

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 635  
HOUSE BILL 879

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
MADISON.

The General Assembly of North Carolina do enact:

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

THE CHARTER OF THE TOWN OF MADISON

ARTICLE I

INCORPORATION AND CORPORATE POWERS

Section 1.1. Incorporation and General Powers. The Town of Madison shall continue to be a body politic and corporate under the name of the "Town of Madison", and shall continue to be vested with all property and rights which now belong to the town; 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 whatsoever.

Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by the Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the board of aldermen, and as provided by the general laws of North Carolina pertaining to municipal corporations, their officers, agencies, or employees.

ARTICLE II

CORPORATE BOUNDARIES

Sec. 2.1. Existing Corporate Boundaries. The corporate limits of the Town of Madison shall be as follows until changed in accordance with law:

Beginning at a point 80 feet West of the North pier of the county bridge across Dan River; thence running North with Water Street to the North side of Decatur Street; thence on North 300 feet; thence West till you strike the East line of the right of way of the Roanoke and Southern Railway (now leased to the Norfolk and Western Railway); thence with the East line of said right of way till it reaches the corporation line of the Town of Mayodan; thence West to a point 600 feet East of Big Beaver Island

Creek; thence southwardly, parallel with the meanderings of said creek, to a point 50 feet South of the Roanoke and Southern Railway; thence eastwardly with the right of way of said railway to the old Cape Fear and Yadkin Valley Railroad (now Southern); thence a straight line to the first station.

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

### ARTICLE III

#### CHARTER AMENDMENTS

Sec. 3.1. Incorporation of Amendments. (a) As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the board of aldermen copies of all local laws relating to the Town of Madison that were enacted by such General Assembly, whether or not amending in terms this Charter, which he recommends be incorporated into this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, for providing titles and catch lines, and for such other changes in arrangement and form that do not change the law as may be necessary to implement the purposes of this Article.

(b) After considering the recommendations of the town attorney, the board of aldermen may provide for the incorporation of such laws into this Charter.

(c) The purpose of this Article is to enable the town to maintain at all times a current and accurate Town Charter, organized in clear and orderly fashion, and embracing all pertinent local laws relating to the town.

### ARTICLE IV

#### MAYOR AND BOARD OF ALDERMEN

Sec. 4.1. Composition of Board of Aldermen. The board of aldermen shall consist of six (6) members, who shall be elected from the town at large in the manner provided by Article V.

Sec. 4.2. Terms; Qualifications; Vacancies.

(a) Members of the board of aldermen shall serve for terms of two (2) years, beginning the day and hour of the organizational meeting of the board, provided that members shall serve until their successors are elected and qualified.

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

(c) If any elected board member shall refuse to be qualified, or if there is any vacancy in the office of alderman after election and qualification, or if any alderman be unable to discharge the duties of his office, the remaining members of the board shall elect some person to serve the unexpired term, or during his disability, as the case may be. Any alderman so elected shall have all authority and powers granted by this Article to regularly elected aldermen.

Sec. 4.3. Election and Term of Mayor. The mayor shall be elected from the town at large in the manner provided by Article V. He shall serve for a two-year term, which shall coincide with the terms of members of the board of aldermen, provided that he shall serve until his successor is elected and qualified.

Sec. 4.4. Duties of Mayor; Power to Vote. The mayor shall be the official head of the town, and shall preside at all meetings of the board of aldermen. He shall have a vote upon all measures coming before the board, but shall have no veto.

Sec. 4.5. Mayor Pro Tem. The board of aldermen shall elect from among its members a mayor pro tem, who shall hold such office during the term for which he is elected to the board. In the absence or disability of the mayor, the mayor pro tem shall perform his duties. In the absence or disability of both the mayor and the mayor pro tem, the board shall designate one of its members to perform such duties.

Sec. 4.6. Compensation of Mayor and Board of Aldermen, The board of aldermen may establish for its members and for the mayor such salaries as it shall determine. Such salaries may be reduced, but no increase therein shall be made to take effect during the term in which the increase is voted.

