

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 69
HOUSE BILL 189

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
GOLDSBORO AND TO REPEAL EXISTING CHARTER AND SPECIAL ACTS.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF GOLDSBORO

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Sec. 1.1. Incorporation and General Powers. The inhabitants of the City of Goldsboro, within the corporate limits as now or hereafter established shall be and continue as they have heretofore been a municipal body politic and corporate, under the name of the City of Goldsboro. The City of Goldsboro shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the Constitution, by the general laws of the State of North Carolina and by this Charter. The enumeration of particular powers by the Charter shall not be deemed to be exclusive, and it is intended that the City of Goldsboro shall have and exercise all powers which, under the Constitution and the laws of the State of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Existing Corporate Boundaries. (a) The corporate limits of the City shall be those existing at the time of the ratification of this Charter and as the same may be altered from time to time in accordance with law. The City Engineer shall prepare a map to be designated 'Map of the City of Goldsboro Corporate Limits' showing the corporate limits as the same may exist as of the effective date of this Charter. The City Engineer shall also prepare a written description of the corporate limits as shown on said map to be designated 'Description of Goldsboro Corporate Limits'. Said map and description shall be retained permanently in the office of the City Clerk as the official map and a description of the corporate limits of the City. Immediately upon alteration of the corporate limits made pursuant to law from time to time the City Engineer shall indicate such alteration by making appropriate changes and/or additions to said official map and description. Photographic types or other copies of said official map or description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

(b) The City Clerk shall require the redrawing of the official map and the rewriting of the official description as may from time to time be required. A redrawn

map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced.

"Sec. 2.2. Extension of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND BOARD OF ALDERMEN

"Sec. 3.1. Composition of Board of Aldermen. The Board of Aldermen shall consist of five members to be elected by the qualified voters of the City voting at large in the manner provided in Article IV.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the City voting at large in the manner provided in Article IV. The Mayor shall be the official head of the city government and shall preside at all meetings of the Board of Aldermen. Where there is an equal division on a question, the Mayor shall determine the matter by his vote, but he shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The Board of Aldermen shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The Mayor and members of the Board of Aldermen shall serve for terms of two years, beginning the day and hour of the organizational meeting following their election; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Aldermen or to serve in such capacity, unless he is a resident and a qualified voter of the City.

(c) In the event a vacancy occurs in the office of Mayor or Aldermen, the Board of Aldermen shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

"Sec. 3.4. Compensation of Mayor and Aldermen. The Board may fix its own compensation and the compensation of the Mayor and any other elected officers of the City, in such sums as may be just and reasonable. The salary of an elected officer may not be reduced during the then current term of office, unless he agrees thereto.

"Sec. 3.5. Organization of Board; Oaths of Office. The organizational meeting of the Board of Aldermen shall be the first regular meeting after the regular city election. At the organizational meeting the newly elected Mayor and Aldermen shall take the following oath of office:

'I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me God'.

The organization of the Board shall take place notwithstanding the absence, death, refusal to serve, failure to qualify, or non-election of one or more members but at least a quorum of the members must be present.

"Sec. 3.6. Meetings of Board of Aldermen. (a) The Board of Aldermen shall fix suitable times for its regular meetings which shall be as often as twice monthly. Special meetings may be called in accordance with the procedure set forth in the general law dealing with special meetings of municipalities.

(b) Except where otherwise specifically provided by this Charter, the Board shall have authority to determine the time and place of Board 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 Wayne County, except in the case of an emergency. In the event the Board 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. 3.7. Quorum; Votes. (a) A majority of the members elected to the Board of Aldermen shall constitute a quorum for the conduct of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance. The number required for a quorum shall not be affected by vacancies. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(b) An affirmative vote equal to a majority of all the members of the Board of Aldermen not excused from voting on the question (including the Mayor's vote in case of equal division) shall be required to adopt any ordinance or any resolution or motion having the effect of an ordinance. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date it is introduced except by an affirmative vote equal to or greater than two-thirds (2/3) of all the members of the Board (not including the Mayor, unless he has the right to vote on all questions before the Board). No member shall be excused from voting except on matters involving the consideration of his own official conduct or involving his financial interests. The question of the compensation and allowances of members of the Board shall not be considered to involve a member's own financial interest or official conduct.

