

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 806  
HOUSE BILL 727

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

The General Assembly of North Carolina do enact:

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

"THE CHARTER OF THE CITY OF WHITEVILLE

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The City of Whiteville, as originally incorporated by Chapter 101 of the Private Laws of 1832-33, shall continue to be a body politic and corporate under the name of the 'City of Whiteville', and shall continue to be vested with all property and rights which now belong to the city; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time 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.

"Sec. 1.2. Exercise of Powers. 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 municipal corporations.

"Sec. 1.3. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Whiteville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"Sec. 1.4. Form of Government; Certain General Laws Not Applicable. The form of government of the City of Whiteville shall be the Council-Manager form, as specified in

this Charter. None of the provisions of Part 4 of Article 22 of Chapter 160 of the General Statutes shall be applicable to the City of Whiteville.

**"ARTICLE II. CORPORATE BOUNDARIES**

"Sec. 2.1. Existing Corporate Boundaries. The corporate boundaries of the City of Whiteville shall be as follows until changed in accordance with law: Beginning at an old iron set in concrete, the original northeast corner of the city limits of the City of Whiteville, said iron having coordinates of: X-2,092,914.92 and Y-216,847.96 according to the N. C. Geodatic Survey Coordinate System and runs thence North 88 degrees 17 minutes West 2259.05 feet to a point; thence North 12 degrees 57 minutes East 291.78 feet to a point at the northern 30 foot right of way of N. C. Road No. 1706; thence with the northern margin of said road, North 84 degrees 47 minutes West 678.96 feet to said road's intersection with the eastern 30 foot right of way of Pinckney Street; thence with the eastern margin of Pinckney Street South 11 degrees 54 minutes West 332.86 feet to a concrete monument; thence North 88 degrees 17 minutes West 30.48 feet to a point in the center of Pinckney Street (said point located the following courses and distances from U. S. C. & G. Survey Marker, marked Whiteville 1942 as located on the North lawn of the Columbus County Courthouse; North 9 degrees 42 minutes East 431.88 feet; North 11 degrees 55 minutes East 1217.10 feet, and North 11 degrees 39 minutes East 934.18 feet); thence continuing across Pinckney Street North 88 degrees 17 minutes West 30.48 feet to a concrete monument; thence with the western margin of Pinckney Street North 11 degrees 54 minutes East 168.64 feet to a concrete monument; thence with center of a ditch along the northern boundary of the Bessie Tucker Subdivision North 87 degrees 19 minutes West 651.50 feet to its intersection with another ditch at the eastern property line of the Oscar High lots; thence with the ditch South 2 degrees 51 minutes West 177.08 feet to a point; thence North 88 degrees 17 minutes West 1985.08 feet crossing U. S. 701 Bypass to a point; thence South 01 degrees 43 minutes West 2516.06 feet to a point in the center of U. S. 74-76 Highway; thence with the center line of said highway South 83 degrees 05 minutes West 1417.24 feet to a point at intersection of said highway with the run of Mollies Branch; thence with the run of Mollies Branch the following courses and distances:

South 13 degrees 02 minutes East 105.15 feet, South 12 degrees 45 minutes East 422.52 feet, South 13 degrees 03 minutes East 524.86 feet, South 37 degrees 22 minutes East 147.15 feet, South 01 degrees 31 minutes West 228.88 feet, South 15 degrees 22 minutes West 69.92 feet, South 26 degrees 35 minutes West 89.95 feet, South 01 degrees 43 minutes East 82.40 feet, South 04 degrees 40 minutes West 90.20 feet, South 10 degrees 05 minutes East 85.87 feet, South 00 degrees 19 minutes East 120.42 feet, South 13 degrees 09 minutes East 342.96 feet, South 08 degrees 58 minutes West 188.93 feet, South 02 degrees 15 minutes East 253.76 feet, South 03 degrees 53 minutes East 263.74 feet, South 05 degrees 07 minutes West 331.02 feet, South 06 degrees 33 minutes East 61.04 feet, South 08 degrees 01 minutes East 87.80 feet, South 10 degrees 38 minutes East 278.58 feet, South 14 degrees 48 minutes East 98.01 feet, South 26 degrees 34 minutes East 137.65 feet, South 29 degrees 44 minutes East 139.05 feet, South 19 degrees 54 minutes East 192.14 feet, South 00 degrees 51 minutes West

