950 feet to the center line of the Southern Railway; thence along the center line of the Southern Railway in a westerly direction about 1,600 feet to a point where the rear lot line of lots number 111 to 157 inclusive on the West side of Manley Avenue of the A. W. Edwards Subdivision as recorded in Plat Book 8, page 51, if extended, intersects the center line of the Southern Railway; thence North 08 degrees 21 minutes West along

the above-said rear lot lines if extended about 2,150 feet to a point 200 feet North of the center line of the Winston-Salem Road; thence eastwardly parallel to Winston-Salem Road to a point 200 feet West of the center line of Muirs Chapel Road as measured perpendicular thereto; thence northwardly parallel to and 200 feet West of the center line of the Muirs Chapel Road about 8,000 feet to the North line of Friendly Road, the point of beginning.

ARTICLE 2. EXTENSION OF CITY BOUNDARIES

Sec. 1.31. Extension of City Boundaries. The General Statutes of North Carolina shall govern all extensions of the city boundaries.

SUBCHAPTER C. CHARTER AMENDMENTS.

Sec. 1.61. Incorporation of Amendments. (a) As soon as possible after the adjournment of each General Assembly, the city attorney shall present to the city council copies of all local laws relating to the property, affairs and government of the City of Greensboro that were enacted by such General Assembly, whether or not amending in terms this charter, which he recommends be incorporated into this charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catchlines, and for such other changes in arrangement and form that do not change the law as may be thought necessary to implement the purposes of this Section.

(b) After considering the recommendations of the city attorney, the city council may provide for the incorporation of such laws into this charter.

(c) The purpose of this Section is to enable the city to maintain at all times a current and accurate city charter, organized in clear and orderly fashion, and embracing all pertinent local laws relating to the property, affairs and government of the city.

CHAPTER II. NOMINATIONS AND ELECTIONS

SUBCHAPTER A. REGISTRATION

Sec. 2.01. Registration for City Election. Chapter 847 of the Session Laws of 1953, as amended, shall govern the conduct of registration for all city elections, including primaries, but bond elections may be held according to the provisions of the Municipal Finance Act.

SUBCHAPTER B. NOMINATIONS

Sec. 2.21. Nomination of Candidates for City Council. (a) All candidates for city council shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in the primary. The primary election shall be held on the second Monday preceding a general municipal election. The judges, registrars and other election officers appointed by the county board of elections for the general municipal elections shall, whenever practical, be judges of the primary election, and it shall be held at the same place, in the same manner, under the same rules and regulations, and subject to the same conditions, and the polls shall be opened and closed at the same hours, as are required for the general election. Any person desiring to become a candidate for nomination for the office of councilman shall, not later than five o'clock P. M. of the tenth day preceding the day of the primary

election, file with the city clerk a statement of his candidacy in substantially the following form:

"State of North Carolina
County of Guilford

I, _____, being first duly sworn, say that I reside at No. _____ Street, City of Greensboro, County of Guilford, State of North Carolina and that I am a candidate for nomination to the office of councilman to be voted upon at the primary election to be held on _____ Monday of _____, 19_____. I hereby request that my name be printed upon the official ballot for nomination.

Signed _____
Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, 19_____.

Signed _____;"
and shall at the same time pay to the city clerk, to be turned over to the city treasurer, the sum of five dollars (\$5.00) without the right to a refund.

(b) Immediately upon the expiration of the time for filing the statements of candidates, the city clerk shall cause to be published, for three successive days in all daily newspapers published in the city which are qualified to carry legal notices, the names of the persons as they are to appear upon the primary ballots; and the city clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature, unless voting machines are used. Upon the ballots the names of the candidates for councilman, arranged alphabetically, shall first be placed with a square at the left of each name and, immediately below the words "Vote for 7."

(c) If paper ballots are used, the ballots shall be printed upon plain white paper, and shall be headed:

"Candidates for nomination for councilmen of City of Greensboro, North Carolina, at the primary election" but shall have no party designation or mark. The ballots shall be in substantially the following form:

"(Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions).

Official primary ballot, candidates for nomination for councilmen (and other offices, naming them), of the City of Greensboro, North Carolina at the primary election.

For Councilmen (name of candidates) (vote for 7)

Official Ballot _____ ATTEST: Signature _____."

(CITY CLERK)

(d) If paper ballots are used, the city clerk shall cause to be delivered at each polling place a number of ballots equal to 5 per cent greater than the number of persons registered in the precinct. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at the primary election.

(e) The primary election shall be conducted and the returns shall be canvassed in the manner provided by subchapter C of this Chapter with respect to the

general municipal election. After the returns are canvassed, the city clerk shall make and publish in all daily newspapers of the city, at least once, the result thereof.

(f) The fourteen persons receiving the highest number of votes for councilmen shall be the candidates in the general municipal election. If there shall be an equal number of votes for two or more persons, and the resulting tie must be resolved in order to determine the identity of the candidates in the general election, there shall be held three days after the date of the primary a runoff primary election for nomination of candidates in accordance with the provisions for holding the original primary.

(g) If there be not more than fourteen candidates for councilmen, then it shall not be necessary to hold a primary, but all candidates for councilmen shall be nominated.

(h) The clerk shall place on the election ballot the names of those persons determined to be the candidates pursuant to the provisions of this Section.

SUBCHAPTER C. GENERAL ELECTIONS

Sec. 2.41. Election of City Councilmen.

(a) On the first Tuesday after the first Monday in May, biennially and in odd years, there shall be elected seven councilmen, who together shall constitute the city council, deem necessary for the convenience of the voters.

(b) The members of the city council shall be nominated and elected from and by the voters of the city at large, and the nominations and elections shall be nonpartisan.

Sec. 2.42. Form of Ballots.

If paper ballots are used, the city clerk shall cause ballots to be printed for each precinct, authenticated with a facsimile of his signature. Upon the ballots the names of the candidates for councilmen, arranged alphabetically, shall first be placed, with a square at the left of each name and immediately following the words "Vote for 7." The ballots shall be printed on plain, white paper and shall be headed:

"Candidates for election for councilmen of the City of Greensboro, North Carolina, at the general municipal election," but shall have no party designation or mark. The ballots shall be in substantially the following form:

"Place a cross in the square preceding the names of the parties you favor as candidates for councilmen.

Official municipal ballots, candidates for councilmen of the City of Greensboro, North Carolina, at the municipal election.

For councilmen (name of candidates) (vote for 7).

Official ballot _____ ATTEST: Signature _____."

CITY CLERK

Sec. 2.43. Conduct of Elections; Counting of Ballots; Canvassing of Results.

(a) The registrar and judges of election shall be appointed by the county board of elections, and shall open the polls and superintend the same until the close of elections. The polls shall open and close at the same hours provided for primary and general elections by Chapter 163 of the General Statutes.

(b) At the end of the election, in each precinct the polls shall be closed, the ballot boxes opened, unless voting machines are used, and the ballots counted by or under the supervision of the registrar and judges of the election in the manner provided for with respect to general elections by Chapter 163 of the General Statutes.

(c) The registrar shall attend the meeting of the board of canvassers as a member thereof. When the results of the counting of the ballots have been ascertained, the results shall be embodied in a duplicate statement to be prepared by the registrar and judges on forms furnished by the city clerk and certified to by him. One of the statements of the voting in the precinct shall be placed in a sealed envelope and presented by the registrar at the meeting of the board of canvassers. The other duplicate statement shall be mailed by one of the other precinct election officers to the city clerk immediately after the vote count has been completed on election night.

(d) The members of the board of canvassers shall meet at 11:00 A. M. on the second day next after the election at the city hall. The board shall organize by the election of one of its members as chairman and one as secretary. Any member of the board who fails to deliver the certified returns from his precinct by 12:00 Noon on the day of the board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. If any precinct returns have not been received by the board by 12:00 Noon on the first day of this meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer for the purpose of securing the proper returns for the precinct.

(e) The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass, and judicially determine the results, and shall make abstracts, stating the number of legal ballots cast in each precinct, the name of each candidate for councilman voted for and the number of votes given to each candidate, and shall sign the abstracts in duplicate with their certificates as to the correctness of the abstracts. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

(f) The seven candidates receiving the highest number of votes for each of the positions of councilmen shall be declared elected councilmen of the city at large. If there shall be an equal number of votes for two or more candidates, and the tie must be resolved in order to determine the identity of the elected councilmen, the result shall be determined by the drawing of lots to be conducted by the council. When a name is written in on the official ballot, the new name so written in is to be treated like any other name on the ballot, if the person whose name is written in is qualified to serve on the city council. Write-in votes shall not be counted in a primary election, however.

(g) The board of canvassers shall transmit one copy of the certified abstract of the results to the mayor and shall file the other copy, together with the original precinct return, with the city clerk. The clerk shall publish the results of the election at the door of the city hall.

Sec. 2.44. Statement of Expenses by Candidates.

Every candidate in the city election, city primary, or both shall, within ten days from the election file with the city clerk an itemized statement under oath showing all expenditures of money or other things of value made by him, or by anyone for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person failing to comply with the provisions of this Section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Sec. 2.45. Failure of Council to Give Notice of Election.

If the council shall fail to give notice of elections, or to hold or declare the same, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefore, one hundred dollars (\$100.00).

Sec. 2.46. Applicable General Statutes Provisions.

In addition to the provisions set forth in this Chapter, elections in the city shall be governed by and conducted in accordance with the pertinent provisions of the "Australian Ballot Law" and the "Corrupt Practices Act of 1931" (respectively Articles 20 and 21 of Chapter 163 of the General Statutes).

SUBCHAPTER D. OTHER ELECTIONS

ARTICLE 1. SPECIAL ELECTIONS

Sec. 2.61. Authority of City Council to Call Special Elections.

The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, or for any other purpose expressly authorized by law. No special election shall be held for any purpose unless notice is published once each week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, by posting in three public places in the city, unless expressly provided to the contrary. Registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted, and canvassed as provided by said Act, and initiative, referendum and recall elections shall be governed by Article 2 of this subchapter. All other special elections shall be held under the same rules and conditions as are provided in this Chapter for general elections.

Sec. 2.71. Powers of Initiative, Referendum and Recall.

(a) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to propose ordinances to the city council. If the council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed or amended ordinance at the polls. These powers comprise the initiative power.

(2) The initiative shall not extend to the proposing of: any part or all of the annual budget; or any ordinance making or repealing any appropriation of money, fixing the salaries of city officers or employees, or authorizing or repealing the levying of taxes.

(3) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the council and containing the full text of the proposed ordinance. Any initiative petition must be filed with the city clerk

and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

(b) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to require reconsideration by the council of any adopted ordinance, including any ordinance initiated under subsection (a) of this Section and adopted by the council. If the council fails to repeal an ordinance which it has been required to reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.

(2) The referendum power shall not extend to any part or all of the annual budget or the property tax levied therein; to any ordinance making or repealing any appropriation of money or fixing the salary of any officer or employee; or to any repealing ordinance adopted by the council in compliance with a referendum petition.

(3) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either amended, repealed, or referred to the voters of the city. Any referendum petition must be filed with the city clerk within 30 days after adoption by the council of the ordinance concerned and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

(c) (1) The voters of the city shall have the power, which shall be known as the recall power, to remove from office any member of the city council.

(2) Voters seeking the recall of any member of the council shall proceed by way of a recall petition addressed to the council, identifying the council member concerned, requesting his removal from office and stating the grounds alleged for his removal. Any recall petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for city council members.

Sec. 2.72. Petitioners' Committee.

In each initiative, referendum, or recall petition there shall be named a petitioners' committee representing all the petitioners and composed of five members who shall be qualified voters of the city and signers of the petition concerned. The petitioners' committee shall be responsible for circulation of the petition and for its assembling and filing in proper form. The committee may also amend or withdraw its petition as provided in this Article.

Sec. 2.73. Initiative, Referendum and Recall Petitions: Form and Sufficiency.

(a) Initiative, referendum and recall petitions shall be governed by the rules regarding form and sufficiency set out in this Section, as well as by such other rules regarding form and sufficiency as the city council may impose by ordinance consistent with the provisions and with the spirit and purpose of this charter.

(b) The signatures to a petition shall be executed in ink or indelible pencil and need not all be affixed to one paper, but all papers of a petition shall be of uniform size and style and shall be assembled as one instrument for filing with the city clerk.

Each signature shall be followed by the address of the signer. Petitions or petition papers which reasonably comply with these requirements shall be accepted by the clerk without delay upon presentation and their filing shall be completed by his acceptance. Noncomplying petitions or papers may be rejected by the clerk until they are brought into reasonable compliance.

(c) The clerk shall not accept any petition until it indicates: (1) by name and address, the five petitioners who constitute the petitioners' committee for that petition and (2) the address to which all notices for the petitioners' committee are to be sent.

(d) Any petition shall be certified or determined insufficient which: (1) is validly signed by less than the required number of qualified voters of the city, (2) proposes, or requests repeal of, an ordinance not subject to the power under which the petitioners are proceeding, (3) if a referendum petition, is not filed within the time allowed, or (4) if a recall petition, seeks the removal of an official not subject to recall hereunder.

(e) No signature on a petition paper shall be counted in support of the petition involved if that paper (1) being part of an initiative petition, has not contained or had attached to it throughout its circulation the full text of the proposed ordinance, (2) being part of a referendum petition, has not contained throughout its circulation a clear, concise designation and description of the ordinance concerned, or (3) being part of a recall petition has not contained or had attached to it throughout its circulation a copy of the recall petition identifying the council member concerned and stating the grounds alleged for his removal.

(f) No signature on a petition paper shall be counted in support of the petition involved if that paper at the time of filing, does not have attached to it an affidavit, executed by the circulator of that paper, to the effect: (1) that he personally circulated the paper; (2) that each signature on the paper was affixed in his presence; (3) that he believes each signature to be the genuine signature of the person whose name it purports to be; (4) if an initiative petition is concerned, that the full text of the proposed measure was attached to or contained in the accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text of the ordinance attached; and (5) if a referendum petition is concerned, that each signer of the accompanying paper had an opportunity before signing to read the designation and description of the ordinance in question; and (6) if a recall petition is concerned, that a copy of the recall petition was attached to or contained in accompanying paper throughout its circulation, and that each signer of the accompanying paper had an opportunity before signing to read the full text.

(g) Upon receipt of a petition that complies with the requirements of subsections (b) and (c) of this Section, the clerk shall examine the petition to determine whether, on its face, it is insufficient under paragraphs (1), (2) or (3) of subsection (d). If he finds the petition insufficient on its face for any of these reasons, he shall so certify to the city council at the next regular council meeting occurring not sooner than five days after the filing of the petition, and the determination shall be subject to review in

the manner provided in subsection (d) of Section 7.75. If he does not find the petition insufficient for these reasons, the clerk shall determine which signatures on the petition papers may be counted in support of the petition under subsections (e) and (f). He shall then clearly mark the signatures that may be so counted. Within ten days after the filing of the petition he shall deliver the petition papers with signatures marked to the Guilford County Board of Elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within 15 days after receipt of the petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following, a county-wide or city-wide election. Upon completion of its check, the Board of Elections shall forthwith certify to the city clerk: (1) the total number of registered voters of the city at the time of the most recent election of members of the city council; and (2) the number of voters registered in the city whose signatures, marked by the clerk, appear on the petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the petition papers, this fact shall be indicated on the certificate. The petition papers shall be returned to the city clerk by the Board of Elections together with its certificate.

Sec. 2.74. Referendum Petitions: Suspension of Ordinance after Filing.

When, within the time allowed, a referendum petition is filed with the city clerk, the ordinance to which that petition is directed shall immediately be and shall remain suspended from taking effect. This suspension shall terminate when, in accordance with this Article: (1) a final determination is made that the petition concerned is insufficient, or (2) the petitioners' committee withdraws the petition, or (3) the council reconsiders the ordinance and repeals it without modification.

Sec. 2.75. Initiative, Referendum and Recall Petitions; Procedure after Filing.