Sec. 4.7. Organization of Board; Oaths of Office. The board of aldermen shall meet and organize at the regularly established meeting in the month of June following its election. Before entering upon their offices, the mayor and aldermen shall severally take oath before the town clerk to perform faithfully the duties of their respective offices. Any elected official not present at the organizational meeting may take oath at any time thereafter.

Sec. 4.8. Rules of Board; Journal of Proceedings. The board of aldermen shall determine its own rules and order of business, and shall cause to be kept a journal of its proceedings.

Sec. 4.9. Mayor and Aldermen to Hold No Other Offices. Neither the mayor nor any member of the board of aldermen shall hold any other office or position of trust, profit or honor under the town government; provided, however, that the board may assign the duties of town treasurer to one of its members.

Sec. 4.10. Meetings of Board.

(a) The board of aldermen shall fix suitable times for its regular meetings, which shall be as often as once in each calendar month. Special meetings of the board may be held on the call of the mayor or a majority of the members of the board of aldermen, provided that all aldermen not joining in the call shall be notified of such meeting at least six hours prior thereto. Any business may be transacted at a special meeting which might be transacted at a regular meeting.

(b) All meetings of the board of aldermen shall be public meetings. The board of aldermen shall not, by executive session or otherwise, formally consider or vote upon any question in private session.

Sec. 4.11. Quorum; Votes.

(a) Four (4) members of the board of aldermen or three (3) members and the mayor, shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members.

(b) The affirmative votes of four (4) aldermen, or three (3) aldermen and the mayor, shall be necessary to adopt any ordinance or to authorize the expenditure of money. All other matters voted upon shall be decided by a majority vote of those present, including the mayor.

(c) Neither the mayor nor any member of the board of aldermen shall be excused from voting on any matter involving his own official conduct or his financial interest.

Sec. 4.12. Exercise of Corporate Powers.

(a) The board of aldermen shall direct the exercise of all of the powers of the town, except as otherwise provided by this Charter.

(b) In addition to the powers herein conferred, and to other powers conferred upon it by general law, the board of aldermen may adopt and provide for the execution of such ordinances, rules and regulations, not inconsistent with this Charter, as may be necessary or appropriate for the preservation and promotion of the health, safety, comfort, convenience, good order, better government and general welfare of the town and its inhabitants.

ARTICLE V  
NOMINATION AND ELECTION PROCEDURE

Sec. 5.1. Registration of Voters.

(a) The board of aldermen, at its regular March meeting in each odd-numbered year, shall appoint a registrar and two (2) judges of election, all of whom shall be qualified voters of the town. Any vacancy occurring among the election officials may be filled by the board of aldermen, provided that any vacancy occurring on the day of the election shall be filled by the remaining election officials.

(b) The registration books shall be open for the registration of new voters for a period of ten (10) days, which period of time shall include and end with the second Saturday preceding the day of the election. The registration books shall be kept open on each Saturday during the registration period at the polling place. On other days during the period, excluding Sundays, the registration books shall be kept open at the home or usual place of business of the registrar. On each day of registration, the registration books shall be open from 9:00 o'clock A. M. until 5:00 o'clock P. M., provided, that on the last day of registration the books shall remain open until 6:30 o'clock P. M.

(c) Any person seeking to register must show that he has resided in the State for one (1) year, and in the Town of Madison for thirty (30) days next preceding the election, and shall otherwise be qualified to vote for members of the General Assembly.

(d) No registration shall be allowed on the day of election, provided, that if any person shall give satisfactory evidence to the registrar that he has become qualified to register and vote since the time for registration ended, he shall be allowed to vote.

(e) Challenge day shall be the second Saturday preceding the day of election, and the registration books shall be open at the polling place on such day for the inspection of the electors and the challenging of any person registered. Challenges shall be heard and determined by the election officials as provided by the general law governing election of members of the General Assembly.

(f) The town clerk shall cause to be published in a newspaper having general circulation in the town, or posted at the Municipal Building, at least two (2) weeks prior to the first day of registration, a notice stating the dates when the

registration books will be open, the names of the election officials, the location of the polling place, and the date of the election.