465.70 feet, South 37 degrees 28 minutes West 113.60 feet, South 55 degrees 22 minutes West 143.65 feet, South 49 degrees 58 minutes West 193.50 feet, South 35 degrees 41 minutes West 104.76 feet, South 25 degrees 32 minutes West 99.45 feet, South 09 degrees 34 minutes West 98.97 feet, South 13 degrees 47 minutes East 238.28 feet, South 33 degrees 31 minutes East 67.77 feet, South 02 degrees 18 minutes East 128.62 feet, South 16 degrees 36 minutes West 148.03 feet to the intersection of the run of Mollies Branch with the center of the ACL Railroad tracks; thence continuing with the run of Mollies Branch, the following courses and distances: South 08 degrees 56 minutes West 492.33 feet, South 08 degrees 40 minutes West 482.02 feet, South 01 degrees 14 minutes West 215.65 feet, and South 39 degrees 24 minutes East 312.0 feet to the mouth of Mollies Branch at its intersection with the run of Soles Swamp; thence with the run of Soles Swamp a straight line computed course and distance South 68 degrees 10 minutes East 6973.08 feet to a point in said run; thence with the original eastern line of the limits of the City of Whiteville North 01 degrees 43 minutes East 25.0 feet to a concrete monument; thence continuing said line North 01 degrees 43 minutes East 3683.80 feet to a point at the northern 65 foot right of way of the ACL Railroad; thence with said railroad's northern right of way North 86 degrees 35 minutes West 941.15 feet to its intersection with the eastern right of way of Maulsby Street; thence with the eastern margin of said street North 2 degrees 13 minutes East 2693.95 feet to a concrete monument at the northeast intersection of Maulsby & East Lewis Street; thence with the northern margin of East Lewis Street crossing the Tram Road North 89 degrees 54 minutes East 918.18 feet to a point in the original city limits line; thence with that line North 01 degrees 43 minutes East 627.23 feet to a concrete monument at the southeastern 30 foot right of way of the Tram Road; thence with the eastern margin of said road the following: North 38 degrees 28 minutes East 100.00 feet, North 37 degrees 14 minutes East 100.00 feet, North 32 degrees 22 minutes East 100.00 feet, North 23 degrees 04 minutes East 100.00 feet, North 12 degrees 47 minutes East 100.00 feet and North 09 degrees 01 minutes East 72.40 feet to a concrete monument; thence with the eastern margin of said Tram Road North 3 degrees 48 minutes East 2088.53 feet to a concrete right of way monument at the southeast intersection of the Tram Road with U. S. 74-76 Highway; thence crossing said highway North 14 degrees 51 minutes East 105.32 feet to a concrete right of way monument at the northeastern intersection of the Tram Road and U. S. 74-76 Highway; thence continuing along the eastern margin of the Tram Road North 9 degrees 39 minutes East 1464.12 feet to a concrete monument; thence North 81 degrees 16 minutes West 407.50 feet to an iron; thence North 8 degrees 36 minutes East to an iron; thence South 80 degrees 29 minutes West 186.05 feet to a concrete monument in said line and the original city limits line; thence North 01 degrees 43 minutes East 650.85 feet to the Beginning.

"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 CITY COUNCIL

"Sec. 3.1. Composition of City Council. The city council shall consist of four members to be elected by and from 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 city council. The mayor shall have the power to vote on all questions coming before the council, but he shall not have the power to vote again in instances where there is an equal division on a question. 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 city council 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 council.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the city council shall serve for terms of four years, and the mayor shall serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; 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 city council 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, the council shall by majority vote appoint some qualified person to fill the same until the next election. Any vacancy in the office of councilman shall be filled by majority vote of the mayor and the remaining members of the council until the next election.

"Sec. 3.4. Compensation of Mayor and Councilmen. The mayor shall receive for his services such salary as the city council shall determine, and no increase or reduction in his salary shall be made to take effect during the term in which it is voted. The council may establish a salary for its members which may be increased or reduced, but no increase shall be made to take effect as to any councilman during the respective term of office which he is serving at the time the increase is voted.

"Sec. 3.5. Organization of Council; Oaths of Office. The city council shall meet and organize for the transaction of business at a time established by ordinance, following each biennial election and prior to July 1. Before entering upon their offices, the mayor and each councilman shall take, subscribe, and have entered upon the minutes of the council the following oath of office: 'I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office of \_\_\_\_\_, on which I am about to enter, according to my best skill and ability; so help me, God.'