(a) Within five days after the return of the petition papers by the county board of elections, the city clerk shall complete a certificate as to whether the petition is sufficient. If the clerk certifies a petition insufficient, his certificate shall show the particulars wherein the petition is defective. As soon as he has completed his certificate, the clerk shall notify the committee of petitions of the contents of the certificate. If a petition is certified sufficient, the clerk shall present his certificate to the city council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition. If a petition certified sufficient is a recall petition, the clerk shall also give written notice of the action taken to the council member whose removal is sought. If a petition is certified insufficient under Section 7.72 (d) (1), a majority of the committee of petitioners may elect to amend the petition; but if a majority does not so elect to amend the petition, the clerk shall present his certificate to the council at its next meeting and that certificate shall be a final determination as to the sufficiency of the petition.

(b) If a majority of the committee of petitioners elects to amend the petition, then within ten days after notice of the contents of the clerk's certificate, the committee may file, for purposes of amendment, a supplementary petition upon additional papers. The supplementary petition shall be governed by the same

requirements as an original petition with respect to such matters as uniformity and assembly of papers, listing of the petitioners' committee, text or designation and description of measures, circulators' affidavits, the writing and counting but not the number of signatures; and the clerk shall proceed as in the case of an original petition. Within two days after receipt of a supplementary petition complying with the requirements of subsections (b) and (c) of Section 2.73, the clerk shall deliver the supplementary petition papers to the county board of elections for a checking of the marked signatures against the registration books. The Board of Elections shall complete its check within five days after receipt of the said petition papers; except that the said board shall not be obligated to conduct a check in any 30-day period immediately preceding, or in any 10-day period immediately following a countywide or city-wide election. Upon completion of this check, the Board of Elections shall forthwith certify to the city clerk the number of voters registered in the city whose signatures, marked by the clerk, appear on the supplementary petition papers that the board found it necessary to examine. If it was found unnecessary to check all names on the supplementary papers, this fact shall be indicated in the certificate. The supplementary petition papers shall be returned to the city clerk by the Board of Elections together with the certificate.

(c) Within two days after the return of the supplementary petition papers by the Board of Elections, the clerk shall complete a second certificate as to whether the original petition, as amended by the supplementary petition is sufficient. If the clerk certifies the amended petition insufficient, his second certificate shall show the particulars wherein the petition is still defective. As soon as he has completed his second certificate, the clerk shall notify the petitioners' committee of its contents and shall present that certificate to the council at its next meeting, and that certificate shall be a final determination as to the sufficiency of the petition.

(d) If a petition has been certified insufficient and there is no election to amend it, or if an amended petition is certified insufficient, the clerk shall present his latest certificate on the petition to the council at its next meeting.

(e) If, in any one of the ways provided in this Section, a final determination has been made that a petition is insufficient, that determination shall be subject to judicial review, but no further action shall be taken on the petition unless the reviewing court directs otherwise. Such a final determination, even if sustained upon review, shall not prejudice the filing of a new petition for the same purposes.

Sec. 2.76. Consideration by the City Council and Submission to the Voters.

(a) When the city council has been presented with, or has, an initiative or referendum petition which has been finally determined sufficient in accordance with the preceding Sections of this Article, it shall proceed at once to consider that petition. If an initiative petition is concerned, the ordinance it proposes shall at once be introduced and shall undergo all other procedures required for ordinances of the same kind; however, not later than 30 days after the date on which the petition proposing the ordinance is finally determined to be sufficient, the council shall complete its consideration of the proposed ordinance and shall adopt it with or without amendment or reject it. If a referendum petition is concerned, the ordinance to which that petition is directed shall

be reconsidered by the council and, not later than 30 days after the date on which the referendum petition was finally determined sufficient, the council shall repeal or sustain the ordinance.

(b) If the council fails to adopt, or adopts with amendment, a proposed initiative ordinance, or if the council fails to repeal an ordinance reconsidered pursuant to a referendum petition, it shall submit the originally proposed initiative ordinance or refer the reconsidered ordinance concerned to the voters of the city.

(c) When the council has been presented with, or has, a recall petition which has been finally determined sufficient in accordance with the preceding Sections of this subchapter, it shall thereupon fix a day for holding a recall election unless, prior to council consideration of the matter, the council member whose removal is sought has resigned and his resignation has been accepted by the council.

(d) Any such initiative, referendum, or recall election shall be held not sooner than 30 days and not later than 60 days after the petition has been finally determined sufficient. It may be held at the same time as any other general or special election within such period, but if no other election is to be held within such period the council shall call a special initiative referendum or recall election (or combination thereof).

Sec. 2.77. Ballots for Initiative, Referendum, and Recall Elections.

(a) Any initiative or referendum ordinance to be voted on in accordance with this charter shall be presented for voting by ballot title. The ballot title shall be prepared by the city attorney. The ballot title may differ from the legal title and shall be a clear, concise statement describing the substance of the ordinance without argument or prejudice. If the ballot used in voting is a paper ballot, it shall have below the ballot title the following instructions: "Place a cross (x) in only one of the squares below." Below this instruction shall appear, in the order indicated the following propositions: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Immediately at the left of each of the two propositions set out, there shall be a square in which by making a cross (x) the voter may cast his vote.

(b) The ballots used in a recall election, if a paper ballot is used, shall contain the following instructions: "Place a cross (x) in one of the squares below." Below the instruction shall appear, in the order indicated, the following propositions: "FOR THE RECALL OF (NAME OF OFFICER)" and "AGAINST THE RECALL OF (NAME OF OFFICER)." Immediately at the left of each of the two propositions thus set out, there shall be a square in which by making a cross (x) the voter may cast his vote.

(c) If voting machines are used for an initiative, referendum or recall election, the ballot title shall have below it the same two propositions appropriate to its nature as prescribed for the paper ballot, one above the other or one preceding the other in the order indicated, and the voter shall have an opportunity to vote in favor of either of the two propositions and thereby to vote his preference.

(d) Any number of initiative, referendum or recall proposals may be voted on at the same election and may appear on the same ballot. Paper ballots used for voting

on one or more such proposals shall be used for that purpose only. If more than one proposal appears on the same paper ballot or is voted on by paper ballot at the same election, each one shall be presented for voting with ballot title, instruction, propositions, and voting squares as prescribed for single proposals. If voting machines are used, each proposal shall be presented for voting as prescribed for single proposals on voting machines.

Sec. 2.78. Withdrawal of Initiative and Referendum Petitions.

(a) A petitioners' committee may withdraw an initiative or referendum petition:

(1) At any time after the city council, if an initiative petition is concerned, has finally rejected or has adopted with amendment the ordinance proposed; or, if a referendum petition is concerned, has finally refused to repeal the ordinance to which the petition is directed; but the city clerk shall retain the petition papers as part of the official records of the city.

(2) But not later than the fifteenth day immediately preceding the day scheduled for a vote in the city on the proposal concerned.

(b) No petition shall be withdrawn except by written request for its withdrawal filed with the council within the time limits prescribed for withdrawal and signed by at least four of the five members of the petitioners' committee for that petition. The filing of such request immediately withdraws the petition and there shall be no further action on or under that petition and no city vote or further action pursuant to that petition on the proposal concerned.

Sec. 2.79. Results of Election.

(a) If a majority of the voters of the city voting upon a proposed initiative ordinance shall vote in favor of it, the ordinance involved shall thereupon be an ordinance of the city. A referred ordinance not approved by a majority of the voters voting on it shall thereupon be repealed.

(b) If a majority of the votes cast on the question of recalling a council member be against his recall he shall continue in office for the remainder of the unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the council member designated on the ballot, he shall be removed from office.

(c) If a council member in regard to whom a sufficient recall petition is submitted to the council shall resign before the election and his resignation be accepted by the council, or shall be removed as a result thereof, the vacancy shall be filled in the manner provided by this charter for filling vacancies in such office, except as otherwise provided in subsection (d) of this Section. But a council member removed by the voters as the result of a recall election, or resigning after a sufficient petition for his recall has been submitted to the council shall not be re-elected to fill the vacancy caused by his own removal or resignation.

(d) If the recall of a majority of the members of the city council, including the mayor as one of the members, shall be effected at a single recall election, the successors of the council members recalled shall be elected by the registered, qualified voters of the city at a special municipal election, and said successors shall serve for the

unexpired part of the term of the council members recalled. The members of the city council who have not been recalled are empowered to call such special election and to make all necessary provisions regarding the same in conformity with the Constitution and general laws of North Carolina. If the recall of the members of the city council, including the mayor, shall be effected at a single recall election, they shall be continued in office for the sole purpose of calling a special municipal election for the election of their successors as above provided, and of ascertaining and declaring the results thereof.

Sec. 2.80. Publication of Ordinances; Repeal and Amendment; Conflicts.

(a) Ordinances adopted under this Article by the city council or by the voters of the city shall be published and shall take effect as prescribed for ordinances generally.

(b) Any ordinance so adopted and any ordinance approved by the voters of the city under this Article may be amended or repealed by the council as are other ordinances of like nature.

(c) If two or more clearly conflicting ordinances are adopted or approved at the same city election, then, as soon as practicable thereafter, the council shall enact such amendments or repeals or both as may be necessary to remove the conflicts between these ordinances. In making these amendments or repeals or both, the council shall preserve, and wherever reasonably possible preserve intact, the provisions of that ordinance which, among those in conflict, was adopted or approved by the greatest number of affirmative votes.

CHAPTER III. MAYOR AND COUNCIL

SUBCHAPTER A. COUNCIL: COMPOSITION, TERMS, QUALIFICATIONS, COMPENSATION

Sec. 3.01. Composition of the City Council.

The city council shall consist of seven members, who shall be elected from the city at large in the manner provided by Chapter II.

Sec. 3.02. Qualifications and Terms of Councilmen; Vacancies.

(a) Members of the council shall serve for terms of two years, beginning the day and hour of the organizational meeting of the council, but members shall continue to serve until their successors are elected and qualified.

(b) No person shall be eligible to be nominated or elected to the city council, or to serve thereon, unless he is a qualified voter and resident of the city.

(c) If any elected councilmen shall refuse to be qualified, or if there is a vacancy in the office of councilman after election and qualification, or if any councilman be unable to discharge the duties of his office, the council shall choose some person for the unexpired term, or during his disability, as the case may be, to act as councilman. Councilmen so selected shall have all authority and powers given under this charter to regularly elected councilmen and shall be subject to recall.

Sec. 3.03. Salary of Mayor and Councilmen.

The mayor shall receive for his services the sum of two thousand four hundred dollars (\$2,400.00) a year payable in semi-monthly installments. Each member of the council, except the mayor, shall receive a salary of one thousand two hundred

dollars (\$1,200.00) a year payable in semi-monthly installments. From the salary of the mayor or any councilman shall be deducted the sum of ten dollars (\$10.00) for each regular or special meeting of the council which is not attended by such member, unless prevented by illness or other unavoidable cause.

SUBCHAPTER B. ORGANIZATION AND PROCEDURES

Sec. 3.21. Oath of Office; Organizational Meetings.

The organizational meeting of each council shall be held on Monday following the date of the election of its members, at 2:15 o'clock P. M. Before entering upon the duties of their respective offices, councilmen shall severally take oath before the city clerk to perform faithfully the duties of their respective offices. The council shall organize by the choice from its members of a mayor and a mayor pro tem., who shall hold their offices at the pleasure of the council. The organization of the council shall take place notwithstanding the absence, death, refusal to serve or non-election of one or more members; provided, that at least four of the persons entitled to be members are present and take oath. Any member who shall not be present may take oath at any time thereafter.

Sec. 3.22. Regular and Special Meetings.

(a) The council shall fix suitable times for its regular meetings, which shall be as often as twice monthly. The mayor, the mayor pro tem., or any two members of the council may at any time call a special meeting by signing a written notice stating the time of the meeting to be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the council may also be held at any time when all members of the council are present and consent thereto. It shall not be necessary to state in the notice of a special meeting the business to be transacted; and any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) Except where otherwise specifically provided by this charter, the city council shall have authority to determine the time and place of council meetings, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers. All meetings shall be held within Guilford County except in the case of an emergency. In the event the council is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision of the State of North Carolina, it may at its election meet with the other governing body at a designated place within the area subject to the jurisdiction of the other governing body.

Sec. 3.23. Meetings; Quorum; Votes; Attendance of Members.

(a) All meetings of the council shall be public meetings. The city council shall not by executive session or otherwise formally consider or vote on any question in private session.

(b) A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody. The

affirmative vote of a majority of the members of the council shall be necessary to adopt any ordinance. All other matters voted upon shall be by a majority vote of the council members present, but no ordinance shall be adopted on the same day it is introduced unless five members of the council vote in favor of it. No member shall be excused from voting except on matters involving the consideration of his own official conduct or involving his financial interest.

(c) All final votes of the council involving the expenditure of money or the enactment of ordinances shall be by roll call and shall be entered in the minutes. It shall not be necessary to call the roll, however, if a voting device is provided which records the vote of each council member for later entry in the council minutes, and the voting device is constructed so that the vote of each council member is visible to the member. The mayor shall announce the result of each vote of the council.

(d) The council shall have power to compel the attendance of absent members by ordering them to be taken into custody.

Sec. 3.24. Continuance of Public Hearing.

If a public hearing is set for a given date, and a quorum is not then present, the hearing shall be continued until the next regular council meeting without further advertising. The council may continue any public hearing without further advertisement.

SUBCHAPTER C. COUNCIL: ORDINANCE PROCEDURE

Sec. 3.41. Applicable General Law Provisions.

Except as herein otherwise provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by applicable provisions of general law.

Sec. 3.42. Publication of Ordinances.

(a) Any compilation or codification of the city ordinances adopted by the city council, and ordered printed by it in pamphlet or book form, may be published by publication of the ordinance adopting the compilation or codification, and the ordinances included in the compilation or codification shall be effective not less than twenty days after publication of the adopting ordinance.

(b) Any new Chapter of the city code whether by way of addition or substitution may be published in its entirety or a notice may be published stating the title of the Chapter, the date of its adoption, and that it will be effective twenty days after the publication of said notice. Any new Chapter published in its entirety shall become effective upon publication. Any new Chapter published by title shall become effective not less than twenty days after publication.

(c) All other ordinances shall be published in their entirety and shall become effective upon publication, unless the ordinance expressly provides for a different effective date.

(d) As used in this Section the term "publication" means publication once in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper by posting in three public places in the city.

Sec. 3.43. Code of Ordinances.

(a) The city council may adopt and provide for the publication and distribution of a codification of the city ordinances, to be known as the "Greensboro Code of Ordinances." The Code of Ordinances shall consist of two separate parts. The first part shall be known as "General Ordinances." The second part shall be known as "Technical Ordinances," and shall include all ordinances regarding the construction of buildings, the installation of plumbing, the installation of electric wiring, the installation of oil appliances, or gas appliances and equipment, and other technical ordinances designated as such by the city council.

(b) The official copy of the Code of Ordinances, including all ordinances, amending or supplementing the code, shall be kept in the office of the city clerk.

Sec. 3.44. Codification of Certain Zoning, Traffic and Related Ordinances by Appropriate Entries upon Official Map Books.

(a) Every ordinance concerning the matters enumerated in subsections (b) and (c) of this Section shall be codified by appropriate entries upon official map books to be retained permanently in the office of the city clerk. Such entries shall be made by or under the direction of the city manager. In conjunction with the introduction of every proposed ordinance concerning any of these matters, a map of the affected area shall be presented to the city council, but failure to present a map shall not affect the validity of the ordinance.

(b) The ordinances referred to in subsection (a) include all ordinances establishing or amending boundaries of any district under zoning regulations.

(c) The ordinances referred to in subsection (a) also include all ordinances:

- (1) Designating the location of official traffic control devices;
- (2) Designating areas or zones where restrictions, prohibitions or other controls are applied with respect to parking, loading, bus stops, and taxicab stands;
- (3) Establishing speed limits;
- (4) Designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, one-way streets, and truck traffic routes; and
- (5) Establishing restrictions, prohibitions, or other controls upon vehicle turns at designated locations.

Sec. 3.45. Ordinances of Limited Application.