"Sec. 3.8. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The yeas and nays shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clauses of all ordinances shall be: 'Be it ordained by the Board of Aldermen of the City of Goldsboro'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein or unless otherwise provided by general law.

"Sec. 3.9. Adoption of Ordinances or Code by Reference. The Board of Aldermen is hereby authorized to adopt by reference the provisions of any portion of any recognized standard code prepared by the various technical trade associations, relating specifically, but not limited to, building codes, plumbing codes, electrical wiring codes, health or

sanitation codes, fire prevention codes, inflammable codes and any other codes which embrace rules and regulations pertinent to a subject which is a proper municipal legislative matter, without setting forth the provisions of such codes in full; provided that at least one copy of each such code which is incorporated or adopted is kept in the office of the City Clerk for public use, examination and inspections. Any existing ordinance which has incorporated by reference the provisions of any such code is hereby expressly validated.

"ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. Elections shall be held biennially on the Tuesday after the first Monday in November beginning in 1973. The municipal primary election, if one be required, for the nomination of candidates for the offices of Mayor and Aldermen shall be held on the fourth Tuesday, preceding the regular municipal election.

"Sec. 4.2. Elections to be by Nonpartisan Primary Method. Elections for Mayor and Board of Aldermen shall be by the nonpartisan primary and election method set out in North Carolina General Statute 163-294. All elections and referendums of the City of Goldsboro shall be held and conducted as provided by the applicable General Statutes of North Carolina.

"ARTICLE V. CITY MANAGER

"Sec. 5.1. Appointment; Compensation. The Board of Aldermen shall appoint an officer whose title shall be City Manager and who shall be the head of the administrative branch of the city government. The City Manager shall be chosen by the Board of Aldermen solely on the basis of his executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment, he need not be a resident of the City or State, but shall reside therein during his tenure of office. The City Manager shall serve at the pleasure of the Board of Aldermen and shall receive such salary as the Board of Aldermen shall fix. In case of absence or disability of the City Manager, the Aldermen may designate a qualified administrative officer of the City to perform the duties of the Manager during such absence or disability.

"Sec. 5.2. Powers and Duties of Manager. The City Manager shall be responsible to the Board of Aldermen for the proper administration of all the affairs of the City. In exercising his duties as chief administrator, he shall have the following powers and duties:

(a) He shall appoint and suspend or remove all city employees, except the city attorney [H-and the tax collector], in accordance with such general personnel rules, regulations, policies, or ordinances as the Board of Aldermen may adopt.

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

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

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

(e) He shall prepare and submit the annual budget and capital program to the Board of Aldermen.

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

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

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

"ARTICLE VI. CITY ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Terms; Compensation. The Board of Aldermen shall appoint a City Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the City during his tenure. The City Attorney shall serve at the pleasure of the Board of Aldermen and shall receive such compensation as the Aldermen shall determine. The Aldermen may appoint such assistant city attorneys as they deem necessary.

"Sec. 6.2. Duties of City Attorney. It shall be the duty of the City Attorney to prosecute and defend suits for and against the City; to advise the Mayor, Board of Aldermen, City Manager, and other city officials with respect to the affairs of the City; to draw all legal documents relating to the affairs of the City; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises, and other instruments with which the City may be concerned; and to perform such other duties as may be required of him by virtue of his position of City Attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. City Clerk. The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Board of Aldermen and maintain in a safe place all records and documents pertaining to the affairs of the City, and to perform such other duties as may be required by law or as the City Manager may direct. He shall receive such compensation and be required to give such bond as the Board may from time to time determine.

"Sec. 7.2. City Finance Officer. The City Manager shall appoint a City Finance Officer, whose powers and duties shall be as defined in 'The Local Government Budget and Fiscal Control Act' of the general laws of North Carolina.

"Sec. 7.3. Tax Collector. The Board of Aldermen shall appoint a Tax Collector whose powers and duties shall be as defined in Chapter 105 of the North Carolina General Statutes.