Sec. 5.2. Notice of Candidacy. Candidates for mayor and for membership on the board of aldermen shall file with the town clerk, not later than 5:00 o'clock P. M. on the tenth day next preceding the day of election, written notice of their intentions to be candidates. No person, otherwise qualified, shall be entitled to have his name placed on the ballot unless timely notice is given in accordance with this Section.

Sec. 5.3. Ballots. The town clerk shall cause to be printed the official ballots for the election, and shall cause to be listed thereon all the qualified candidates who have given the notice required by Section 5.2 of this Article.

Sec. 5.4. Municipal Election. The municipal election for the election of the mayor and board of aldermen shall be held on Tuesday after the first Monday in May of the odd-numbered years. The polls shall be kept open on such day from 6:30 o'clock A. M. to 6:30 o'clock P. M. In such election, the candidate for mayor receiving the highest number of votes shall be declared elected as mayor; and the six candidates receiving the highest numbers of votes shall be declared elected as members of the board of aldermen.

Sec. 5.5. Determination of Tie Votes. If, of the candidates for mayor, there shall be an equal number of votes between any two or more having the largest number of votes, or if, of the candidates for alderman, there shall be an equal number of votes between two or more having no less than the sixth largest number of votes, the registrar and judges shall decide the matter by casting lots, in any manner upon which they shall determine.

Sec. 5.6. Special Elections. The conduct of all authorized special elections in the Town of Madison shall be governed by the provisions of applicable general law.

Sec. 5.7. Bond Elections. The conduct of bond elections shall be governed by the provisions of general law relating to municipal bond elections.

## ARTICLE VI

### TOWN MANAGER

Sec. 6.1. Appointment, Qualifications, Term, and Compensation. The board of aldermen shall appoint the town manager to hold office during the pleasure of the board. The town manager shall be appointed with regard to merit only, and he need not be a resident of the town when appointed. He shall receive for his services such compensation as the board of aldermen may determine.

Sec. 6.2. Powers and Duties of Town Manager. The town manager shall (1) be the administrative head of the town government; (2) be the chief conservator of the peace, seeing that within the jurisdiction of the town the laws of the State and the ordinances, resolutions, rules and regulations of the board of aldermen are faithfully executed and enforced; (3) attend all meetings of the board, and recommend for adoption such measures as he may deem expedient; (4) make reports to the board from time to time regarding the affairs of the town, and keep the board fully advised of the town's financial condition and its future financial needs.

Sec. 6.3. Absence or Disability of Town Manager. In the event the town manager shall be sick, absent from the town, or otherwise unable to perform the duties

of his office, the board of aldermen may designate any other town employee, or any other person, as acting town manager, and the person so designated shall have all the power and authority of the manager while serving in such capacity. Any employee designated as acting town manager shall receive such additional compensation as the board may determine. Neither the mayor nor any member of the board of aldermen shall serve as acting town manager.

## ARTICLE VII

### ADMINISTRATIVE OFFICES AND PERSONNEL

#### Sec. 7.1. Appointment and Removal of Department Heads and Employees.

(a) The town manager, except as otherwise provided in this Charter, shall appoint and may suspend and remove all town employees and heads of departments. The manager shall report to the board of aldermen every appointment and removal of a department head at the next regular board meeting following such appointment or removal.

(b) All salaries and compensation shall be fixed or approved by the board of aldermen.

(c) Town employees and department heads shall perform such duties as may be required of them by the town manager under general regulations of the board of aldermen.

(d) Neither the mayor, the board of aldermen, nor any of its members shall take any part in the appointment or removal of department heads or employees in the administrative service of the town, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the town attorney, the mayor, the board of aldermen and its members shall deal with the administrative service solely through the town manager, and neither the mayor, the board of aldermen, nor any of its members shall give any specific orders to any subordinates of the town manager, either publicly or privately.

Sec. 7.2. Town Attorney. The town attorney shall be appointed by the board of aldermen, and shall have the following duties: (1) to serve as legal advisor to the board of aldermen, the town manager, and all town departments, officers and agencies; (2) to represent as counsel the town, its officers, agents or employees in any legal action arising out of or connected with the proper functions of the town, unless disqualified so to do; (3) to draft such ordinances, resolutions, and documents as requested by the board of aldermen or the town manager.