The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of the city, or ordinances which may except from their operations any district or sections of the city, if in the judgment of the city council the condition in such sections or districts require them to be included in or excepted from the provisions of any such ordinance.

SUBCHAPTER D. COUNCIL: POWERS AND DUTIES

Sec. 3.61. Exercise of City Powers; Powers of City Council.

(a) The city council shall direct the exercise of all the powers of the city, except as otherwise provided by this charter.

(b) In addition to other powers conferred upon it by law, the council may adopt and provide for the execution of such ordinances, rules, and regulations, not

inconsistent with this charter, as may be necessary or appropriate for the preservation and promotion of the health, comfort, convenience, good order, better government, and general welfare of the city and its inhabitants.

SUBCHAPTER E. MAYOR

Sec. 3.81. Mayor and Mayor Pro Tem.

The mayor shall be the official head of the city and shall preside at council meetings. He shall have a vote upon all measures coming before the council but no veto. In the absence from the city or disability of the mayor, the mayor pro tem. shall perform his duties. During the absence or disability of both the mayor and mayor pro tem. the council shall select one of its number to perform such duties.

CHAPTER IV. ADMINISTRATIVE OFFICES, POWERS AND PROCEDURES

SUBCHAPTER A. CREATION AND POWERS OF DEPARTMENTS, OFFICES, POSITIONS, BOARDS, COMMISSIONS AND OTHER AGENCIES GENERALLY

ARTICLE 1. IN GENERAL

Sec. 4.01. Offices, Positions, Departments, etc. Continued by Charter or Created by Council.

(a) The following offices and positions are hereby continued under this charter:

Mayor, mayor pro tem., city manager, city clerk, city treasurer, city attorney, chief of police, tax collector, fire chief, and building inspector. The council may assign to the said offices and positions functions in addition to those set forth in this charter, but may not discontinue or transfer from such offices and positions functions assigned to them by this charter, except that:

(1) The positions of city clerk and city treasurer, and of assistant city clerk and assistant city treasurer, may be combined, and the functions of any of these four positions may be assigned to the holders of any other of such positions; and

(2) The positions of fire chief and police chief may be combined.

(b) The council may create, combine, consolidate and abolish; may assign functions to; and may organize as it sees fit the work of:

(1) Other offices and positions in addition to those named in subsection (a); and

(2) Such departments, boards, commissions and agencies as it deems appropriate.

ARTICLE 2. CITY MANAGER

Sec. 4.11. City Manager: Appointment, Qualifications, Term and Compensation.

The council shall appoint the city manager, who shall be the administrative head of the city government. He shall be responsible for the administration of all city offices, positions, departments, boards, commissions and agencies created by or under this charter. He shall be appointed with regard to merit only and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the council, and shall receive such compensation as it may fix.

Sec. 4.12. City Manager: Powers and Duties.

The city manager shall (1) be the administrative head of the city government; (2) see that within the jurisdiction of the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, and keep the council fully advised of the city's financial condition and its future financial needs.

Sec. 4.13. City Manager: Absence or Disability.

In the event the city manager shall be sick, absent from the city or otherwise unable to perform the duties of his office, the mayor shall be ex officio city manager until the manager is able to resume his duties, and during said period the mayor shall have all the power and authority of the manager. Should the position of city manager be vacant or in the event of the prolonged absence, illness, or other incapacity of the manager, the council may designate one of its number, the mayor or any other person, as temporary manager, and the person so designated shall have all the powers and authority of the manager while he shall serve in the capacity. If the mayor or any member of the council serves as manager for a temporary period, he shall receive such additional compensation as the council may determine.

ARTICLE 3. CITY ATTORNEY

Sec. 4.21. Powers and Duties of the City Attorney.

The city attorney shall (1) serve as legal advisor to the city council, the city manager and all city departments, officers and agencies; (2) represent as counsel the city, its officers, agents, or employees, in any legal action arising out of or connected with the proper functions of the city, its officers, agents, or employees, unless disqualified to so act; (3) approve as to form all ordinances and resolutions, including initiated or referred ordinances, prior to their introduction.

ARTICLE 4. POLICE AND FIRE OFFICERS

Sec. 4.31. Powers and Duties of the Chief of Police and Policemen.

(a) The chief of police, acting under the city manager, shall have supervision and control of the police force and shall enforce discipline therein.

(b) The chief of police and each member of the police force shall have – for the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process – the powers of peace officers vested in sheriffs and constables. Such powers may be exercised within the corporate limits of the city and one mile beyond, upon city real property wherever located, and within the limits of the watershed of the city water supply.

Sec. 4.32. Power to Establish Police Emergency Lines.

The city council shall have the power to authorize the chief of police or other police officer in charge at the scene of a parade, fire, accident, disturbance, crime scene, natural or artificial disaster or emergency, or any large gathering of people, to provide barricades, ropes, signs, or other means of restraint, and it shall be unlawful for any person other than a law enforcement officer, fireman, or other person having official

business at the scene, to cross a duly established police emergency line without express permission of a police officer at the scene.

Sec. 4.33. Fingerprinting and Photographing of Arrested Persons.

The chief of police may provide for the taking of fingerprints and photographs of any person arrested by any police officer of the City of Greensboro, and the provisions of G. S. 148-79 shall not apply to the City of Greensboro.

Sec. 4.34. City and County Jails.

The keeper of the jail of Guilford County is hereby required to receive into the jail without a mittimus, any person under arrest by a police officer of the city, and to keep such person safely until he is brought out for trial. For such services the jailer shall be entitled to such fees as are allowed him in like cases. The city may also provide and use a jail for the confinement of prisoners in its discretion, but the providing of a city jail shall not relieve the county jailer of the duty to receive prisoners from police officers of the city.

Sec. 4.35. Auxiliary Policemen and Firemen.

(a) The city council may provide for the organization, recruiting, training, equipping, and appointing of auxiliary policemen and auxiliary firemen for the City of Greensboro.

(b) Duly appointed auxiliary policemen and firemen shall, while training and while performing duties on behalf of the city incidental to their appointment, be entitled to workmen's compensation benefits to the same extent as regular city employees. Compensation payments to auxiliary policemen shall be based upon the entrance salary of a regular city police patrolman at the time of the injury. Compensation payments to auxiliary firemen shall be based upon the entrance salary of a regular city fireman at the time of the injury.

(c) Auxiliary policemen and firemen shall not be entitled to remuneration for their services unless called into active duty by the city council because of an emergency, in which event they may receive such compensation for their services as shall be fixed by the council. Auxiliary policemen and firemen shall not be entitled to any benefits of compensation other than those provided by or pursuant to this Section. This subsection shall not in any manner affect the rights of any person to benefits provided by the State of North Carolina or by Act of Congress for civilian defense workers or auxiliary policemen and firemen.

(d) The City of Greensboro shall be entitled to the same immunities with respect to the action of auxiliary policemen and auxiliary firemen in the performance of their duties or training or otherwise, to which it is entitled with respect to the actions of regular city policemen and firemen in the performance of their duties.

Sec. 4.36. Municipal Rescue Squad.

The city council may create a municipal rescue squad and, for the purpose of providing emergency life saving and rescue service to persons within the city whose lives or property are imperiled, may allocate sufficient funds to train and equip such an organization. The city may share the expense thereof with Guilford County in the manner provided by Chapter 525 of the Session Laws of 1957. In the event it shall be

deemed advisable, the city council may provide emergency life saving and rescue services by contracting with any incorporated, nonprofit volunteer or community rescue squad. Any expenditure made hereunder is declared to be a necessary expense and for a public purpose.

SUBCHAPTER B. FINANCES AND FISCAL MATTERS
ARTICLE 1. FINANCES AND FISCAL ADMINISTRATION

Sec. 4.51. City Treasurer.

The city treasurer shall perform the functions prescribed by this charter and by general law, and shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city clerk.

Sec. 4.52. City Tax Collector.

The city tax collector shall perform the functions prescribed by this charter and by general law, and shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city clerk.

ARTICLE 2. TAXATION

Sec. 4.61. General Authority to Levy and Collect Taxes.

To raise revenue for defraying expenses incident to the proper government of the city, the council may annually levy and collect (1) an ad valorem tax on real and personal property (including intangible property not exempt from taxation) and on all other property subject to ad valorem tax; (2) a tax on all businesses, trades, professions, avocations, and franchises, carried on or enjoyed within the city; and (3) any other taxes permitted by general law.

Sec. 4.62. Levy, Collection and Payment of Ad Valorem Property Taxes.

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

(b) Ad valorem property taxes shall become due and payable on the date provided by general law, and interest shall be charged for late payment in the amounts and during the periods provided by general law. In the discretion of the city council, discounts may be allowed for prepayment of taxes, and if allowed, shall be granted in the amounts and for the periods provided by general law.

(c) The council may make rules and regulations for the payment of the tax on any particular parcel or parcels of real estate or personal property listed in the name of any person, firm or corporation without requiring the payment of all of the taxes listed by such person, firm or corporation. The property upon which taxes are so paid shall be released or exempt from the lien of the unpaid portion of taxes.

(d) If for any reason the making out of tax statements is delayed so that persons cannot ascertain the full amount of their taxes in time to take advantage of the discounts herein provided for, the council may revise the schedule of discounts and penalties, either or both, as in its judgment may be fair and proper, but the maximum discount or penalty thus fixed by the council shall not exceed the maximum provided for by subsection (b).

(e) The city tax collector shall, on the second Monday in June of each year, report a list of all taxpayers owing taxes for the current year which are liens on

real property, and the city council shall thereupon, at its next regular meeting, order the sale of the tax lien on said real property of said taxpayers to be held at one of the times prescribed in the General Statutes of North Carolina. District taxes collected by the city tax collector shall be regarded as city taxes for purposes of advertisement and sale.

Sec. 4.63. Additional Remedies for Collection of Privilege License Taxes.

In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the tax collector may employ the remedies of levy upon personal property, attachment and garnishment, in the manner of and subject to the limitations provided in G. S. 105-385(c) through (g).

ARTICLE 3. INVESTMENT OF FUNDS

Sec. 4.71. Investment of Proceeds of the Sale of Bonds and Other Surplus Funds.

(a) The city council, or the mayor, the city manager and the treasurer acting jointly with authority granted by ordinance, shall from time to time carefully analyze the amount of cash in the general fund of the city and in all special funds of the city credited to any special purpose, and all proceeds from the sale of bonds heretofore or hereafter issued by the city. When in the opinion of the city council, or the mayor, city manager and treasurer, acting jointly, it is determined that the cash in any fund is in excess of the amount required to meet current needs, the council, or the mayor, manager and treasurer, acting jointly, may deposit excess funds at interest with an official depository in the city upon terms authorized by applicable laws of the United States and the State of North Carolina, or invest in shares of any building and loan association organized and licensed under the laws of the State of North Carolina, or in shares of any federal savings and loan association organized under the laws of the United States and having its principal office in this State; or invest excess funds in bonds or certificates of indebtedness or treasury bills of the United States of America, or in bonds, notes or other obligations of any agency or instrumentality of the United States of America when the payment of principal and interest thereon is fully guaranteed by the United States of America, or in bonds of the City of Greensboro, North Carolina, or in certificates of deposit issued by banks or official depositories within the City of Greensboro, North Carolina. No funds may be invested, however, in building and loan associations unless and until authorized by the Insurance Commissioner, or in case of shares of a federal savings and loan association, unless and until authorized by an officer of the Federal Home Loan Bank.

(b) The funds shall be so invested that, in the judgment of the council, or of the mayor, manager and treasurer, acting jointly, they may be readily converted into money as needed. Earnings from the investment of proceeds of sale of bonds may be applied to the payment of the interest or principal of the bonds from the sale of which the proceeds were derived, or may be applied as increment to the proceeds. Earnings received on deposits and the income from investments, other than the investment of the proceeds from the sale of bonds, unless otherwise required by law, shall be paid into the city's general fund. Nothing in this Section shall be construed as permitting moneys

realized from the investment of the proceeds of the sale of City of Greensboro bonds to be used for any purpose other than the purpose for which the bonds were authorized.

(c) The city council or the mayor, manager, and treasurer, acting jointly, may make deposits in designated depositories to the extent that the depositories have qualified to receive such deposits under the law, and may purchase and sell the securities or investments hereinabove set out privately and without notice, but no such securities or investments shall be purchased at more than the market price thereof nor sold at less than the market price thereof. The city may pay all costs of every nature incident to the purchase and sale of securities.

(d) When the United States Government securities hereinabove mentioned are purchased and sold in New York City, New York, and it is not deemed practical to transport any or all of such securities from New York to Greensboro and from Greensboro to New York, the city council is authorized to name a bank or banks with which such securities may be left in a safekeeping account, either in the name of the city or in the name of a Greensboro bank, designated by the city council as a bank which may hold for the city such securities in its customer's account with a New York bank or banks likewise designated by the city council. No security shall be required for the protection of securities or investments thus held for safekeeping. No city officer or employee, including the officer or employees having charge or custody of city funds, or the surety or sureties on any official bond, shall be liable for any losses sustained when United States securities and investments are deposited or left with any bank or banks in the manner hereinabove authorized.

SUBCHAPTER C. PERSONNEL

Sec. 4.91. Appointment and Removal of Department Heads and Employees; Salaries; Absence or Disability.

(a) The city manager, except as otherwise provided in this charter, shall appoint and may suspend and remove all city employees, and heads of departments, and, in his discretion, may employ consultants of any kind when needed. The manager shall report to the city council every appointment and removal of a department head at the next council meeting following the appointment or removal.

(b) All compensation and salaries shall be fixed or approved by the council.

(c) In case of the absence or disability of any department head or holder of any position named in this charter, an assistant designated by the city manager may perform the functions of the department head or position holder.

(d) City employees and department heads shall perform such duties as may be required of them by the manager under general regulations of the council.

(e) Neither the council nor any of its members shall take any part in the appointment or removal of department heads and employees in the administrative service of the city. Except for the purpose of inquiry, or for consultation with the city attorney, the council and its members shall deal with the administrative service solely through the manager, and neither the council nor any member thereof shall give specific orders to any subordinates of the city manager, be it publicly or privately. This Section

shall not apply to action taken by a member of the council while serving temporarily as manager, or as manager ex officio.

Sec. 4.92. Public Liability Insurance Policies Covering Certain Employees.

The city may purchase and pay the premium on a public liability insurance policy or policies to protect and hold harmless from loss any city employee or employees engaged in occupations found by the council to be hazardous to the public generally.

Sec. 4.93. Loss and Theft Insurance Policies Covering Certain Employees.

The city may purchase and pay the premium on an insurance policy or policies to protect and hold harmless from loss by disappearance, theft, or means other than the wrongdoing of the insured employee or employees, any city employee or employees who are engaged in duties which require them to be responsible for public funds.

Sec. 4.94. Oaths of Certain Officers and Employees.

Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties of their respective offices or positions according to law: the chief of police and each member of the police force, the tax collector and assistant tax collector, and the building inspector and all employees empowered to enforce the building code. All such oaths shall be filed with the city clerk.

SUBCHAPTER D. PROCUREMENT AND PROPERTY MANAGEMENT

ARTICLE 1. CONTRACTING, PURCHASING AND PROPERTY MANAGEMENT PROCEDURES

Sec. 4.111. Contracting Procedures.

All contracts, except leases provided for in Section 4.125 (b) and (c) of this charter, shall be made or authorized by the city council, and no contracts shall bind the city unless reduced to writing and approved by the council. All contracts, and all ordinances or resolutions making contracts or authorizing the same, shall be drawn by the city attorney or shall be submitted to him before authorization by the council.

ARTICLE 2. SALE AND DISPOSITION OF PROPERTY

Sec. 4.121. Sale of Personal Property.

Any personal property not exceeding twenty-five hundred dollars (\$2500.00) in value at the time of sale may be sold or exchanged by the council without advertisement. Personal property having a value in excess of twenty-five hundred dollars (\$2500.00) may be sold only at public sale after advertisement as prescribed in Section 4.123.