"ARTICLE VIII. CITY DEPARTMENTS; CREATION; POWERS AND DUTIES

"Sec. 8.1. Departments Created. There shall be and are hereby created or continued, until changed by the Board of Aldermen, the following departments of the City of Goldsboro:

- (a) Department of Finance
- (b) Department of Public Works
- (c) Department of Planning
- (d) Department of General Services
- (e) Fire Department
- (f) Police Department
- (g) and any such other departments as may from time to time be created by ordinance adopted by the Board of Aldermen upon the recommendation of the City Manager.

"Sec. 8.2. Powers and Duties. The following shall constitute the general powers and duties of the department heads of the City of Goldsboro which may from time to time, unless otherwise prohibited by law, be added to, eliminated or exchanged by the City Manager with concurrence by the Board of Aldermen:

(a) The Director of Finance shall be responsible for the collection, disbursement, and accounting system prescribed by law and in keeping with policies established by the Board of Aldermen. The Director of Finance shall, in addition, perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act of the General Statutes of North Carolina.

(b) The Director of Public Works shall be responsible for all matters relating to the construction, maintenance and operation of the physical properties of the City utilizing the following divisions: sanitation, cemeteries, garage, street, engineering, inspection and general services. He shall also be responsible for all matters relating to the operation of the water and sewer and other utility systems of the City in keeping with policies established by the Board of Aldermen.

(c) The Director of Planning shall be responsible for the preparation, review and revision of the city's comprehensive planning program, as well as the supervision of the department's administration, including the coordinating of all city planning activity and current planning projects in keeping with policies established by the Board of Aldermen.

(d) The Director of General Services shall be responsible for installation and maintenance of all electrical operations within the City including traffic signals, printing, installation and maintenance of street name signs and traffic control signals and devices, alterations and repairs to city buildings, maintenance of city-owned buildings, maintenance of city-owned cemeteries, control and care of animals at the city dog pound and enforcement of animal control regulations, maintenance of city equipment and vehicles, including disbursement of fuels, tires and miscellaneous accessories. It shall further be his responsibility to administer the operation of the Department in keeping with policies established by the Board of Aldermen.

(e) The Chief of the Fire Department acting under the City Manager shall be responsible for the efficiency and discipline of the Fire Department. All orders shall pass through him and he shall see that the rules and regulations applicable to the department are carried out. The Chief of the Fire Department and its other officers shall have full police powers during fires and are authorized to make arrests for interference with their operations. In the absence of the Chief, the Assistant Chief shall have the

powers and duties of the Chief. The Fire Department and its officers shall have such additional powers and duties as may be conferred upon them by general law and by ordinance or other direction of the Board of Aldermen consistent with such general law or this Charter.

- (f) (1) The Chief of Police, acting under the City Manager, shall have supervision and control of the police force and shall enforce discipline therein.
- (2) 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. They shall have such other powers, duties and responsibilities as may be placed upon their office by the general laws of North Carolina, this Charter and as prescribed by the Board of Aldermen. 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.
- (3) If in the exercise of any powers or in the performance of any duties herein or otherwise by law vested in or assigned to them any police officer shall pursue and continually follow within Wayne County any person who has violated or is believed to have violated any law, then in such circumstances, such officer shall have all powers and authority and be governed by the laws of North Carolina applicable to sheriffs and constables in their respective districts.

"ARTICLE IX. SALE AND DISPOSITION OF PROPERTY

"Sec. 9.1. Sale of City Property. The Board of Aldermen may sell or exchange all city property, both real and personal, which in its opinion is not required for municipal purposes. All such sales or exchanges shall, except as otherwise authorized in Sections 9.2 and 9.3, be subject to confirmation or rejection by the Board and shall be at public auction after advertisement as hereinafter described, except that where otherwise authorized and provided by general law such sale or exchange may be made under the authority and provisions of such general law, and that as to the following, such sale or exchange may be by private sale or otherwise, as the Board may determine to be for the best interest of the City:

- (a) Cemetery lots.
- (b) Real or personal property where the value does not exceed the sum of two thousand dollars (\$2,000), or if jointly owned, where the value of the city's interest therein does not exceed such sum.
- (c) Where the City is selling to or exchanging with any other governmental unit or the agency thereof within the United States.
- (d) Where the property has been acquired for delinquent taxes and the sale is being made to the former owner.