Sec. 7.3. Town Clerk. The town clerk shall be appointed by the board of aldermen, and shall have the following duties: (1) to act as clerk to the board, to attend all its meetings, and to maintain a permanent record of all its proceedings; (2) to maintain the books of account of the town.

Sec. 7.4. Town Treasurer. The town treasurer shall be appointed by the board of aldermen, and shall receive and keep all moneys belonging to the town, keeping the board advised of the status of all funds.

Sec. 7.5. Town Tax Collector. The board of aldermen shall appoint a tax collector for the town, who shall be charged with the collection of all taxes, assessments, and charges.

Sec. 7.6. Consolidating of Functions of Certain Offices. The board of aldermen may, in its discretion, consolidate the offices of town manager, town clerk, town treasurer, and town tax collector, and may assign the functions of any one of these offices to the holder of any other of these offices.

Sec. 7.7. Oath of Office Required. Before entering upon the discharge of their duties, the holders of the following offices and positions shall be required to take the oath prescribed for public officers, before the mayor or the town clerk: the town manager, town clerk, town treasurer, town tax collector, any assistant clerk or assistant tax collector, chief of police and each member of the police force, the building inspector and each employee empowered to enforce the building code.

## ARTICLE VIII

### TAXATION AND FINANCE

Sec. 8.1. Powers of Taxation. The town shall have all taxing power and authority granted by general law to municipal corporations.

Sec. 8.2. Payment of Delinquent Taxes into General Fund. The board of aldermen may, in its discretion, direct the payment into the general fund of the town all or any part of the proceeds of ad valorem taxes which are, when collected, two (2) or more years delinquent.

Sec. 8.3. Additional Remedies for Collection of Privilege License Taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the tax collector may employ the remedies of levy upon personal property, attachment and garnishment, in the manner and subject to the limitations provided by general law for the collection of ad valorem property taxes.

Sec. 8.4. Annual Audit Required. At the end of each fiscal year, the town manager shall cause all the accounts of the town to be audited by a certified public accountant.

Sec. 8.5. Investment of Funds. Funds of the Town of Madison may be invested in accordance with the following regulations:

(a) The investment of sinking funds shall be governed by the provisions of Sections 153-149 through 163-151 and Sections 159-24 through 159-27 of the General Statutes. The investment of unused proceeds of sale of bonds and bond proceeds pending use shall be governed by the provisions of Sections 159-49.1 and 159-49.2, respectively, of the General Statutes. The investment of capital reserve funds established pursuant to the Municipal Capital Reserve Act shall be governed by the provisions of Section 160-431 of the General Statutes.

(b) Cemetery perpetual care funds, special assessments pledged to payment of bonds or notes, utility deposits, and other funds held in reserve not appropriated for current expenses, may be invested in securities which are direct obligations of the United States of America or in securities of any agency or instrumentality thereof, the payment of which, both principal and interest, is guaranteed by the United States of America; bonds or notes of the State of North Carolina; bonds or notes of political subdivisions of the State of North Carolina which are approved by the Local Government Commission for the purpose of such investment; shares of any building and loan association organized under the laws of this State or shares of any

Federal savings and loan association having its principal office in this State in an amount not in excess of the amount insured by the Federal government or an agency thereof.

(c) In addition to the foregoing regulations, the cash balances of any municipal funds, of whatever character, not required for a period of ninety (90) days or longer, for the purpose for which such funds are held or appropriated, may be invested in notes, bills, or certificates of indebtedness of the United States of America, or in certificates of deposit or in time deposits in any bank or trust company organized under the laws of this State or under the laws of the United States of America and having its principal office in this State. Provided, such bank or trust company shall furnish security for the protection of such investments or deposits as is required by Section 159-28 of the General Statutes for the protection of deposits.