Sec. 4.122. Sale of Real Property Not Exceeding Fifteen Thousand Dollars (\$15,000.00) in Value.

Any real property owned and held by the city for governmental or other purposes, the fair market value of which (exclusive of special assessments thereon) does not at the time of sale exceed fifteen thousand dollars (\$15,000.00), may be sold by the

council. When any satisfactory offer is made for the same, and a deposit of five per cent of the amount bid is made with the city clerk, the council shall cause to be published one time in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, there shall be posted in three places in the city, a general description of the property, the amount and the terms of payment offered, together with a notice that within ten days any person may raise the bid not less than five per cent. If within ten days any person raises the bid five per cent and deposits with the city clerk a certified check covering the deposit for the increased bid, the city clerk shall readvertise the offer, and shall continue to readvertise so long as the bids are increased and proper deposits are made; and when there is no increased bid within the prescribed time, the council may sell and convey such property for the amount of the highest bid offered; but the council may at any time refuse to proceed further with the proposed sale. In lieu of the foregoing procedure, the council may, in its discretion, order a public auction sale of any real property without regard to its value.

Sec. 4.123. Sale of Real Property Exceeding Fifteen Thousand Dollars (\$15,000.00) in Value.

By a two-thirds vote of all the members of the city council, any real property owned and held by the city for governmental or other purposes having an apparent fair market value in excess of fifteen thousand dollars (\$15,000.00) may be sold by the city council, but only at public sale and after advertisement. The resolution authorizing the sale shall describe the property to be sold, the time, place, and terms of sale, and shall state that any offer or bid must be accepted and confirmed by the council before the sale shall be effective. The resolution may, but need not, require that the highest bidder at the sale deliver to the city treasurer, or other official designated by the city council, a certified check in an amount named in the resolution, to guarantee that, if the sale is confirmed by the council, the bidder will comply with the terms of his bid. The resolution shall be published in some newspaper published in the city which is qualified to carry legal notices, once a week for four successive weeks, or, if there be no such newspaper, the resolution shall be posted in three public places in the city, and the last publication may, but need not, be on the day of sale. After the bids have been received at the sale, the highest bid for the property shall be reported to the council, and within thirty days thereafter the council shall accept or reject the bid. If the bid is rejected, the council may readvertise the property for sale.

Sec. 4.124. Sale or Exchange of Excess Property.

In any case where the city has purchased property instead of taking it by condemnation for any public purpose, and, in the opinion of the council, it is desirable to sell any excess of the property, that is, such property as is not needed for the particular improvement or public purpose, the council may sell it by public sale, by receiving sealed bids, or by exchanging it for other property. In such case the provisions of Sections 4.122 and 4.123 shall not apply, except that public sale shall be as provided by Section 4.123.

Sec. 4.125. Lease of Property.

(a) Any property owned by the city, whether originally acquired for governmental or other purposes, may be rented or leased by the council for a term not to exceed ten years if, in the opinion of the city council, the property will not be needed by the city for the period of the lease. A lease may be made privately by the council or publicly after notice is given in such manner and for such length of time as prescribed by the council. In any case, however, where the lessee enters into a binding obligation to erect, upon property owned by the city, improvements to cost not less than one hundred thousand dollars (\$100,000.00), the council may rent or lease such property for a term not to exceed forty (40) years and such lease may be made by the council either privately or publicly and upon such terms as in the judgment of the council will promote the best interest of the city.

(b) The Greensboro War Memorial Stadium on Bagley Street and the Greensboro War Memorial on the old fairground property, in whole or in part, may be leased, privately or publicly, for a period not to exceed fourteen (14) days by the city manager under rules and regulations adopted by the city council.

(c) The city manager shall have the authority, under rules and regulations adopted by the city council, to lease, privately or publicly, any vacant land or any building to be used for dwelling purposes, owned by the city, from month to month, at a rental to be determined by the city manager to be the fair rental value of the property.

Sec. 4.126. Real Property Conveyed to the City for Parks, Recreation and Playgrounds; Sale; Dedication for Street, Sidewalk, Water or Sewer Purposes.

The city council may (1) sell, as provided in Section 4.123, any part of any real property heretofore or hereafter conveyed or dedicated to the city for parks, recreation or playgrounds; and (2) dedicate and use for street, sidewalk, water, or sewer purposes such portion or portions of any such property as in the opinion of the city council public convenience or necessity may require; but nothing herein shall have the effect of altering the terms or conditions of any agreement with the city, or conveyance to the city, relative to the use of property.

Sec. 4.127. Releases and Quitclaims.

(a) The city manager is hereby authorized to execute releases of persons, firms, and corporations because of damages to personal property belonging to the city when the full amount of damages to such property is ascertained and statement thereof has been furnished to the manager by the city attorney and the amount of such release does not exceed five hundred dollars (\$500.00). In the event that a draft or check is presented to the city which constitutes a release, instead of a regular release form, the manager may direct that such draft or check be handled as other payments to the city and, when approved by the manager, it shall constitute a release to the extent stated on the draft or check.

(b) The city may quitclaim any rights it may have in property not needed for public purposes upon report by the city attorney and city manager, and adoption of a resolution by the city council, both finding that the property is not needed for public purposes and that the city's interest has no readily ascertainable monetary value.

Sec. 4.131. Conflict of Interest.

Any officer, department head, employee, or board or commission member who has financial interest, direct or indirect, in any proposed contract with the city or in a proposed sale of any land, material, supplies, or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract or sale. Any officer, department head, or employee who willfully conceals such a financial interest or willfully violates the requirements of this Section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this Section with the knowledge expressed or implied of the person or corporation contracting with or making a sale to the city shall render the contract void.

SUBCHAPTER E. RECORDS MANAGEMENT

Sec. 4.151. City Clerk.

The city clerk shall be ex officio clerk of the city council, and shall keep records of its proceedings. He shall perform all other functions prescribed by this charter and by general law. He shall have the same power to administer oaths, in the exercise of his official functions, as the Clerk of the Superior Court of Guilford County. He shall be provided with a surety bond at the expense of the city, in an amount fixed by the council. The bond shall be filed with the city manager.

CHAPTER V. REGULATORY AND PLANNING FUNCTIONS

SUBCHAPTER A. ADMINISTRATION OF JUSTICE

Sec. 5.01. Rewards for Conviction of Certain Offenses.

The city council may offer and pay rewards for the conviction of any person or persons alleged to have committed criminal offenses which, in the judgment of the council, involved serious danger to the public peace or public safety. The council shall fix the terms, conditions and amounts of such rewards. Rewards shall be paid only by order of the council from nontax revenues in the general fund of the city. The council shall, in its discretion, determine who shall be entitled to the collection of any reward.

SUBCHAPTER B. ALCOHOLIC BEVERAGE CONTROL

Sec. 5.21. Board of Alcoholic Control: Selection, Composition and Terms.

The City of Greensboro Board of Alcoholic Control is hereby continued under this charter, and shall consist of three members who shall be known for their character, ability, and business acumen. The city council shall appoint the members of said board for three-year overlapping terms; shall fix their compensation; and shall designate one of the members as chairman. Vacancies occurring otherwise than by expiration of term shall be filled by the council for the unexpired term.

Sec. 5.22. Board of Alcoholic Control: Powers and Duties.

The Board of Alcoholic Control shall have all of the powers and duties imposed by Section 18-45 of the General Statutes on county boards of alcoholic control and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as county boards of alcoholic control, as provided in Section 18-39 of the General Statutes. The city board and the operation of any city liquor stores authorized under the provisions of this subchapter shall be subject to and in pursuance with the provisions of Article 3 of Chapter 18 of the General Statutes except to the

extent which the same may be in conflict with the provisions of this Act. Wherever the word "County" board of alcoholic control appears in said Article, it shall include the City of Greensboro Board of Alcoholic Control. The board shall have authority to employ legal counsel and such other employees as it may deem wise and to fix their compensation. Any law enforcement officer appointed by the board shall have all of the powers provided for law enforcement officers by Section 18-4(o) of the General Statutes.

Sec. 5.23. Board of Alcoholic Control: Distribution of Profits.

Out of profits remaining after the payment of all costs and operating expenses, the Board of Alcoholic Control shall expend a sum not less than five per cent (5%) nor more than ten per cent (10%) for law enforcement purposes and for education as to the effects of the use of alcoholic beverages. The board also shall retain out of such profits a sufficient and proper working capital, the amount to be determined by the board. Any profits remaining at the end of each quarterly period following the establishment of liquor control stores shall be paid out and distributed as follows:

(1) Twenty-seven per cent (27%) shall be allocated and distributed to the general funds of Guilford County and the municipal corporations, other than the City of Greensboro, located in the county, until they shall establish liquor control stores. The amounts distributable to the county and to each of the municipal corporations shall be determined upon the basis of population as shown by the latest federal decennial census; provided, however, the population of the county shall be the entire population exclusive of the population of all of the municipal corporations located therein. Upon the establishing of liquor or alcoholic beverage control store or stores by any city or town located in Guilford County, other than the City of Greensboro, the distributive share of the profits which would be payable to such city or town during the period such stores are operated by any such city or town shall be paid by the board to the City of Greensboro in the same manner and for the same purposes set out in paragraph (2) of this Section.

(2) Seventy-three per cent (73%) shall be allocated and distributed to the tax collector of the City of Greensboro and may be used by the City of Greensboro in the operation of the water and sewer system of the city, for debt service, for the general fund or for any public purpose.

Sec. 5.24. Subsequent Elections Concerning Alcoholic Beverage Control.

(a) Elections may be held upon the continued operation of city liquor control stores in the City of Greensboro or, in the event of a vote in opposition thereto, then, elections may be held thereafter upon the renewed operation of such stores. Such elections shall be conducted in accordance with the provisions of this charter applicable to initiative petitions (Section 2.71 through 2.80) except that:

(1) The number of signers required upon petition to initiate such election shall be fifteen per cent (15%) of the qualified voters of the city who voted at the last preceding election for city council members;

(2) The propositions to be voted upon shall be "For City Liquor Control Stores" and "Against City Liquor Control Stores"; and

(3) A new registration of voters for such election shall not be necessary and all qualified voters who are properly registered prior to registration for the election and those registered in the liquor election shall be entitled to vote in the election.

(b) If a subsequent election shall be held and at such election a majority of the votes shall be cast "Against City Liquor Control Stores," the city liquor control board shall within three months from the canvassing of such votes and the declaration of the results thereof, close the stores and shall thereafter cease to operate them, and within three months the city control board shall dispose of all alcoholic beverages on hand, all fixtures, and all other property under the control of the board, convert it into cash, and turn the cash over to the city treasurer. Thereafter, all public, public-local and private laws applicable to the sale of intoxicating beverages within the City of Greensboro in effect prior to the authorization to operate city liquor stores shall be in effect as if the election had not been held and until and unless another election is held under the provisions of this Act in which a majority of the votes shall be cast "For City Liquor Control Stores." No election shall be called and held in the City of Greensboro under the provisions of this Act within three years from the holding of the last election thereunder.

SUBCHAPTER C. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION

Sec. 5.41. Power to Tax, Regulate etc., Certain Businesses.

The council shall have the power to license, tax, regulate, restrict, prohibit, suspend, and revoke any license on the following businesses: for running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made; pawnbrokers; fruit or vegetable stands; restaurants; drink stands; lunch counters; dance halls; pressing clubs; theatres; vaudeville or moving picture houses or shows and any other businesses the council may determine should be placed in this class. Before issuing the license as above, the council may require bonds from all applicants, conditioned as the council may determine, with such sureties as the city manager and city attorney may approve.

SUBCHAPTER D. PLANNING, ZONING, BUILDING REGULATIONS AND RELATED MEASURES ARTICLE I. IN GENERAL

Sec. 5.61. Authority Within Corporate Limits.

The city council may exercise within the corporate limits any planning, subdivision, zoning and building regulation powers (including plumbing, heating or electrical regulation powers) now or hereafter conferred by law upon cities and city governing bodies generally, or specifically conferred by law upon it or upon the City of Greensboro.

Sec. 5.62. Extraterritorial Authority.

(a) For the purpose of promoting the orderly growth, expansion and development of the City of Greensboro and the surrounding territory hereinafter defined, and for the purpose of promoting the health, safety, morals, and general welfare

of the citizens of such area, the city council is hereby authorized to exercise any planning, subdivision, zoning and building regulation powers (including plumbing, heating, or electrical regulation powers) now or hereafter conferred upon the City of Greensboro and vested in the council by this charter, the General Statutes, or any other statute applicable to the City of Greensboro, not only within the corporate limits of the city but also within the territory beyond the corporate limits, as now or hereafter fixed, for a distance of one mile in all directions. Such powers may be exercised to the same extent and according to the same procedures as are applicable to the exercise of planning, zoning, subdivision, or building regulation powers (including plumbing, heating, or electrical regulation powers) within the corporate limits of the city; but any ordinance intended to have application beyond the corporate limits of the city shall so provide. Such powers shall include the power to adopt such ordinances and regulations as may be considered necessary or expedient by the council to regulate, control and restrict:

- (1) The height, number of stories, and size of buildings and other structures;
- (2) The percentage of a lot that may be occupied;
- (3) The size of yards, courts and other open spaces;
- (4) The density of population;
- (5) The location and use of buildings, structures, and land for trade, industry, residences, or other purposes;
- (6) The construction of buildings, including plumbing, heating and electrical installations; and
- (7) The names of streets, and the city may provide street name signs in the area.

(b) At least two but not more than four members of the Greensboro Planning Board, authorized by G. S. 160-22, shall be citizens and residents of the territory beyond the corporate limits of Greensboro and within one mile thereof. Members appointed from the territory beyond the corporate limits of the City of Greensboro shall be appointed in the same manner and shall have the same powers and duties as the other members of the Greensboro Planning Board, and the laws, ordinances, rules and regulations applicable to the members of the Greensboro Planning Board shall be applicable to said members.

(c) The city council is authorized, in order to enforce properly the provisions of any zoning ordinance or building regulation, to require by ordinance that prior to the beginning of any construction, reconstruction or alteration of any building or structure, or for plumbing, heating or electrical installations within said area, a permit or permits be obtained therefor from the building inspector of the City of Greensboro. All permits, plans, inspections and fees which are specified in the Greensboro Code of Ordinances will apply to such area within one mile beyond the corporate limits.

(d) Membership on the Greensboro Board of Adjustment, authorized by G. S. 160-178, and the Greensboro Board of Building Appeals, authorized by this charter, shall not be limited to citizens and residents of the City of Greensboro, and

members may be appointed to these boards who reside within the corporate limits of the city or within the territory beyond the corporate limits and within one mile thereof; except that not more than two members of the Greensboro Board of Adjustment, or one member and one alternate member, and not more than one member of the Greensboro Board of Building Appeals, shall be a resident or residents of the territory beyond the corporate limits and within one mile thereof.

(e) In the event that any portion of the territory beyond the corporate limits of the City of Greensboro and within one mile thereof comes within an area which is subject to the jurisdiction of another municipality or political subdivision of the State which has authority to exercise planning, zoning, subdivision, or building regulation powers (including plumbing, heating, or electrical regulation powers) and is exercising such jurisdiction, then the authority herein granted to City of Greensboro, to the extent that any conflict of jurisdiction may exist, shall not attach unless and until the governing body of such other municipality or political subdivision shall relinquish jurisdiction over said portion of said territory by resolution or ordinance of its governing board or body, or by repealing the regulations which it has adopted, and any such governing body or board is hereby authorized to pass or enact a resolution or ordinance relinquishing such jurisdiction. Except as otherwise herein provided, the authority hereby given to City of Greensboro shall become effective immediately upon the adoption by the city council of an ordinance making such territory subject to its authority.

(f) The powers herein granted to the city council are intended to be supplementary to any powers now or hereafter conferred upon it. The exercise of powers herein granted shall be within the discretion of the council. This Section shall have no effect upon any existing city ordinances. The adoption of any ordinance under authority of this Section shall have no effect upon any litigation pending at the time of adoption of such ordinance.

Sec. 5.63. Authority to Require Installation of Certain Improvements Prior to Approval of Plats.