"Sec. 9.2. Disposal of Surplus Real Property. The Board of Aldermen shall have power, in addition to the power granted by the general laws, to sell any real property which the Board has declared to be surplus in the following manner:

(a) Upon receipt of a deposit of five percent (5%) of an offer to purchase any such lot or parcel of land, the Board of Aldermen may cause a notice to be published once a week for four successive weeks in some newspaper published in the City, describing the property and stating the amount of the offer received therefor, and inviting other and better bids for the property and giving notice that any and all better bids for the property should be filed with the City Manager, with a deposit in the amount of five percent (5%) of each increased offer, on or before twelve o'clock noon on a date to be specified in the notice, which shall not be less than 21, nor more than 31 days next following the first publication of the notice as above provided for. No bid shall be received after twelve o'clock noon of the date so specified unless the Board of Aldermen shall cause the property to be readvertised and again offered for sale as hereinafter provided.

(b) At any time after the expiration of the date of the time limited for the receipt of bids as aforesaid, not exceeding 60 days, the Board of Aldermen shall proceed to consider any and all bona fide offers made for the property, accompanied by the deposit of five percent (5%) of the amount thereof as hereinabove provided, and may thereupon confirm the sale of the property to the party, person or persons so making the highest bona fide offer, with deposit as aforesaid; provided, the Board of Aldermen shall find that, in its opinion, the price so offered is fair and adequate and all that the property is reasonably worth.

(c) The Board of Aldermen, in its discretion, instead of confirming any such sale, shall have the right, power and authority to proceed to readvertise and again offer such property for sale in like manner as in the first instance; or it may discontinue further action in the premises and indefinitely postpone or terminate all negotiations and proposals for the sale of the property.

(d) Two or more offers for two or more separate lots or parcels of land may be combined and advertised in the same notice.

(e) The Board of Aldermen, in their resolution declaring the real property to be surplus, shall direct the City Manager or other appropriate officials whether to follow the procedure set forth under the general laws or the alternate procedure set forth in this Article.

"Sec. 9.3. Disposal of Surplus Personal Property. The Board of Aldermen shall have power, in addition to the power granted by the general laws, to sell or to direct any of its officers or employees to sell any personal property which the Board of Aldermen has declared to be surplus property in the following manner:

(a) Without bids or advertisement, at private sale, if the property has a market value of two thousand dollars (\$2,000) or less.

(b) To the highest bidder upon receipt of informal written bids, with only such advertisement as the Board of Aldermen may direct, if the property has a market value of more than two thousand dollars (\$2,000) but no more than two thousand five hundred

dollars (\$2,500); provided, all such bids received shall be recorded on the minutes of the Board of Aldermen.

(c) To the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand five hundred dollars (\$2,500); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the Board of Aldermen.

"Sec. 9.4. Notice, Publication and Posting. Whenever advertisement is required for the sale or other disposition of city property, notice of such sale, describing the property to be sold, the time, place and terms of the sale, the amount of deposit required and other information deemed pertinent, shall run once a week for four consecutive weeks preceding the sale in a newspaper having general circulation in the City and which is qualified to carry legal notices. A copy of such notice shall also be posted at the Wayne County Courthouse for 30 days preceding the sale.

"Sec. 9.5. Lease of City Property. The Board of Aldermen shall have power, in addition to the power granted by the general laws to rent or lease any property owned by the City, whether originally acquired for governmental or other purposes, if, in the opinion of the Board of Aldermen, the property will not be needed by the City for the period of the lease. The term of the lease shall not exceed 10 years. A lease may be made privately by the Board or publicly after notice is given in such manner and for such length of time as prescribed by the Board. 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), the Board may rent or lease such property for a term not to exceed 40 years, and such lease may be made by the Board either privately or publicly and upon such terms as in the judgment of the Board will promote the best interest of the City.

"Sec. 9.6. Cemetery Lots; Sale. The City Manager may sell cemetery lots in the city cemeteries, subject to the rules and regulations adopted by the Board of Aldermen. All deeds or instruments conveying title to such lots shall be signed by the City Manager and attested by the City Clerk.

"Sec. 9.7. Releases and Quitclaims. (a) Release, amount and form. 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) Quitclaim, unused public property. 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 Board of Aldermen, both finding that the property is not needed for public purposes, and that the city's interest has no readily ascertainable monetary value.