"Sec. 3.6. Meetings of Council. (a) The city council shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the mayor or a majority of the council, and those not joining in the call shall be notified in writing. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

"(b) All meetings of the council shall be open to the public. The council shall not by executive session or otherwise formally consider or vote upon any question in private session.

"Sec. 3.7. Quorum; Votes. (a) A majority of the members elected to the city council 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.

"(b) Three affirmative votes, which may include the vote of the mayor, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

"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 council. The enacting clause of all ordinances shall be: 'Be it ordained by the city council of the City of Whiteville'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

#### "ARTICLE IV. ELECTION PROCEDURE

"Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election year, there shall be elected by the qualified voters of the city voting at large a mayor to serve for a term of two years and two councilmen to serve for terms of four years, or until their successors are elected and qualified; provided, however, that if one or more vacancies shall have occurred during the first two years of a term, then a councilman shall be elected to fill the remaining two years of such term or terms.

"Sec. 4.2. Voting. Each voter shall be entitled to vote for one candidate for mayor and for as many candidates for councilman as there are offices to be filled. The candidate for mayor who receives the largest number of votes cast for mayor shall be declared elected. The two candidates for councilman who receive the largest number of votes cast for councilman shall be declared elected for terms of four years. If, by reason of one or more vacancies to be filled at any election, more than two councilmen are elected, then all those elected except the two receiving the largest numbers of votes shall be declared elected for terms of two years.

"Sec. 4.3. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of mayor or councilman shall file with the city clerk a statement giving notice of his candidacy. Such notice shall be filed not earlier than 60 days nor later than five o'clock p.m. on the third Friday preceding the election at which he offers

his candidacy, shall be accompanied by payment of a filing fee of five dollars (\$5.00), and shall be substantially in the following form: 'I, \_\_\_\_\_, do hereby give notice that I am a candidate for election to the office of \_\_\_\_\_, to be voted on at the election to be held on \_\_\_\_\_, and I hereby request that my name be placed on the official ballot for such office. I also certify that I am a resident and qualified voter of the City of Whiteville, residing at \_\_\_\_\_.

Witness: \_\_\_\_\_ (Signature) \_\_\_\_\_  
\_\_\_\_\_ (Date) \_\_\_\_\_ .'

"Sec. 4.4. Ballots. No names other than those of candidates who have properly filed notice as herein required shall be printed upon the ballots for any municipal election.

"Sec. 4.5. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

#### "ARTICLE V. CITY MANAGER

"Sec. 5.1. Appointment; Compensation. The city council shall appoint an officer whose title shall be city manager and who shall be the chief executive officer of the city and the head of the administrative branch of the city government. The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his 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, but shall reside therein during his tenure of office. No person elected as mayor or as a member of the city council shall be eligible for appointment as city manager until one year shall have elapsed following the expiration of the term for which he was elected. The city manager shall serve at the pleasure of the council and shall receive such salary as the council shall fix. In case of absence or disability of the city manager, the council may designate a qualified administrative officer of the city to perform the duties of the manager during such absence or disability.

"Sec. 5.2. Chief Administrator. The city manager shall be responsible to the city council for the proper administration of all the affairs of the city. As chief administrator, the city manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the city, except the city attorney, who shall be appointed as provided in Article VI. Neither the mayor nor the city council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, office by the city manager. Except for the purpose of inquiry, the mayor and the city council and its members shall deal with officers and employees in the administrative service only through the city manager, and neither the mayor nor the city council nor any of its members shall give orders or directions to any subordinate of the city manager, either publicly or privately.

"Sec. 5.3. Duties of City Manager. It shall be the duty of the city manager to supervise the administration of the affairs of the city; to see that the ordinances, resolutions, and regulations of the city council and the laws of the State are faithfully

executed and enforced; to make such recommendations to the city council concerning the affairs of the city as he shall deem expedient; to keep the city council advised of the financial condition and the future financial needs of the city; to attend all meetings of the city council and to prepare and submit to it such reports as he may deem expedient or as may be required of him by the council, and to perform all other duties as may be required of him by the city council.

#### "ARTICLE VI. CITY ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Term; Compensation. The city council 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 council and shall receive such compensation as the council shall determine.

"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, city council, 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; to attend all meetings of the city council; 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 may appoint a city clerk to keep a journal of the proceedings of the city council and to maintain in a safe place all records and documents pertaining to the affairs of the city, and to perform such other duties as may be required by law or as the city manager may direct.