(a) In connection with subdivision or platting controls, the City council may require the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains, as a condition precedent to approval of the plat. The requirement may provide for tentative approval of the plat previous to such improvement and installation; but any such tentative approval shall not be entered on the plat. The requirements may provide that in lieu of completion of the work and installations prior to final approval of a plat, the council may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the city the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The city is empowered to enforce the bond by all appropriate legal and equitable remedies. Requirements adopted under this subsection may be applied throughout the area over which the city is authorized by law to exercise platting or subdivision controls.

(b) The requirements may provide, in lieu of the completion prior to the final approval of a plat of such work and installation on land within the corporate limits of the city, for an assessment under this charter or under Article 9 of Chapter 160 of the General Statutes or other statutory authorization whereby the city may do the work and make the installations at the cost of the owners of the property within the subdivision.

ARTICLE 2. BUILDING REGULATIONS

Sec. 5.71. Building Inspector.

The building inspector shall enforce the city building code, shall perform the functions prescribed by this charter and by general law, and shall perform such additional functions as may be assigned to him by the city council.

Sec. 5.72. Board of Building Appeals.

(a) The city council may provide for the creation and organization of a board of building appeals to which appeals may be taken from the decision of the building inspector upon any provision of the building code of the city.

(b) The board shall consist of five members to serve for three-year overlapping terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the building inspector to the board shall be taken within such reasonable time as shall be prescribed by the board by general rule and shall be taken by filing with the building inspector and with the clerk or secretary of the board, or with such other person as may be designated by the board, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed by the board. When any appeal is from a decision of the building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the building inspector until the hearing by the board, unless the building inspector certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one day's written notice to the building inspector, by the board or by the Superior Court of Guilford County.

(d) The board shall fix a reasonable time for the hearing of all appeals and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the

decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the building inspector; but the concurring vote of four members of the board shall be necessary to reverse or modify any decision of the building inspector. In passing upon appeals, the board shall have power not only to determine whether the decision of the building inspector is made upon a proper construction of the pertinent provisions of the building code but it shall have power also to allow materials and methods of construction other than those required by the building code to be used when in its opinion other materials and methods of construction are as good as those required by the code; and for this purpose the requirements of the building code shall be considered as a standard to which construction shall conform. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the building code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(e) Every decision of the board shall be subject to review by the Superior Court of Guilford County by proceedings in the nature of certiorari instituted within fifteen days of the decision of the board, but not otherwise.

Sec. 5.73. Fees for Building Inspection and Related Matters.

The city council may fix its own fees, notwithstanding any State law for fixing such fees generally, for the inspection of: (1) the construction, alteration, repair, removal and demolition of buildings; (2) all plumbing, electrical, heating and air conditioning work done in the city; and (3) the erection, installation, repair, maintenance and operation of smokestacks and smoke-producing apparatus of any kind whatsoever.

SUBCHAPTER E. UTILITY REGULATIONS

Sec. 5.91. Public Utility Franchises.

(a) The council may grant franchises for any public utility in the manner provided by law, and, in its discretion and in accordance with subchapter D of Chapter II, may hold a referendum at the expense of the applicant on the question of granting a franchise.

(b) Franchises granted hereunder:

(1) Shall extend for such periods as the council may determine, not to exceed sixty years, and may be renewable;

(2) Shall be revocable at the will of the council for violation of their terms or conditions;

(3) Shall – if they pertain to streets, sidewalks, public grounds or places in the city – be separately taxable, such taxes to be in addition to all other taxes; except when such imposition by the city is prohibited by any statute now or hereafter in effect.

(4) May not be transferred without the approval of the council;

(5) May contain such provisions – consistent with the General Statutes relating to the jurisdiction of the State Utilities Commission – as the council deems

proper concerning service, facilities, maintenance, operation, rates, accounting, reports and other matters; and

(6) May reserve to the city the right to purchase the utility properties covered by the franchise upon such terms (including price) as may be provided for by the franchise, but in no event shall the value of the franchise be considered in determining the purchase price.

SUBCHAPTER F. VEHICLES AND TRAFFIC

ARTICLE 1. CITY REGULATION OF VEHICLES AND TRAFFIC IN GENERAL

Sec. 5.111. Authority of City Council to Adopt Regulations.

(a) Subject to the provisions of subsection (b) of this Section, the city council may adopt ordinances regulating the speeds of vehicles upon any city streets and may establish truck routes (or other required routes for limited classes of vehicles or traffic) applicable to any city streets. As used in this Section the term "city streets" includes all public highways, roads and streets within the city limits, including numbered State highways, and highways, roads and streets maintained, repaired, constructed, reconstructed or widened in whole or in part with State funds.

(b) An ordinance concerning vehicle speeds, truck routes or other required routes that applies to numbered State highways shall become effective only as provided in this subsection. The council shall transmit to the State Highway Commission by registered mail a copy of the ordinance upon its adoption. The ordinance shall become effective if not disapproved by the commission within twenty days following the next regular meeting of the commission after the commission has received a copy of the ordinance.

(c) The authority herein granted to the city council shall be in addition to any authority conferred by general law upon the city council or the city to regulate vehicles, traffic or the use of city streets.

Sec. 5.112. Power to Regulate Ambulances and Wreckers.

The council may establish regulations governing the operations of ambulances, wreckers, and other motor vehicles used in connection with emergencies, disasters, or accidents, and may provide for the operation of an ambulance service or a wrecker service, or to enter into a contract or contracts for the providing of such service by a private person or persons.

Sec. 5.113. Power to Regulate Obstruction of Alleys.

If, in the opinion of the city council, a fire hazard is created by the obstruction of private alleys, the city council may adopt regulations governing the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise, but such regulations shall not be construed so as to restrict or limit the legal right of the owners of interests in a private alley to close the alley or to exercise other property rights therein.

Sec. 5.114. Location of Traffic Control Devices.

The city council may authorize an official to designate the location of official traffic control devices, upon a determination by him:

(1) If such a device is to be installed at a particular location, that its installation is necessary in order to control traffic congestion in the interest of public safety; or

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

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

ARTICLE 2. TRAFFIC BUREAU

Sec. 5.121. Authority of City Council to Create a Traffic Bureau.

(a) The city council may provide a traffic bureau to handle the following traffic violations:

- Parking over the allowed time
- Parking between one a. m. and six a. m.
- Parking more than twelve inches from the curb
- Parking within twenty-five feet of an intersection
- Parking too close to a fire hydrant
- Parking in a non-parking space
- Illegal use of loading zones, bus stops and taxi stands
- Parking at entrance of alley or driveway
- Parking at left side of curb
- Double parking
- Not displaying proper lights
- Making U turn in street where prohibited
- Illegal left or right turn
- Disregard of stop sign
- Not displaying city license
- Obstructing traffic
- Other violations of traffic ordinances enumerated in such ordinance

(b) The council may eliminate any traffic violations from the foregoing schedule.

(c) Any person receiving a citation or ticket for any traffic violation may pay through the traffic bureau the following amounts as payment of the civil penalty and be discharged.

(1) Overtime parking one dollar (\$1.00)

(2) Traffic violations, other than overtime parking, not to exceed five dollars (\$5.00) as fixed by the council.

(d) Any person given a citation or ticket by a police officer of the City of Greensboro for a violation designated as provided in subsection (a) may tender an amount not in excess of the sum provided for in subsection (c) as payment of the civil penalty.

(e) No State tax shall be paid to the State of North Carolina in cases finally disposed of by the traffic bureau.

(f) The city manager shall designate a sufficient number of persons to operate the traffic bureau.

(g) All civil penalties collected in the traffic bureau shall be paid into the general fund of the City of Greensboro.

CHAPTER VI. CITY SERVICES AND FACILITIES

SUBCHAPTER A. ESTABLISHMENT AND MAINTENANCE OF SERVICES AND FACILITIES

ARTICLE 1. ANIMAL SHELTERS

Sec. 6.01. Joint Animal Shelters.

The city council may participate in the construction, operation and management of one or more animal shelters for the joint use of Guilford County and the cities of Greensboro and High Point, as provided by Chapter 314 of the Session Laws of 1955.

ARTICLE 2. CITY CEMETERIES

Sec. 6.11. Sale of Cemetery Lots.

The city manager may sell cemetery lots in the city cemeteries, subject to rules and regulations adopted by the city council. All deeds or instruments conveying title to such lots shall be signed by the mayor.

ARTICLE 3. FIRE PROTECTION SERVICES

Sec. 6.21. Power to Destroy Property to Stop Fires.

The mayor, city manager or any two members of the city council may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders, nor shall the city, the mayor, the city manager, or the council members be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

ARTICLE 4. GARBAGE AND REFUSE DISPOSAL

Sec. 6.31. Liens for Garbage and Refuse Disposal Charges.

The council may establish charges to be made for garbage and refuse disposal. In case any charge for the removal and disposal of garbage and refuse is not paid within ten days after it becomes due, the charge shall become a lien against the property served or in connection with which the service or facility is used and may be collected thereafter in the manner provided by Section 6.83 for collection of utility charges.

ARTICLE 5. RECREATION FACILITIES

Sec. 6.41. Power to Regulate Use of Facilities.

(a) The city council may:

(1) Regulate the use of War Memorial and other recreation facilities belonging to the city;

(2) Regulate recreational uses of the city lake and other city-owned reservoirs or bodies of water;

(3) Promote athletic events and other recreation and entertainments in or involving any such facilities, reservoirs, or bodies of water, or contract for the promotion of athletic events, entertainment or recreation events, by leasing such facilities as provided in this charter, or otherwise.

(b) With respect to the use of city-owned reservoirs or bodies of water, the council may:

(1) Adopt regulations concerning boating on city-owned reservoirs and the taking of fish therefrom (including regulations of the size, kind and number of fish that may be taken, and of fishing seasons);

(2) Fix charges for fishing permits, boating permits, rental of fishing tackle and sale of bait;

(3) Employ wardens to enforce any such regulations, and stock such reservoirs with fish; and

(4) Exercise all other rights and privileges incident to the ownership of such properties.

ARTICLE 6. ROADS AND STREETS

Sec. 6.51. Establishment of Proposed Street Lines.

Whenever, in the opinion of the city council, it is for the best interest of the city that any street should be widened or extended, or both, or that a new street should be opened, the council may pass an ordinance declaring that such street should be widened or extended, or both, or that such new street should be opened, and shall lay out in the ordinance the lines within which such street should be widened, extended, or opened. If any street under the provision of such ordinance is to be widened, it need not be widened on both sides; and, if it is to be widened on both sides, the distance to be widened on both sides need not be the same. Any ordinance introduced for the purpose of widening, extending, or opening any street under the provisions of this charter, may not be adopted until the proposed ordinance is published in a newspaper published in the city and qualified to carry legal notices at least two times, on separate days at least ten days before the passage of the ordinance, or, if there be no such newspaper, posted in three public places in the city. There shall be posted or published with the ordinance a notice stating when property owners may be heard by the council. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance.

Sec. 6.52. Notice to City Required before Improvement.

After the passage of such ordinance, it shall be unlawful for any land within the proposed street lines established by such ordinance to be built upon or improved, or for any part of any existing building within said lines to be repaired or otherwise improved until the city shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided in this charter. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the city council of the nature and estimated cost of such building, repairs, or improvements. The council shall then determine whether it will take the necessary steps to acquire said land

prior to the construction of said building or the making of such repairs or improvements, and if it fails within sixty days from date of receipt of said notice to acquire, or to institute condemnation proceedings to acquire, said property, the owner or other person giving such notice may proceed to erect the building in accordance with the ordinances and regulations of the city, or to make the repairs or improvements described in said notice.

Sec. 6.53. Failure to Give Notice Bars Recovery.

If any person, firm, or corporation builds upon any land included within proposed street lines, or repairs or otherwise improves that part of any existing building within proposed street lines without giving the city an opportunity to acquire said land free from said improvements, as provided in the preceding Section, the city shall not be required to pay for the value of the building, repairs, or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said Section.

Sec. 6.54. Acquisition of Land.

If upon receiving any notice in compliance with Section 6.52, the city council determines to acquire said land immediately, it may acquire the same by grant, purchase, or condemnation. In no case shall an effort to purchase said land be necessary to the institution of condemnation proceedings. If the council determines to proceed by condemnation, the condemnation shall be as set forth in this charter.

Sec. 6.55. Cost of Land Acquired for Street Widening to be Assessed as Part of Improvement.

After any land has been purchased or condemned for the purpose of widening, extending, or opening any street, and the land purchased or condemned lies within the limits of an improvement directed in said proceeding, then the amount paid by the city for the land purchased or condemned, together with the cost of the condemnation proceeding and interest on said amount paid and costs at the rate of six per cent per annum from the date of payment, shall be included in the cost of said improvement and shall be assessed as provided by law against the property to be assessed for the improvements.

Sec. 6.56. Exercise of Condemnation Power after Failure to Condemn Following Notice.

The failure of the city to acquire any land within thirty days after receiving notice that the same is to be built upon, or that a building thereon is to be repaired or otherwise improved, or its failure within said time to institute proceedings to condemn the same, shall not limit the right of the city at any subsequent time to condemn the same; but in such case the owner shall be entitled to compensation as now provided by law for the building, repairs, or improvements made after the giving of the required notice and the failure of the city to acquire said land free of said improvements.

Sec. 6.61. Power to Close Streets.

(a) The city council shall have the power to close any street or portion thereof that is now or may hereafter be opened or dedicated, either by the recording of a subdivision plat or otherwise. Upon receipt of a sufficient petition signed by the owners

of a majority of the property abutting a street, requesting that it be closed, and after an investigation of the sufficiency of the petition by the city attorney, the city clerk shall publish a notice of a public hearing to be held by the council, such publication to be once a week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, by posting a notice at three public places in the city. Any individuals owning property abutting a street who do not join in the request for closing the street shall be notified by registered letter of the time and place of the public hearing. If it appears to the satisfaction of the city council that the closing of the street is not contrary to the public interest, and that no individual owning property in the vicinity of the street or in the subdivision in which it is located will thereby be deprived of reasonable means of ingress or egress to his property, the city council may order the closing of the street; provided, that any person aggrieved may appeal within thirty days from the order of the council to the Superior Court of Guilford County, where the question shall be heard de novo. Upon such an appeal, the Superior Court shall have full jurisdiction to decide the matter upon the issues arising and to order the street closed upon proper finding of fact by a jury. A certified copy of the order of the council (or the judgment of the Superior Court in the event of an appeal) shall be filed in the office of the Register of Deeds of Guilford County. Upon the closing of a street in accordance with the provisions of this Section, all right, title, and interest in the portion of the street closed shall be conclusively presumed to be vested in the owners of the lots or parcels of land abutting the portion of the street closed, and the title of each of such owners shall, for the width of the abutting land owned by such persons, extend to the center of the street. Copies of the registered letters giving the notice required by this Section, and the return receipts or other good and sufficient evidence of the giving of the required notice, shall be recorded in the register of deed's office, together with the resolution of the council (or with the judgment of the Superior Court, in cases where an appeal was taken). No final action shall be taken by the city council to close a street until the matter has been referred to the Greensboro Planning Board for study and recommendations, but no public hearing shall be necessary before the Greensboro Planning Board.

(b) The resolution ordering the closing of a street may provide for utility rights-of-way to be retained by the city or public utility company, if needed.

ARTICLE 7. WATER SUPPLY, SEWERAGE AND WASTE DISPOSAL AND OTHER UTILITIES

Sec. 6.81. Operation of Water Systems, Sewerage and Waste Disposal Systems, and Other Utilities.

(a) The city council may:

(1) Provide for the construction or acquisition and operation of utilities and utility systems;

(2) Acquire any real or personal property necessary or incidental thereto, including equipment, machinery, and all manner of rights or interests in or relating to land and water, and appurtenances thereto; and

(3) Establish rates of charge for utility services and for the use of utility facilities.