"ARTICLE X. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

"Sec. 10.1. Authority to Make Local Improvements. The Board of Aldermen shall have authority to make the local improvements described in this Charter, as in its discretion it may deem appropriate, with or without any petition so to do and to assess the total cost against the abutting 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. 10.2. 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. 10.3. 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, and whether such portion devoted to traffic be divided by any railroad, or other utility right-of-way, parkway or in any other manner.

(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 curblin, 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 curblin 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. 10.4. Improvements Described. The Board of Aldermen 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, if the Board 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 and the Board 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 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 and the Board 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 and the Board 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, if the Board 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 Board 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. 10.5. Water and Sewer Mains between Streets; Assessment; City to Bear Costs of Right-of-way. Whenever the Board finds it in the public interest, and it will be more economical and the interest of the property owners will best be served by construction of either water or sanitary sewer mains, or both, between streets rather than in a street, they may be constructed between streets. 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. 10.6. Inclusion of More Than One Improvement in Single Proceeding. (a) Uniformity of cost and kind. 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 proceeding may include improvements on only one side of a street.

(b) Assessment of costs, manner and method. The proceeding 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, if one, and if not in the resolution ordering the proceeding, in any of the following cases: (1) In any case, where there is a 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 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. 10.7. Resolution ordering improvements; publications. (a) After the Board 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 Board as to the sufficiency of the petition, which finding shall be final and conclusive.
- (2) If improvements are to be made without petition, a finding by the Board 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 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 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 Board shall thereafter determine by appropriate resolution.
- (5) 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 30 days after the date of the resolution, the Board will cause the same to be laid.
- (6) 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 made.

(b) Publication and posting of notice. The resolution after its passage shall be published at least once in some newspaper of general circulation 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 Board 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. 10.8. Details of Construction; Contracts for Construction. The Board 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 Board 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 Board may let all of the work in one contract, or it may divide it into several contracts and may let contracts separately.

"Sec. 10.9. Determination as to Cost of Improvements. Upon completion of the improvements, the Board 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 Board as to the total cost of any improvement shall be conclusive.

"Sec. 10.10. Corner Lot Exemptions. The Board of Aldermen shall have authority to establish schedules of exemptions from assessments for corner lots when a project is undertaken along both sides of such lots. The schedules of exemptions shall be based on categories of land use (residential, commercial, industrial, or agricultural) and shall be uniform for each category. The schedule of exemptions may not provide exemption of more than seventy-five percent (75%) of the frontage of any side of a corner lot, or 150 feet, whichever is greater.

"Sec. 10.11. Preliminary Assessment Roll, Contents, Publication, Posting, Serving or Mailing. The Board 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 of general circulation 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,

and stating the time fixed for the meeting of the Board for the hearing of objections to the special assessments, such meeting to be not earlier than 10 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. 10.12. Hearing; Revision; Confirmation; Lien. At the time appointed for that purpose or at some other time to which it may adjourn, the Board 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 Board 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. If any property is omitted from the preliminary roll, the Board may place it on the roll and levy the proper assessment. The Board may thereupon confirm the assessment roll. Whenever the governing body shall confirm assessments for local improvements, the City Clerk shall enter on the Board minutes and on the assessment roll the date, hour and minute of confirmation, and from the time of confirmation the assessment 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. 10.13. 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 10 days after the confirmation of the assessment roll, give written notice to the Board that he takes an appeal to the Superior Court of Wayne County, in which case he shall within 20 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. 10.14. Error in Assessment, Power to Correct, Procedure. 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 of general circulation 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 Board for the correction of the error, such meeting not to be earlier than 10 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 Board may adjourn, the Board, 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. 10.15. Reassessment. The Board 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. 10.16. Publication of Notice of Confirmation of Assessment Roll. After the expiration of 20 days from the confirmation of the assessment roll, the City Clerk shall cause to be published one time in some newspaper of general circulation 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 30 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 percent (6%) per annum from the date of confirmation of the assessment roll.