"Sec. 7.2. City Tax Collector. The city manager may appoint a tax collector to collect all taxes, licenses, fees and other moneys belonging to the city, subject to the provisions of this Charter and the ordinances of the city, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 7.3. City Accountant. The city manager may appoint a city accountant to perform the duties of the accountant as required by the Municipal Fiscal Control Act.

"Sec. 7.4. Consolidation of Functions. The city manager may, with the approval of the city council, consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The city manager may also, with the approval of the city council, himself perform all or any part of the functions of any of the named offices, in lieu of appointing other persons to perform the same.

"Sec. 7.5. Political Activity of Officials and Employees. No appointed employee or official of the city shall be a candidate for any public office or any office or position in any political organization, unless he shall first resign from his position with the city. The filing or announcing as a candidate for any such office or position by any such

official or employee shall ipso facto create a vacancy in his office or position with the city.

#### "ARTICLE VIII. FINANCE AND TAXATION

"Sec. 8.1. Custody of City Money. All moneys received by the city for or in connection with the business of the city government shall be paid promptly into the city depository. Such institution shall be designated by the city council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the city shall accrue to the benefit of the city. All moneys belonging to the city shall be disbursed only in accordance with the provisions of the Municipal Fiscal Control Act.

"Sec. 8.2. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all books and accounts of the city government by a certified public accountant or a qualified public accountant registered under Chapter 93 of the General Statutes of North Carolina, who shall have no personal interest directly or indirectly in the affairs of the city or of any of its officers. The city council shall select the public accountant, and the results of such audit shall be made available for inspection by any interested citizen of the city, and may be published if so ordered by the city council.

"Sec. 8.3. Delinquent Taxes to General Fund. The city council may, in its discretion, direct the payment into the general fund of all or any part of the proceeds of taxes which are collected subsequent to the end of the fiscal year for which they were levied.

#### "ARTICLE IX. DISPOSAL OF PROPERTY

"Sec. 9.1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the mayor and city council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the council has declared to be surplus, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars (\$2,000.00);

"(b) without bids or advertisements, by exchange for real property of like or greater market value.

"(c) No sale or exchange of real property authorized by this Section shall be ordered by the mayor and city council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the city a notice of their intention to consider such sale or exchange.

"Sec. 9.2. Disposal of Surplus Personal Property. The city council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the council has declared to be surplus property, in the following manner:

"(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars (\$500.00) or less;

"(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the council may direct, if the property has a market value of more than five hundred dollars (\$500.00) but no more than two thousand dollars (\$2,000.00); provided, all such bids received shall be recorded on the minutes of the council;

"(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 dollars (\$2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the council.

#### "ARTICLE X. POLICE

"Sec. 10.1. Jurisdiction Extended.

"(a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

"(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits.

"Sec. 10.2. Effect of Ordinances on City Property. All applicable ordinances of the city shall have full force and effect upon and within all property and facilities owned by the city, whether located within or outside the corporate limits.

#### "ARTICLE XI. REFUSE, WEEDS, AND TRASH

"Sec. 11.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the city to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"Sec. 11.2. Removal of Offensive Matter; Charges a Lien. The city council may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after ten days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

#### "ARTICLE XII. REGULATORY POWERS

"Sec. 12.1. Subdivision Regulations. Notwithstanding the provisions of G. S. 160-227.1, the city council is hereby authorized to adopt an ordinance regulating the subdivision of land in accordance with the provisions of G. S. 160-226 through 160-227, inclusive. Such ordinance may also provide for the more orderly development of subdivisions by requiring the construction of community service facilities, including water lines; sewer lines; street paving, curbing, and guttering; and street and storm drainage facilities in accordance with city standards and specifications and, to assure

compliance with such requirements, the ordinance may require the posting of bond or such other method as will offer guarantee of compliance.

"Sec. 12.2. Regulatory Codes. The city council is hereby authorized to make effective and to enforce within the territory lying outside the corporate limits and within one mile thereof all ordinances and codes of the city regulating the construction and repair of buildings, including building codes, plumbing codes, electrical codes, heating and air conditioning codes, fire prevention codes, minimum housing codes adopted pursuant to Article 15 of Chapter 160 of the General Statutes, and ordinances adopted pursuant to G. S. 160-200 (28) relating to unsafe buildings. In addition, the city council is hereby authorized to enforce in such area the North Carolina State Building Code, the North Carolina State Plumbing Code, and the North Carolina Uniform Residential Building Code, all as published by the North Carolina Building Code Council. Such enforcement powers shall include the power to require that prior to the beginning of any construction, reconstruction, or alteration of any building or structure or any part or system thereof within such area, the appropriate permit or permits be obtained from the city; provided, that the city council may by ordinance require that the contractor or other person charged with such construction, reconstruction, or alteration secure such permit or permits, rather than requiring the owner of the property to do so.