(b) The city manager shall have the entire supervision and control of the management of all city utilities and utility systems. With the approval of the city council he may adopt rules and regulations:

(1) Concerning the management of utility and utility systems, with regard to such matters as maintenance, operation, and improvement thereof, or requiring the pretreatment of waste; and

(2) Concerning collection of charges for utility services and for the use of utility facilities. If pursuant to any rule or regulation utility service to any property is discontinued, it shall be unlawful for any person, firm or corporation without the city manager's approval to renew a utility service or to use it without having first paid any outstanding charges and obtained the approval of the city manager. Violations of this paragraph shall be misdemeanors punishable by a fine of not exceeding fifty dollars (\$50.00), or imprisonment for not exceeding thirty days.

(c) As used in this charter, unless the context otherwise requires, the term "utility" includes water supply, water distribution, sewerage, waste disposal, electric power, gas, and public transportation utilities.

Sec. 6.82. Water Connection by Abutting Owners.

The city council may require that within thirty days after a water main or sewer main is completed and made ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause the lot to be connected to the water main or sewer main.

Sec. 6.83. Liens for Utility Charges.

In case any charge for utility service or for the use of utility facilities is not paid within ten days after it becomes due, the same shall become a lien upon the property served or in connection with which the service or facility is used. The charge may at any time thereafter be collected, either by suit in the name of the city or by the city tax collector for the city, by the sale of the property upon which the lien attaches at the Guilford County courthouse door, after advertising the sale once a week for four successive weeks in some newspaper published in the city which is qualified to carry legal notices. The sale shall be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided by law for the foreclosure of the lien on real estate for taxes.

SUBCHAPTER B. EMINENT DOMAIN AND LOCAL IMPROVEMENTS

ARTICLE 1. EMINENT DOMAIN

Sec. 6.101. Condemnation Procedure; Interest Acquired.

The City of Greensboro shall possess the power of eminent domain, and may acquire, either by purchase or condemnation, any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land or water, either within or beyond the city limits, including and limited to a right-of-way in and across lands owned or held as right-of-way by a railroad or other public utility company (provided that the operation of such railroad or other public utility company

may not be impaired unreasonably thereby), for any lawful public use or purpose. Unless otherwise expressly provided in the condemnation resolution, a fee simple title shall pass to the city upon the condemnation of any such interest. In any case where the owner of land to be condemned or of any interest therein is a minor, an insane person, or otherwise under any disability, any notice hereinafter required by this Article to be served upon such owner shall be served upon his guardian, and service upon such guardian shall be sufficient without service on the minor, insane person, or person under disability. Thereafter such guardian may exercise on behalf of his ward with respect to such condemnation proceeding all the powers conferred upon such person as owner. Water rights or other interests relating to water may be condemned under the procedure set forth in this Article for the condemnation of land and interests therein.

Sec. 6.102. Effort to Purchase Not Required.

It shall not be necessary to the condemnation by the city of any land or interest therein, whether pursuant to this Article or otherwise, that the city shall have attempted to acquire the needed land by grant or purchase prior to the commencement of condemnation proceedings.

Sec. 6.103. Resolution Proposing Condemnation.

(a) When any land required by the city for any purpose allowed by this charter or the general law of the State is proposed to be condemned under the specific provisions of this charter, the city council shall adopt a resolution which shall contain substantially the following provisions:

(1) A description of the land proposed to be condemned in fee, or of the interest or easement proposed to be condemned.

(2) If there is any building or other property situated wholly or partly upon the land to be condemned, the determination of the city council as to whether the owner shall be allowed to remove such property or whether the same shall be condemned;

(3) A statement of the purpose for which said land or easement is proposed to be condemned;

(4) The name and address of the owner or owners of said land and of any other person or persons interested therein whom it is necessary to make a party to the proceeding;

(5) The name of a disinterested freeholder of the city appointed as appraiser by the city council;

(6) A notice that the owner or owners of said land, or interest therein, or a majority in interest of said owners, may, within fifteen days after service of said resolution upon all of them, appoint one appraiser (who shall be a disinterested freeholder of the city) to represent them, the name of which appraiser shall be reported in writing to the city clerk within said fifteen days;

(7) A notice that the appraiser appointed by the city and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city, shall appoint a third appraiser, and that the three thus appointed shall constitute a board of appraisers, whose duty it shall be to determine

the damages and benefits which will result from the condemnation of said land or easement or interest therein;

(8) A notice of the time fixed for the first meeting of the appraisers, and that said meeting will be held upon the premises to be condemned.

(b) It shall not be necessary to institute separate condemnation proceedings against the several owners of tracts or parcels of land affected by proposed local improvements.

Sec. 6.104. Service of Resolution Proposing Condemnation.

A copy of the resolution proposing condemnation shall be personally served upon each of the owners of the land proposed to be condemned; provided, that if the resolution cannot be personally served upon any of the owners, then it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city.

Sec. 6.105. Failure of Owners to Appoint Appraiser.

If within fifteen days after service of the resolution upon all of the owners, they or a majority in interest of them fail to appoint an appraiser and to report his name to the city clerk, the city council shall appoint a disinterested freeholder of the city to represent them.

Sec. 6.106. Appointment of Third Appraiser; Oath.

The appraiser appointed by the city council, and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city council, shall appoint a third appraiser, who shall be a disinterested freeholder of the city, and shall report his name to the city clerk. Each appraiser shall take an oath or affirmation that he will fairly and impartially discharge his duties as an appraiser.

Sec. 6.107. First Meeting of Appraisers.

At the time fixed by the resolution of condemnation, the appraisers shall meet on the premises proposed to be condemned. If for any reason a meeting cannot be held at the time fixed by the city council, then a meeting shall be held at another time fixed by the appraisers, in which case notice of the time and place of the meeting shall be personally served upon each of the owners of the land or easement proposed to be condemned, or if the notice cannot be personally served, it may be served by publication once a week for two successive weeks in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice, whether given personally, by publication, or by posting, shall be served not less than five days prior to the date of the hearing. At the first meeting the appraisers shall view the premises affected by the proposed condemnation; and shall hear, but need not reduce to writing, any evidence as to damages and benefits that will result from the proposed condemnation presented by the owners or by the city. The appraisers may make their report at or after the hearing or they may, in their discretion, hold subsequent meetings.

Sec. 6.108. Subsequent Meetings; When Notice Required.

Subsequent meetings of the appraisers shall be held at such times and places as may be determined by them. Of such meetings no notice need be given either to the owners or to the city unless such meetings are to be public and for the purpose of hearing evidence. If held for such purpose, then unless such meeting is held at a time and place to which a former meeting of which the parties had lawful notice was adjourned, notice of the meeting shall be personally served upon all the parties, or, if such notice cannot be personally served, it may be served by publication once a week for two successive weeks in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city. The notice shall be served or publication or posting thereof completed not less than five days prior to the time fixed for the meeting.

Sec. 6.109. Determination of Damages and Benefits; Report.

In determining the compensation to be paid by the city for the land or easement condemned, the appraisers shall take into consideration both the loss or damage which will result to the owners from the condemnation of the land or easement and the benefits that will result to any remainder of such land from the improvement for which the land or easement is to be condemned, the benefits to include both benefits or advantages special to the land and the benefits or advantages to the land in common with other lands affected by the improvement. The appraisers shall also take into consideration the value of any building or other property situated on the land proposed to be condemned if the owner is to be allowed to remove the building or other property, and the value thereof shall not be included in the compensation award. Having determined damages and benefits, the appraisers shall make their report to the city council, in which report the appraisers shall show separately the amount of damages, the amount of benefits, and the amount which shall be paid by the city if it finally condemns the land or easement. In the event the property condemned is subject to a recorded lease or leases, the appraisers shall apportion the award between or among the person or persons owning the fee or fees and the person or persons owning the leasehold interest or interests; but in no event shall the total of the amounts so apportioned exceed the value of the property were it not subject to a recorded lease or leases. The report shall be sufficient if it is concurred in by two of three appraisers. In the event that no two of the three appraisers can agree upon an appraisal, three new appraisers may be appointed in the same manner as the original appraisers, and the new appraisal board shall follow the same procedure as required of the original appraisal board.

Sec. 6.110. Action of Council on Report.

Within thirty days after the report of the appraisers is submitted to the city council, the council shall determine what action it will take thereon. If the council determines to abandon the proposed condemnation, it shall adopt a resolution to that effect; but the abandonment of the condemnation shall not prevent the city council from thereafter instituting a proceeding to condemn the same land or easement. If the council determines to condemn the land or easement, it shall adopt a resolution which shall contain substantially the following:

(1) A recital that a board of appraisers has been appointed to determine the compensation to be paid for the land or easement, as provided by this charter, and that the appraisers have submitted their report to the council;

(2) A statement of the amount of damages and benefits as fixed by the appraisers and of the compensation to be paid by the city for the land or easement condemned as fixed by the appraisers;

(3) The determination of the council as to the condemnation of the land or easement;

(4) A description of the land condemned in fee or of the easement condemned;

(5) A statement of the purpose for which the land or easement is condemned;

(6) The name of the owner or owners of the land and of other persons interested therein who were made parties to the proceeding;

(7) The determination of the council as to the time when the city will take possession of the land or easement condemned, and a direction that such premises shall be vacated by such time, and, in case the owner is allowed to remove any building or part thereof or any other property on the premises, a direction that such property shall be removed before said date and that if the owner fails to remove the same within said time, the council will have the same removed and the cost thereof shall be a lien upon the remainder of the property.

Sec. 6.111. Vesting of Title in City.

The adoption by the city council of a final resolution of condemnation, as provided in the preceding Section shall have the effect of a judgment against the City of Greensboro for the amount of compensation fixed by the appraisers and shall vest in the city title to the land or easement condemned.

Sec. 6.112. Appeal to Superior Court.

If upon the adoption by the city council of a final resolution of condemnation, either the owner of the land or easement condemned or the city council itself is dissatisfied with the amount of the compensation to be paid for such land or easement as fixed by the appraisers, such owner or the city or both may, within ten days from the date of adoption of such resolution, appeal to the Superior Court of Guilford County. The party or parties appealing shall, within said ten days, give notice of appeal to the other party by personal service if practicable and, if not, by publication of a notice one time in a newspaper published in the city which is qualified to carry legal notices. The appeal or appeals shall not interfere with the vesting in the city of the title to the land or easement condemned or hinder the city in any way from proceeding with the improvements for which such land or easement was condemned, except that if the land or interest therein is owned by another public or quasi-public body, or by a railroad or public utility company, the vesting of title in the city shall not become effective until the court has rendered final judgment on the question of whether the condemnation by the city is in the public interest, and has determined the amount of compensation to be

awarded for the condemnation, in which case the court may, in its discretion, reduce the amount of land or interest therein which it shall allow to be condemned.

Sec. 6.113. Record upon Appeal.

Upon an appeal taken by either party, the city clerk shall certify a copy of the record in the condemnation proceeding to the Superior Court of Guilford County, and such appeal shall be tried as other actions at law. The record upon appeal shall be composed of the preliminary resolution of condemnation, the oath of appraisers, the report of appraisers, the final resolution of condemnation, and the notice or notices of appeal. The record upon appeal, or any part thereof, shall be competent as evidence upon the trial of an appeal.

Sec. 6.114. Condemnation before Determination of Compensation.

When, in the judgment of the city council, the public interest requires that the city enter into immediate possession of any land, it shall adopt a resolution stating such necessity and the reason therefor, and condemning the required land or easement, and providing for the determination of the compensation to be paid by the city for the land or easement. The procedure therefor with respect to determination of such compensation shall follow as closely as practicable the provisions of this Article, or of the provisions of general law concerning "Eminent Domain." This Section shall not apply to land, or interests therein, owned by another public or quasi-public body, or railroad or public utility company.

Sec. 6.115. Registration of Condemnation Proceedings.

In any case where any land or any easement therein has been or may hereafter be condemned by the city council, a copy of so much of the condemnation proceedings as may be necessary to show the land or easement therein condemned and the condemnation thereof shall be certified by the city clerk and the same, upon being probated by the Clerk of the Superior Court, or other person authorized by law to probate instruments for registration, shall be registered in the office of the Register of Deeds of Guilford County.

Sec. 6.116. Sale or Other Disposition of Land Condemned.

When any land condemned in fee by the city is no longer needed for the purpose for which it was condemned, the same may be used by the city for any other public purpose or may be sold or otherwise disposed of.

Sec. 6.117. Removal by City of Structures on Condemned Land; Lien.

When property upon which any building or other structure is wholly or partly located is condemned by the city under the provisions of this charter or any other law, and the owner is allowed to remove such building or structure or part thereof, the city council may, after the report of the appraisers has been made, name the time within which the owner may remove the building or structure, or part thereof, and if the owner fails to remove the same within said time, the council may remove the same and the cost thereof shall be a lien upon the remainder of said land, or such cost may be recovered by the city in any court of competent jurisdiction.

Sec. 6.118. Procedure Not Exclusive.

The condemnation procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

Sec. 6.119. Procedure Not Applicable Outside of Guilford County.

The condemnation procedure set forth in Article 2 of Chapter 40 of the General Statutes of North Carolina and not the procedure set forth in this Article shall be applicable to the exercise of the power of eminent domain by the city for the condemnation of any land, right of access, right-of-way, water right, privilege, easement, or any other interest in or relating to land or water which is or are located outside of the geographic boundaries of Guilford County.

ARTICLE 2. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

Sec. 6.131. Authority to Make Local Improvements.

The city council shall have authority to make the local improvements described in this charter, and to assess the cost against benefited property. The procedure set forth in this Article shall not be exclusive, but shall be in addition to any other procedure provided by law.

Sec. 6.132. Separate Proceedings Not Required.

One or more local improvements may be made in a single proceeding, and assessments for one or more local improvements may be combined.

Sec. 6.133. Definitions.

Certain words and phrases will be used with the following meanings with reference to local improvements, unless some other meaning is plainly intended.

(a) A "street" is the entire width between property lines of every way or place, of whatever nature, when any part thereof is dedicated or open to the use of the public as a matter of right for the purpose of vehicular or pedestrian traffic.

(b) A "sidewalk" is the part of a street which is used, or to be used, for pedestrian traffic.

(c) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may include a pumping station and outlet where deemed necessary, and may also include the building of culverts over or the enclosing of streams where needed to carry off storm water.

(d) A "sanitary sewer" is an underground conduit for the passage of sewage and may include a pumping station and outlet.

(e) A "water main" is a pipe for the passage of city water for public hydrants and private and public use and consumption.

(f) A "lateral" is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, being either a sewer lateral or water lateral, but does not include a building connection, that is, a pipe extending from a lateral at the property line or curb line to the house or plumbing fixture to be served.

(g) A "roadway" is the part of a street which is used, or to be used, for vehicular traffic.

(h) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Sec. 6.134. Improvements Described.

The council shall have authority to make the following local improvements:

(a) Roadway paving improvements, which include the grading, regrading, paving, repaving and widening of roadways, or the improvement thereof with any treatment designed to provide an improved wearing surface, with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and in any case where the improvement is made upon petition if the petition so requests, or in any case where the improvement is made without petition if the council so directs, it may include the construction or reconstruction of curbs, gutters, drains, and sidewalks.

(b) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such mains, and, in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the council so directs, the laying of water laterals.

(c) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying, where necessary, of parts of roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the city council so directs, the laying of sanitary sewer laterals.

(d) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying, where necessary, of parts of paved roadways and sidewalks torn up or damaged by the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the council so directs, the laying of storm sewer laterals.

(e) Sidewalk improvements, which include the grading, regrading, construction, reconstruction and repair of paved or other improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvements, and, in any case where the improvement is made upon petition, if the petition so requests, or in any case where the improvement is made without petition if the council so directs, it may include the construction or reconstruction of curbs, gutters and drains, and the construction or reconstruction of all such portions of driveways as in the judgment of the council ought to be laid in the street area.

(f) Grass plot improvements, which include the grading and planting of grass plots in a street.

Sec. 6.135. Water and Sewer Mains between Streets.