"Sec. 10.17. Payment of Assessments in Cash or by Installments. The property owner assessed shall have the option of paying for improvements in cash or in not less than two or more than five 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 eight percent (8%) 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 30 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 Board 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. 10.18. Procedure to Enforce Payment; Mandamus Against Railroads and State Agencies; Foreclosure Against Individuals. Upon 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. 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 and any advertising and legal costs already incurred, 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. 10.19. 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 Board circumstances justify the assessment of the cost thereof, the Board 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. 10.20. 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 Board 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. 10.21. Change of Ownership. No change of ownership of any property or interests 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. 10.22. 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. 10.23. 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. 10.24. Abeyance of Certain Water and Sewer Assessments. (a) Determination by Board, effect. The Board of Aldermen may provide by resolution that the collection of 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 Board shall determine that any such assessments shall be paid in accordance with

the terms set out in the confirming resolution. The collection of some 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 the collection of all of said assessments in abeyance.

(b) Statutes of limitations suspended. All statutes of limitations are hereby suspended during the time that the collection of 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 10 years from the date of the adoption of a resolution by the Board determining that such assessment shall be paid in accordance with the original resolution confirming it.

(c) Retroactive construction prohibited. Nothing herein shall be construed to revive any right of action which has heretofore been barred by the Statute of Limitations.

"Sec. 10.25. Abutting Property Outside City Limits. (a) Determination by Board, effect. If any local improvements are made adjacent to any lands outside the city limits, the Board of Aldermen may upon the completion of such local improvements levy assessments against the abutting property in the same manner as if such abutting property were within the city limits and delay the collection of part or all of such assessments without any interest until the city limits are extended to include such abutting property, or the Board 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 Board may proceed to collect the assessments for such property. Nothing contained in this section shall be construed to prohibit or restrict the Board of Aldermen and a property owner from entering into an agreement for payments in lieu of assessments.

(b) Statutes of limitations suspended. All statutes of limitations are hereby suspended during the time that the collection of 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 the time within 10 years from the date of the adoption of a resolution by the Board determining that such assessment shall be paid in accordance with the original resolution confirming it.

(c) Retroactive construction prohibited. Nothing herein shall be construed to revive any right of action which has heretofore been barred by the Statues of Limitations.

"ARTICLE XI. ROADS AND STREETS

"Sec. 11.1. Establishment of Proposed Street Lines. Whenever, in the opinion of the Board of Aldermen, 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 Board 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 provisions 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 of general circulation in the City and qualified to carry legal notices at least two times on separate days at least 10 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 Board. A public hearing on the question of the adoption of such ordinance shall be held prior to the passage of the ordinance.

"Sec. 11.2. 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 Board of Aldermen of the nature and estimated cost of such building, repairs or improvements. The Board 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 60 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. 11.3. 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. 11.4. Acquisition of Land. If, upon receiving any notice in compliance with Section 2, the Board of Aldermen determines to acquire said land immediately, it may acquire the same by grant, purchase or condemnation. If the Board determines to proceed by condemnation, the condemnation shall be as set forth in the Charter.

"Sec. 11.5. 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 proceedings, 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 percent (6%) 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. 11.6. Exercise of Condemnation Power After Failure to Condemn Following Notice. The failure of the City to acquire any land within 60 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.

"ARTICLE XII. EMINENT DOMAIN

"Sec. 12.1. Condemnation; Authority and Procedure. In addition to any other procedure permitted by law, the City of Goldsboro may exercise the power of eminent domain, both within and without the city limits, for any purpose for which it may condemn property, according to procedures of G.S. Chapter 136, Article 9.

"ARTICLE XIII. REGULATORY POWERS

"Sec. 13.1. Subdivisions; Require Installation of Improvements. (a) In connection with subdivision or platting controls, the Board of Aldermen 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 requirements 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 the plat, the Board 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 Board and expressed in the bond. The City is empowered to enforce the bond by all appropriate legal and equitable remedies. Requirements adopted hereunder 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 area over which the City is authorized by law to exercise platting or subdivision control, for an assessment under this Charter or under Article 10, Chapter 160A 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.

"Sec. 13.2. Applicable to Public Service Corporations. All of the provisions of this Article and of any other laws granting planning, zoning and building regulatory powers to the City of Goldsboro, together with any ordinances passed by the Board of Aldermen of the City in the exercise of such powers, shall be applicable to and enforceable against all public utilities and other public service corporations.

"ARTICLE XIV. MISCELLANEOUS

"Sec. 14.1. Animal Shelters. The Board of Aldermen may participate in the ownership, construction, operation and management of one or more animal shelters, or

dog pounds for the City or for the joint use of the City and Wayne County, under such terms as the two governing bodies may agree upon.