"Sec. 12.3. Zoning Board of Adjustment Rules. The city council may establish by ordinance general and reasonable rules fixing the time within which appeals shall be taken from any order, requirement, decision or determination made by the building inspector or any other administrative official charged with the enforcement of any ordinance adopted pursuant to Article 14 of Chapter 160 of the General Statutes, and general and reasonable rules regulating the procedure for taking such appeals, for the giving of notice to interested parties and to the general public, for the conduct of hearings by the Board of Adjustment, for keeping the records by the Board of Adjustment, and for the issuance of certificates of its decisions by the Board of Adjustments. The city council may prescribe by ordinance the forms of notices, orders, and certificates to be issued by the Board of Adjustment and to be used in proceedings before the board, and may from time to time amend such general rules and regulations. The city council may also require reasonable costs to be advanced by appellants, so as to defray the expenses of the city in connection with such appeals and hearings.

### "ARTICLE XIII. CLAIMS AGAINST THE CITY

"Sec. 13.1. Presentation of Claims; Suit Upon Claims.

"(a) All claims or demands against the City of Whiteville arising in tort or in contract shall be presented to the city council in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

"(b) No action shall be instituted against the city on account of damages to or compensation for real property taken or used by the city for any public purpose, or for

the ejectment of the city therefrom, or to remove a cloud upon the title thereof, 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 city council of the claim, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

"(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, 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 his 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 incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longer period. The city may at any time 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. 13.2. Settlement of Claims by City Manager. The city manager may, with the approval of the city council, settle claims against the city for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars (\$100.00) 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 intersections of streets, when the amount involved in any such settlement does not exceed 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 settlements, and all such releases, shall be approved in advance by the city attorney."

Sec. 2. The purpose of this Act is to revise the Charter of the City of Whiteville 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 amendments thereto, whether or not such Acts, portions of Acts, or amendments are expressly set forth herein:

(a) Any Acts concerning the property, affairs, or government of public schools in the City of Whiteville;

(b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;

(c) c. 161, Private Laws, 1929.

Sec. 4. (a) The following Acts or portions of Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

c. 101, Private Laws, 1832-33.

c. 21, Private Laws, 1873-74.

c. 267, Private Laws, 1891.

c. 90, Private Laws, 1893.

c. 107, Private Laws, 1897.

c. 480, Private Laws, 1899.

c. 143, Private Laws, 1903.

c. 273, Private Laws, 1907.

c. 301, Private Laws, 1911.

c. 104, Private Laws, 1915.

c. 33, Private Laws, 1919.

c. 66, Private Laws, 1919.

c. 50, Private Laws, 1927.

c. 138, Private Laws, 1933.

c. 175, Public-Local Laws, 1937.

c. 83, Public-Local Laws, 1941.

c. 42, Session Laws, 1947.

c. 153, Session Laws, 1947.

c. 521, Session Laws, 1947.

c. 735, Session Laws, 1953.

c. 1127, Session Laws, 1955.

c. 172, Session Laws, 1967.

c. 605, Session Laws, 1957.

c. 1175, Session Laws, 1957.

c. 1326, Session Laws, 1957.

c. 784, Session Laws, 1959.

c. 785, Session Laws, 1959.

c. 786, Session Laws, 1959.

c. 787, Session Laws, 1959.

c. 788, Session Laws, 1959.

c. 789, Session Laws, 1959.

c. 790, Session Laws, 1959.

(b) The following Acts, which will be superseded by full application of the Judicial Department Act of 1965 to the County of Columbus, are hereby repealed effective on the first Monday in December, 1968:

c. 591, Public Laws, 1907.

c. 143, Public Laws, 1908, Extra Session.

c. 740, Public-Local Laws, 1915.

c. 667, Session Laws, 1953.

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

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

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any 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 effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the City of Whiteville, and all existing rules or regulations of departments or agencies of the City of Whiteville, 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 Whiteville 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 the provisions of 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 16th day of June, 1967.