Whenever the council finds it in the public interest, and it will be more economical and the interest of the property owners will best be served by constructing either water or sanitary sewer mains, or both, between streets rather than in a street, the

petition may provide therefor, or in the event the water and sanitary sewer mains may be constructed in a street without petition, they may be constructed between streets without petition. The cost of the construction of such water or sewer mains and laterals shall be assessed according to the street frontage in the same manner and to the same extent that it would be assessed if the improvements were constructed in a street; provided that the city shall provide the rights-of-way for construction and maintenance of such mains at its own expense without assessing the cost thereof.

Sec. 6.136. Inclusion of More than Improvement in Single Proceeding.

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

(b) The petition may provide for making any one or more local improvements in or on a street or streets and for the assessment of the cost thereof, except the city's portion, wholly against the property abutting one side of such street or streets or otherwise against such abutting property as may be designated in the petition in any of the following cases: (1) In any case where there is park land or unimproved land abutting one side, or a part of one side, of a street; or (2) where the land abutting one side, or a part of one side of a street, is of such a nature or is devoted to such a purpose that a special assessment against it cannot be made, or, if made would probably exceed the value of the land assessed; or (3) where the owners of all the property to be assessed agree thereto.

Sec. 6.137. The Petition; Certificate of Sufficiency.

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

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

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

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

(d) (1) A petition for the making of local improvements on one side of a street only need be signed only by a majority in number of the owners of land abutting

the side of the street whereon such improvement is to be made, which majority must own at least a majority of all the lineal feet of frontage of the land abutting such side of the street, excluding street intersections.

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

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

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

(f) Upon the filing of such petition, the city attorney shall investigate the sufficiency of the petition, and if it is found to be sufficient, he shall certify the same to the council.

Sec. 6.138. When Petition Unnecessary.

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

(b) If, in the judgment of the city council, the abutting property to be assessed will be benefited in an amount at least equal to the assessment, no petition for local improvements shall be necessary in the cases set forth in subsections (c) through (h) of this Section.

(c) Street Paving Improvements.-When, in the judgment of the council:

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

(2) The improvement of a street or part of a street not more than three blocks in length is necessary to connect streets already paved; or

(3) The improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, within the city with a paved highway beyond the city limits; or

(4) The improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation or any bridge; or

(5) Any street or part of a street should be widened.

(d) Water Main Improvements-When, in the judgment of the council, any street or part of a street, or any property within the city, is without a public water supply and can be served, and water service should be provided in the public interest.

(e) Sanitary Sewer Improvements-When, in the judgment of the council, any street or part of a street, or any property within the city, is without a public sanitary

sewer system and can be served, and sanitary sewer service should be provided in the public interest.

(f) Storm Sewer Improvement-When, in the judgment of the council, any street or part of a street, or any property within the city, is without storm sewer facilities, and can be served, and storm sewers should be provided in the public interest.

(g) Sidewalk Improvements-When, in the judgment of the council, any street or part of a street is without sidewalks and sidewalks should be provided in the public interest, or that any existing sidewalk is unsafe and should be repaired.

Sec. 6.139. Notice of Hearing.

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

(1) That a sufficient petition has been filed for the making of the improvements, or, if it is proposed to make the improvements without petition, a statement of the reasons proposed for the making thereof;

(2) A brief description of the proposed improvements;

(3) The proportion of the cost of the improvements to be assessed and the terms of payment;

(4) A statement of the time and place of a public hearing on the proposed improvements;

(5) A statement that all objections to the legality of the making of the proposed improvements shall be made in writing, signed in person or by attorney, and filed with the city clerk at or before the time of the hearing, and that any objections not so made will be waived.

(b) The notice shall be published one time in a newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, the city clerk shall cause it to be posted in three public places in the city, the date of publication or posting to be not less than ten days prior to the date fixed for the hearing. A copy of the notice shall be served upon the owners of the lands subject to assessment for such improvements if such owners can be found with reasonable diligence within the city. If any such owner cannot with reasonable diligence be found within the city, then a copy of the notice shall be mailed to his address, as nearly as the same can be ascertained with due diligence. The certificate of the person designated to serve or mail the notices that such notices were served or mailed shall be conclusive in the absence of fraud. The serving or mailing of notices shall be completed not less than five days prior to the date fixed for the hearing. The word "owners" as used herein has the same meaning as in Section 6.137.

Sec. 6.140. Public Hearing.

At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the council shall consider objections to the legality of the improvements made in compliance with paragraph (5) of subsection (a) of the preceding Section, together with objections to the policy or expediency of the making of the

improvements, and the council shall thereafter determine whether it will order the making of the improvements. Any objections to the legality of the making of the improvements not made in writing, signed in person or by attorney, and filed with the city clerk at or before the time or adjourned time of the hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the council, the adoption of the resolution ordering the making of the improvements shall be the final adjudication of the issues presented, unless within ten days after the adoption of the resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

Sec. 6.141. Resolution Ordering Improvements; Publication.

(a) After the public hearing, if the council determines to make the improvements proposed, it shall adopt a resolution which shall contain:

(1) If the improvements are to be made by petition, a finding by the council as to the sufficiency of the petition, which finding shall be final and conclusive.

(2) If the improvements are to be made without petition, a finding by the council of such facts as are required in order to authorize improvements without petition.

(3) A general description of the improvements to be made and the designation of the street or streets or parts thereof where the work is to be done.

(4) If the improvement directed to be made is the paving of a roadway or part thereof wherein a railroad company has tracks, a direction that said company pave that part of the street occupied by its tracks, the rails of the tracks, and 18 inches in width outside such tracks, with such material and in such manner as the governing body may prescribe, and that unless such paving be completed on or before a day specified in the resolution, the governing body will cause the same to be done. Where such railroad company shall occupy such street or streets under a franchise or contract which otherwise provides, such franchise or contract shall not be affected by this Section, except insofar as may be consistent with the provisions of such franchise or contract.

(5) If the improvement directed to be made includes the construction of water mains or sewers, and in order to provide the mains or sewers in the street or streets to be improved it is necessary to extend them beyond the limits of the street or streets, the resolution shall contain a provision for the necessary extension of such mains or sewers and a further provision that the cost of such extension shall eventually be assessed against the lots or parcels of land abutting the street or streets in which such extensions are made but that assessments shall not be made until such time as the council shall thereafter determine by appropriate resolution.

(6) If the improvement directed to be made is the paving of a roadway or part thereof, or the construction of sidewalks, the resolution may, but need not, contain a direction that the owner of each lot abutting the part of the street to be improved, connect his lot by means of laterals with water mains, gas or sewer pipes, or any one or more thereof, located in the street adjacent to his premises in accordance with the requirements governing the laying of laterals, and that unless the owners cause laterals

to be laid on or before a date specified in the resolution, the date to be not less than thirty days after the date of the resolution, the council will cause the same to be laid.

(7) A designation of the proportion of the cost of the improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid.

(b) The resolution after its passage shall be published at least once in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, the resolution shall be posted in three public places in the city for at least five days; except, that in any case where the council directed that the notice should be served or mailed instead of being published, the resolution ordering the improvements need not be either published or posted.

Sec. 6.142. Details of Construction; Contracts for Construction.

The council shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary to be determined in making any local improvements and to determine whether any work to be done by the city shall be done by contract or by the city. The council shall have power also, unless otherwise limited, to determine the number of water, sewer and gas laterals that shall be laid to any lot on any street to be improved. If the work or any part thereof is to be done by contract, the council may let all of the work in one contract, or it may divide it into several contracts, and may let contracts separately.

Sec. 6.143. Determination as to Cost of Improvements.

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

Sec. 6.144. Preliminary Assessment.

(a) Having determined the total cost, the council shall make a preliminary assessment. The preliminary assessment shall be advisory only and shall be subject to modification. Except as otherwise provided in subsection (b), the preliminary assessment shall be as follows:

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

(2) Water mains and sewers. The cost of not exceeding an eight-inch water or sanitary sewer main and of not exceeding a thirty-inch storm sewer main shall be assessed against the abutting property. Such cost shall be assessed against the lots and parcels of land according to their respective frontages thereon by an equal rate per foot of such frontage. If a water or sanitary sewer main in excess of eight inches in size or a storm sewer in excess of thirty inches in size is laid, the excess cost shall be borne by the city. If the resolution ordered the construction of any pumping station, outfall, septic tank or disposal plant, no part of the cost of the same shall be specially assessed. Nothing contained herein shall be construed to limit the power of the council to contract with any property owner or owners for the construction of any pumping station, outfall, septic tank or disposal plant or for the construction of water mains or storm or sanitary sewers and for the assessment of the cost thereof according to the terms of such contract. The entire cost of each water and sewer lateral shall be specially charged against the particular lot or parcel of land for or in connection with which it was constructed, except that the assessments shall be calculated as if the lateral were laid from the center of the street. The cost of installing storm sewers may, however, be assessed as part of the cost of roadway paving.

(3) Sidewalks. The total cost of constructing or reconstructing sidewalks shall be assessed against the lots and parcels of land abutting that side of the street upon which the improvement is made according to their respective frontages thereon by an equal rate per foot of such frontage, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lot to the curb line of an intersecting street. The total cost of constructing portions of driveways within the street area shall be assessed against the lots for which they are constructed.

(4) Grass plots. The entire cost of grading or otherwise improving or of planting the grass plots in any street or part thereof shall be assessed against the lots and parcels of land abutting the street or part thereof where or whereon the improvements are made by an equal rate per front foot of such frontage; provided, that this subsection shall be construed to mean that when a grass plot in any street is graded or planted or otherwise improved, the cost thereof shall be assessed against all of the property abutting the street within the block where such grass plot is located.

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

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

Sec. 6.145. Corner Lot Exemptions.

The council shall have authority to determine the amount and applicability of assessment exemptions for corner lots, and to distinguish between different classifications of property uses. The exemptions for paving sidewalk, and storm sewer improvements shall not exceed sixty feet and shall be limited to residential uses, and the exemptions for water mains and sanitary sewers shall not exceed one hundred and fifty feet for residential uses and one hundred feet for business uses. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 6.146. Preliminary Assessment Roll.

The council shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each lot, the name or names of the owner or owners of each lot, as far as the same can be ascertained; provided, that a map of the improvements on which is shown the frontage and location of each affected lot, together with the amount assessed against each lot and the name or names of the owner or owners thereof, as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately. After the preliminary assessment roll has been completed, it shall be filed in the office of the city clerk, and there shall be published in some newspaper published in the city which is qualified to carry legal notices, or if there be no such newspaper, the city clerk shall cause to be posted in three public places in the city, a notice of the completion of the assessment roll, setting forth a description in general terms of the improvements, the amount of each assessment, and stating the time fixed for the meeting of the council for the hearing of objections to the special assessments, such meeting to be not earlier than ten days after the first publication or from the date of posting of said notice. Any number of assessment rolls may be included in one notice. In any case where the preliminary notice was served or mailed instead of being published, this notice need not be published or posted but may be served or mailed. The serving or mailing of notices shall be completed not less than five days prior to the date fixed for the hearing of the assessment roll, and the return of the person serving or mailing the same shall in the absence of fraud be conclusive that the same were served or mailed.

Sec. 6.147. Hearing; Revision; Confirmation; Lien.

At the time appointed for that purpose or at some other time to which it may adjourn, the council shall hear objections to the preliminary assessment roll of all persons interested who may appear and offer proof in relation thereto. Then or thereafter, the council shall either annul or sustain or modify in whole or in part the assessment, either by confirming the preliminary assessment against any or all lots or parcels described thereon, or by cancelling, increasing or reducing the same, according to the special benefits which the council decides each of the lots or parcels has received

or will receive on account of the improvements, except that assessments against railroads because of contract or franchise obligations shall be in accordance with such obligations. If any property is omitted from the preliminary roll, the council may place it on the roll and levy the proper assessment. The council may thereupon confirm the assessment roll, and the assessments so confirmed shall be in proportion to the special benefits, except in the case of franchise obligations of railroads. Whenever the governing body shall confirm assessments for local improvements, the city clerk shall enter on the council minutes and on the assessment roll the date, hour, and minute of confirmation, and from the time of confirmation the assessments shall be a lien on the property assessed of the same nature and to the same extent as county and city taxes and shall be superior to all other liens and encumbrances. After the assessment roll is confirmed a copy of the same shall be delivered to the city tax collector.

Sec. 6.148. Appeal to Superior Court.

If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of the assessment, he may, within ten days after the confirmation of the assessment roll, give written notice to the council that he takes an appeal to the Superior Court of Guilford County, in which case he shall within twenty days after the confirmation of the assessment roll serve on the mayor or city clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested shall be exclusive.

Sec. 6.149. Power to Correct Error in Assessment.

If it shall appear after confirmation of any assessment roll that an error has been made, the city clerk shall cause to be published one time in some newspaper published in the city, or if there be no such newspaper, the city clerk shall cause to be posted at three public places in the city, a notice referring to the assessment roll in which the error was made, naming the owner or owners of the lot or parcel of land affected by the error, if the same can be ascertained, and naming the time and place fixed for a hearing by the council for the correction of the error, such meeting not to be earlier than ten days from the publication or from the date of the posting of the notice. At the time fixed in the notice or at some subsequent time to which the council may adjourn, the council, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct the error, and the assessment then made shall have the same force and effect as if it had originally been properly made. No notice and hearing shall be necessary if the correction does not increase an assessment against any property not owned by the city, or if all of the property owners affected by the correction waive notice in writing.

Sec. 6.150. Reassessment.

The council shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the

improvements involved, all interest paid or accrued on notes or certificates of indebtedness, or bonds issued by the city to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 6.151. Publication of Notice of Confirmation of Assessment Roll.

After the expiration of twenty days from the confirmation of the assessment roll, the city clerk shall cause to be published one time in some newspaper published in the city which is qualified to carry legal notices, or, if there be no such newspaper, shall cause to be posted at three public places in the city, a notice of confirmation of the assessment roll, and that assessments may be paid at any time before the expiration of thirty days from the date of publication or posting of the notice, without interest from the date of confirmation of the assessment roll, but that if such assessment is not paid in full within said time, all installments thereof shall bear interest at the rate of six per centum per annum from the date of confirmation of the assessment roll.

Sec. 6.152. Payment of Assessments in Cash or by Installments.

The property owner or railroad company assessed shall have the option of paying for improvements in cash or in not less than two or more than ten equal annual installments as may have been determined in the resolution ordering the improvements. If paid in installments, installments shall bear interest at the rate of six per centum per annum from the date of confirmation of the assessment roll. If any assessment is not paid in cash, the first installment with interest shall become due and payable thirty days after the publication or posting of the notice of confirmation, and one subsequent installment and interest shall be due and payable on the same day of the same month in each successive year until the assessment is paid in full; provided, however, that if the council shall so direct installments shall become due and payable on the same date when property taxes of the city are due and payable. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes, in addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

Sec. 6.153. Enforcement of Payment of Assessments.

Upon the failure of any property owner to pay any installment when due and payable, all of the installments remaining unpaid shall immediately become due and payable, and property and rights-of-way may be sold by the city under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Unpaid assessments, interest, and penalties owed by railroad companies and the State of North Carolina, its agencies or subdivisions, may be collected by writs of mandamus issued by the Superior Court of Guilford County. Collection of assessments with interest and penalties may also be made by the city by proceedings to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution, after default in the payment of any

installment. The payment of said installment, together with interest and penalties due thereon, before the lot or parcel of land, against which the same is a lien, is sold or said lien is foreclosed shall bar the right of the city to sell land or to foreclose the lien by reason of default.

Sec. 6.154. Assessment of Cost of Water Main and Sewer Extensions.

If the resolution ordering the making of any improvement or improvements included a provision for any necessary extension of a water main or sewer or sewers beyond the limit of a street or streets, at such time after the completion of said extension or extensions as, in the judgment of the council, circumstances justify the assessment of the cost thereof, the council shall cause a preliminary assessment to be made and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed for other assessments.

Sec. 6.155. Apportionment of Assessments.