"ARTICLE XV. CLAIMS AGAINST THE CITY

"Sec. 15.1. Presentation of Claims to Board of Aldermen. No action shall be instituted or maintained against the City of Goldsboro 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 Board of Aldermen, and the Board shall have declined to pay or settle the same as presented, or for 60 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 Article 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. 15.2. Time for Presentation of Damage Claims. (a) Notice, form and contents. 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 Board of Aldermen 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) Claims for taking or use of real property. 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 Board of Aldermen 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) Inability to give notice, physical or mental incapacity; minority. Notwithstanding the provisions of subsections (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. 15.3. 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 acquisition of small portions of private property which are needed by the City for the construction and operation of street, water, sewer, and other public purposes 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.

"ARTICLE XVI. CHARTER AMENDMENTS

"Sec. 16.1. Incorporation of Amendments. (a) As soon as possible after the adjournment of each General Assembly, the City Attorney shall present to the Board of Aldermen copies of all local laws relating to the property, affairs and government of the City of Goldsboro that were enacted by such General Assembly, whether or not amending in terms of 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 Aldermen 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."

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

Sec. 3. This act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendment thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) any acts concerning the property, affairs, or government of public schools in the City of Goldsboro;

(b) any acts validating, confirming, approving, or legalizing official meetings, actions, contracts, or obligations of any kind.

Sec. 4. The following acts or portions of acts, having served the purposes for which enacted, or having been consolidated into this act, are hereby repealed:

Chapter 505, Session Laws, 1965

Chapter 629, Session Laws, 1967

Chapter 975, Session Laws, 1969

Chapter 335, Session Laws, 1967

Chapter 328, Session Laws, 1963

Chapter 636, Session Laws, 1959
Chapter 222, Session Laws, 1949
Chapter 758, Session Laws, 1949
Chapter 816, Session Laws, 1959
Chapter 293, Session Laws, 1957
Chapter 586, Session Laws, 1957
Chapter 778, Session Laws, 1947
Chapter 163, Session Laws, 1951
Chapter 447, Session Laws, 1961
Chapter 117, Private Laws, 1905
Chapter 427, Private Laws, 1911
Chapter 481, Public Laws, 1901
Chapter 221, Private Laws, 1913
Chapter 5, Private Laws, 1915
Chapter 19, Private Laws, 1921
(Extra Session)
Chapter 211, Private Laws, 1915
Chapter 388, Private Laws, 1901
Chapter 223, Private Laws, 1915
Chapter 78, Private Laws, 1927
Chapter 107, Private Laws, 1915
Chapter 75, Private Laws, 1927
Chapter 307, Private Laws, 1901
Chapter 397, Private Laws, 1901
Chapter 339, Private Laws, 1903
Chapter 343, Private Laws, 1905
Chapter 229, Private Laws, 1909
Chapter 108, Private Laws, 1915
Chapter 207, Private Laws, 1915
Chapter 164, Private Laws, 1917
Chapter 321, Private Laws, 1915
Chapter 291, Session Laws, 1943
Chapter 132, Private Laws, 1921
Chapter 306, Private Laws, 1913
Chapter 111, Private Laws, 1915
Chapter 89, Private Laws, 1913
Chapter 70, Private Laws, 1921
(Extra Session)
Chapter 4, Private Laws, 1939
Chapter 101, Private Laws, 1915
Chapter 187, Private Laws, 1923
Chapter 138, Private Laws, 1925
Chapter 43, Private Laws, 1933
Chapter 103, Private Laws, 1913

(Extra Session)

Chapter 106, Private Laws, 1923

Chapter 126, Private Laws, 1933

Chapter 90, Private Laws, 1913

Chapter 215, Private Laws, 1925

Chapter 85, Private Laws, 1929

Chapter 132, Private Laws, 1923

Chapter 51, Private Laws, 1921

(Extra Session)

Chapter 207, Private Laws, 1933

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way, any rights or interest (whether public or private):

(a) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

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

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) the repeal herein of any act repealing such law, or

(b) any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

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

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the City of Goldsboro or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 10. This act shall be effective upon its ratification.

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