In any case where one or more special assessments have been made, and property has been, or is about to be, subdivided, and it is desirable that the assessments be apportioned among the subdivisions of such property, the council may, upon application by the owner or owners, apportion the assessments among the subdivisions. Thereafter, each subdivision shall be relieved of any part of the original assessment except the part apportioned to the subdivision, and the part of the original assessment apportioned to any subdivision shall be of the same force and effect as the original assessment.

Sec. 6.156. Change of Ownership.

No change of ownership of any property or interest therein after the passage of a resolution ordering the making of a local improvement shall affect subsequent proceedings, and the improvement may be completed and assessments made therefor as if there had been no change in ownership.

Sec. 6.157. Lands Subject to Assessment.

No lands in the city, including railroad company lands and rights-of-way and property of the State of North Carolina, its agencies or subdivisions, shall be exempt from special assessments except lands belonging to the United States which are exempt under the provisions of Federal Statutes, and the council and the officers, trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any local improvements.

Sec. 6.158. Proceedings in Rem.

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

Sec. 6.159. Grass Plot and Driveway Maintenance.

It shall be the responsibility of the abutting property owner to maintain any grass plot or driveway between the property line and the curb of a paved street.

Sec. 6.160. Council May Hold in Abeyance Certain Water and Sewer Assessments.

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

(b) All statutes of limitations, and particularly the statute of limitations provided for in Chapter 331, Section 1, of Public Laws 1929 (G. S. 160-93) are hereby suspended during the time that any assessment is held in abeyance without the payment of interest, as provided in subsection (a). Such time shall not be a part of the time limited for the commencement of action for the enforcement of the payment of any such assessment, and such action may be brought at any time within ten years from the date of the adoption of a resolution by the council, determining that such assessment shall be paid in accordance with the original resolution confirming it.

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

Sec. 6.161. Abutting Property Outside City Limits.

If any lots or parcels of land abutting any local improvements are located outside the city limits, the council may continue and delay the levy of assessments against such property until the city limits are extended to include such property, or the council may provide that no water or sewer service connections shall be made to such property, pending the annexation thereof, until all assessments thereon are paid. Upon annexation, if not paid prior thereto, the council may levy assessments for such local improvements against such property, and the procedure therefor shall be the same as provided in this charter. Nothing contained in this Section shall be construed to prohibit or restrict the city council and a property owner from entering into an agreement for payments in lieu of assessments.

CHAPTER VII. MISCELLANEOUS

SUBCHAPTER A. CLAIMS AGAINST THE CITY.

Sec. 7.01. Presentation of Claims to City Council.

No action shall be instituted or maintained against the City of Greensboro upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the city council and the council shall have declined to pay or settle the same as presented, or for sixty days after presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto. Nothing contained in this subchapter shall be construed to prevent any statute of limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running.

Sec. 7.02. Time for Presentation of Claims.

(a) Except as otherwise provided in this Section, no action for damages of any character whatever, to either person or property, shall be instituted against the city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the injury, stating in the notice the date and place of the injury, the manner of infliction, the character of the injury, and the amount of damage claimed.

(b) No action shall be instituted against the city on account of damages to or compensation for real property used or taken by the city for any public purpose of any kind unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the claim, the notice to set forth the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provisions of subsection (a) and (b), if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of the physical or mental incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the physical or mental incapacity, or within three years after the happening or infliction of the injury complained of, whichever is the longer period. The city at any time may request the appointment of a next friend to represent any person having a potential claim against the city and known to be suffering from physical or mental incapacity.

Sec. 7.03. Settlement of Claims by City Manager.

The city manager may settle claims against the city for (1) personal injury or for damages to property when the amount involved does not exceed the sum of five hundred dollars (\$500.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred, and (2) the taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed the sum of five hundred dollars (\$500.00) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney.

Sec. 2. The purpose of this Act is to revise and reorganize the charter of the City of Greensboro (Chapter 37 of the Private Laws of 1923, as amended) and to consolidate into it certain local acts concerning the property, affairs and government of

the city. Unless expressly indicated to the contrary in the following Sections (Sections 3 through 10) of this Act, it is not the intention to repeal but rather to re-enact with or without amendments, as the case may be, and to continue in force without interruption the provisions of said charter, so that all rights and liabilities that have accrued are preserved and may be enforced. For purposes of identification the term "Act of 1923" is used in Sections 3 through 10 of this Act to refer to Chapter 37 of the Private Laws of 1923, as amended.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, or amendments thereto, even though such Acts or amendments are not expressly set forth herein:

(a) Public-Local Laws 1913, Chapter 761, the "Guilford County Public Morals Act";

(b) Private Laws 1927, Chapter 217, concerning special assessment districts in Greensboro under general law;

(c) Public-Local Laws 1937, Chapter 170, concerning a special Guilford county tax for welfare purposes;

(d) Session Laws 1945, Chapter 436, ratifying an ordinance concerning the Greensboro War Memorial Fund Commission;

(e) Session Laws 1945, Chapter 934, concerning issuance of wine licenses in Greensboro;

(f) Session Laws 1947, Chapter 392, concerning the use of parking meter proceeds in Greensboro;

(g) Session Laws 1949, Chapter 764, concerning the Guilford County Board of Health;

(h) Session Laws 1951, Chapter 206, repealing Hamilton Lakes and Bessemer merger authorizations;

(i) Session Laws 1963, Chapter 1075, concerning speed zones near schools in Greensboro;

(j) Session Laws 1953, Chapter 730, Section 1, repealing an Act concerning temporary investment of bond proceeds;

(k) Session Laws 1955, Chapter 360, concerning additional Insurance coverage for city employees in Greensboro;

(l) Session Laws 1957, Chapter 525, Sections 2 through 5, concerning county expenditures for emergency life saving and rescue services;

(m) Session Laws 1957, Chapters 418, 419, and 420 concerning, respectively, the Bessemer extension, the Hamilton Lakes merger, and a further extension, (except insofar as the descriptions in said Acts of the territories annexed are consolidated in Section 1.21 of the new charter); and

(n) Sections 101, 105, and 106 of the Act of 1923, concerning the repeal of a previous charter and the effective date of the Act of 1923.

Sec. 4. There is hereby repealed all of Section 6 of the Act of 1923 except the first and last sentences, the portion to be repealed being concerned with the membership of the city council until May 12, 1959.

Sec. 5. (a) This Act shall not be deemed to repeal, modify, nor in any manner to affect any validating laws applying to the City of Greensboro, including the following provisions of the Act of 1923 and of related special laws applying to the City of Greensboro:

Act of 1923: Sections 78(b), 78(c), 78(c)(1), 78(d), 78(d)(1), 80, 86(d), 86(e), 88, 102.

Related special laws: Private Laws 1927, Chapters 17 and 158; Private Laws 1929, Chapter 140; Private Laws of 1933, Chapter 130, Section 15; Public-Local Laws 1939, Chapter 208, Section 3; Public-Local Laws 1941, Chapter 66, Section 3; Session Laws 1947, Chapter 322, Sections 5 and 6; Session Laws 1953, Chapter 988, Section 4; Session Laws 1957, Chapters 953 and 961.

(b) As used in this Section the term "validating laws" means laws validating, approving, confirming, or legalizing official proceedings (including special assessment and annexation proceedings), actions (including dispositions of property or interests therein), contracts, or obligations of any kind.

Sec. 6. This Act shall not be deemed to repeal, modify, nor in any manner to affect any Acts concerning:

(a) The Greensboro-High Point Airport Authority, including Public-Local Laws 1941, Chapter 98, as amended.

(b) The property, affairs, or government of the city schools and school system, including Sections 21 through 32 of the Act of 1923; Session Laws 1949, Chapter 385, as amended; Public-Local Laws 1937", Chapter 27; Public-Local Laws 1939, Chapter 36; Session Laws 1943, Chapters 572 and 680; and Session Laws 1947, Chapter 396;

(c) The Municipal-County Court in Guilford County, including Section 89 of the Act of 1923, Public Laws 1909, Chapter 651, as amended, and Session Laws 1955, Chapter 971;

(d) The police emergency reserve fund, including Private Laws 1929, Chapter 164, as amended; and

(e) The firemen's supplemental retirement system, including Session Laws 1953, Chapters 899 and 931.

Sec. 7. The following Acts or parts of Act applying to two or more municipalities are repealed in their application to the City of Greensboro and, where so noted below are consolidated into the charter:

(a) Private Laws 1924, Chapter 22, as amended, concerning the Greensboro Boxing Commission (consolidated into Section 4.01(b)(2));

(b) Private Laws 1927, Chapters 156, 220, and 224, concerning, respectively, ultimate street improvements, sewer charges, and assessments for local improvements (consolidated into Sections 6.51 through 6.56, 6.81, 6.83, 6.131 through 6.161);

(c) Public-Local Laws 1929, Chapter 237, concerning tax apportionment (consolidated into Section 4.62(c));

- (d) Private Laws 1933, Chapter 130, Sections 1 through 14, concerning funding and refunding bonds;
- (e) Public-Local Laws 1935, Chapter 549, concerning tax refunds;
- (f) Session Laws 1949, Chapter 882, concerning approval of plats;
- (g) Session Laws 1957, Chapter 525, Section 1, concerning municipal rescue squads (consolidated into Section 4.36).

Sec. 8. The following Acts and parts of Acts applying to the City of Greensboro are repealed and consolidated into the noted Sections of the charter:

- (a) Session Laws 1945, Chapter 435, concerning the traffic bureau (consolidated into Section 5.121);
- (b) Session Laws 1947, Chapter 322, Section 4, concerning awards for information leading to conviction of certain offenses (consolidated into Section 5.01);
- (c) Session Laws 1953, Chapter 730 (except Section 1 thereof), concerning temporary investment of bond proceeds (consolidated into Section 4.71);
- (d) Session Laws 1957, Chapter 963, concerning extraterritorial planning and other powers (consolidated into Section 5.62);
- (e) Private Laws 1925, Chapter 210, as amended, concerning use of the city lake (consolidated into Section 6.41).

Sec. 9. The following Acts, having served the purposes for which they were enacted, are hereby repealed:

- (a) Private Laws Extra Session 1924, Chapter 15; Public-Local Laws 1937, Chapter 14; Session Laws 1943, Chapter 567; Session Laws 1945, Chapters 80, 393; Session Laws 1947, Chapter 322, Section 3; all of which authorized the conveyance, sale, release or quitclaim of designated lands or interests in land;
- (b) Public-Local Laws 1941, Chapter 104; Session Laws 1943, Chapter 62; and Session Laws 1949, Chapter 668; all of which authorized the copying from general election registration books of names of registered elector in precincts within the Greensboro city limits;
- (c) Private Laws 1933, Chapter 109; Public-Local Laws 1939, Chapter 208; Public-Local Laws 1941, Chapter 66; Session Laws 1943, Chapter 276; all of which extended the time for payment of special assessments levied by the City of Greensboro; and
- (d) Sections 90 through 99 and Sections 103 and 104 of the Act of 1923, all of said Sections being concerned with the transition from a previous charter.

Sec. 10. The following Acts applying to the City of Greensboro, and provisions of the Act of 1923, are repealed, as being obsolete under existing circumstances or unnecessary because of other provisions of law, or both:

- (a) Special Acts.
 - (1) Private Laws Extra Session 1921, Chapter 130, the "Zoning and Street Improvement Act of 1921";
 - (2) Private Laws 1923, Chapters 112 and 83, concerning, respectively, the privy law and exclusions from debt limitations;

(3) Private Laws 1925, Chapter 31, as amended, concerning the World War Memorial Commission;

(4) Private Laws 1927, Chapter 1, concerning the Loyalty Fund;

(5) Private Laws 1929, Chapter 197, concerning assessment districts;

(6) Session Laws 1943, Chapter 213, concerning electric trolleys;

(7) Session Laws 1945, Chapter 483, concerning retirement or pension funds;

(8) Session Laws 1949, Chapter 746, concerning interest and discounts upon property taxes; and

(9) Session Laws 1949, Chapter 669, concerning an assistant judge of the juvenile court;

(b) Act of 1923 Provisions.

(1) The definitions preceding Section 1;

(2) Section 4, incorporating certain parts of the Consolidated Statutes;

(3) Section 16, concerning the purchasing agent;

(4) Section 18, concerning auditing;

(5) Section 19, concerning debt limitations;

(6) Section 45, concerning corrupt election practices;

(7) Sections 47 and 48, concerning public libraries;

(8) Subsections (b), (c), (g), (h), (j) through (o), (t), and (u) of Section 49, concerning powers of the city council;

(9) Section 52, concerning poll taxes;

(10) Section 60, concerning an opera house;

(11) Section 65, (except that portion thereof providing for a lien for charges for removal of garbage, slops, and trash);

(12) Section 65, concerning abatement of nuisances;

(13) Section 70, concerning street paving, etc.;

(14) Section 79(f), concerning lease of the city hall;

(15) Section 82(a), 2nd unnumbered paragraph, concerning damage claims from railroad grade crossings, etc.;

(16) Section 83, concerning cemetery land acquisitions, etc.; and

(17) Section 87, concerning debt limitations.

Sec. 11. No provision of this Act is intended, nor shall be construed, to affect in any way any rights or interests:

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provision of law repealed by this Act.

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law so repealed.

Sec. 12. No law heretofore repealed, expressly or by implication, shall be revived by:

(a) The repeal herein of any Act repealing such law, or

(b) Any provision of this Act that disclaims an intention to repeal or affect enumerated laws.

Sec. 13. (a) All existing city ordinances and resolutions, and all existing rules or regulations of city departments or agencies, not inconsistent with the provisions of this Act shall continue in full force and effect until repealed, modified, or amended.

(b) All contracts, orders, leases, bonds, and other obligations or instruments entered into by the city or for its benefits prior to the effective date of this Act shall continue in full force and effect. Public improvements initiated prior to such date may be carried to completion in accordance with existing laws or with the provisions of this Act.

(c) 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 or before the city or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

(d) Nothing in this Act, except as otherwise specifically provided, shall impair the rights of those who are city officers or employees upon its effective date. All persons then holding city offices or positions shall continue therein and in the performance of their duties until provision shall have been made for the performance of such duties or the discontinuance of their offices or positions.

(e) Any office, position, department, or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing shall be deemed to be a continuation thereof. Any provision of any law, ordinance, resolution, regulation, rule, contract, grant, or other document relating to such a formerly existing office, position, department, or agency provided for in this Act with a name or with powers and duties the same or substantially the same as those heretofore existing, so far as not inconsistent with this Act, shall apply to those provided for in this Act.

(f) All extensions and purported extensions of the corporate limits of the City of Greensboro are hereby declared to be valid.

(g) All proceedings of the City Council of the City of Greensboro relating to local improvements, all work carried out according to such proceedings, and all assessments based thereon, are hereby declared to be valid.

Sec. 14. Section 143-129 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to City of Greensboro, Guilford County, is hereby amended by striking out the words and figures, "two thousand dollars (\$2,000.00)," appearing in lines 5 and 6 and substituting in lieu thereof the following, "three thousand dollars (\$3,000.00)."

Sec. 15. Section 147-8 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to the City of Greensboro, Guilford County, is hereby amended by striking out the words, "seven cents per mile," appearing in the last line thereof, and substituting in lieu thereof the following, "an amount determined to be the proper mileage charge in the discretion of the city council."

Sec. 16. Section 147-9 of the General Statutes of North Carolina (Cumulative Supplement 1957), as the same applies to the City of Greensboro, Guilford County, is hereby amended by striking out the words, "seven cents per mile," appearing in line 6 thereof, and substituting in lieu thereof the following, "the amount fixed by the city council."

Sec. 17. Section 105-387(a) of the General Statutes of North Carolina, as the same applies to the City of Greensboro, Guilford County, is hereby amended by making said Section inapplicable to the City of Greensboro, Guilford County.

Sec. 18. Section 160-452 of the General Statutes of North Carolina, as the same applies to the City of Greensboro, Guilford County, is hereby amended by making said Section inapplicable to the City of Greensboro, Guilford County.

Sec. 19. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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. 20. General Repeal. All laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall become effective July 1, 1959.

In the General Assembly read three times and ratified, this the 18th day of June, 1959.