(d) Investments made under the foregoing regulations shall be authorized by resolution of the board of aldermen, in which shall be stated: (1) the amount of money of each fund to be invested; (2) the type of investment in which each such amount is to be invested; and (3) the period or periods of time in which such amount shall remain so invested. In determining such period or periods, the board shall exercise due diligence to assure that the amount of money invested shall be available to the town as needed for the purpose for which it was raised. In such resolution, the board shall designate the town manager or some other officer or employee as custodian of the evidences of investment and it shall be his duty to safely keep the same as long as all or any part of the money remains invested: Provided in lieu of the foregoing procedure, the board may by resolution appoint the town manager or some other officer or employee who shall be responsible for all investments made under the foregoing regulations. The officer so appointed shall make the determinations as set out above as to the amounts to be invested, the types of investments, and the periods of investment before investing any town funds. He shall report to the board at its regular meetings, or at such other times as the board may request, the status of all invested funds. He shall also be custodian of all evidences of indebtedness unless the board shall otherwise provide.

(e) Interest earned on investments shall be prorated and credited to the various funds upon the basis of amounts thereof invested.

(f) The authority granted by this Section is in addition to and not in substitution for existing powers granted by general law to municipalities.

#### ARTICLE IX

##### STREET IMPROVEMENTS: ASSESSMENT OF COSTS

Sec. 9.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the town for making street improvements, the board of aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

Section 9.2. When Petition Unnecessary. The board of aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners at an equal rate per front foot, without the necessity of a petition, upon the findings by the board as a fact:

(a) That the street improvement project does not exceed 3,000 lineal feet,  
and

(b) That such street or part thereof is unsafe for vehicular traffic and it is  
in the public interest to make such improvement, or

(c) That it is in the public interest to connect two streets, or portions of a  
street already improved, or

(d) That it is in the public interest to widen a street, or part thereof, which  
is already improved; provided, that assessments for widening any street or portion of  
street without petition shall be limited to the cost of widening and otherwise improving  
such street in accordance with the street classification and improvement standards  
established by the town's thoroughfare or major street plan for the particular street or  
part thereof to be widened and improved under the authority granted by this Article.

Sec. 9.3. Street Improvement Defined. For the purposes of the preceding  
Section, the term "street improvement" shall include grading, regrading, surfacing,  
resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs,  
gutters and street drainage facilities.

Sec. 9.4. Assessment Procedure. In ordering street improvements without a  
petition and assessing the cost thereof under authority of this Article, the board of  
aldermen shall comply with the procedure provided by Article 9, Chapter 160 of the  
General Statutes, except those provisions relating to the petition of property owners and  
the sufficiency thereof.

Sec. 9.5. Effects of Assessments. The effect of the act of levying assessments  
under authority of this Article shall for all purposes be the same as if the assessments  
were levied under authority of Article 9, Chapter 160 of the General Statutes.

## ARTICLE X SIDEWALKS

Sec. 10.1. Maintenance of Sidewalks. It shall be the duty of every property  
owner in the town to maintain in good repair and to keep clean and free of debris, trash,  
ice, snow, and other obstacles or impediments the sidewalks abutting his property.

Sec. 10.2. Town May Repair or Clean After Notice; Charges a Lien. The  
board of aldermen may by ordinance establish a procedure whereby town forces may  
repair or may clean any sidewalk or remove therefrom any debris, trash, ice, snow after  
failure of the abutting property owner after ten-days notice to do so. In such event, the  
cost of such repair, or cleaning, or removal, shall become a lien upon the abutting  
property equal to the lien for ad valorem taxes and may thereafter be collected either by  
suit in the name of the town 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 estate for ad valorem taxes.

## 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 town 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 board of aldermen may by ordinance establish a procedure whereby town 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 town 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

### PURCHASING AND CONTRACTS; SALE OF PROPERTY

Sec. 12.1. Provisions of General Law Govern Purchases and Contracts. All contracts of the town for construction or repair work or for the purchase of apparatus, supplies, materials, or equipment shall be made in compliance with the requirements of Article 8, Chapter 143 of the General Statutes.

Sec. 12.2. Conflict of Interest. No officer, department head, employee, or board or commission member shall make or participate in the making of any contract with the town in which he may be in any manner financially interested, directly or indirectly. Any such person who has such an interest in any proposed contract shall make known that interest and shall refrain from participation in the making of any such contract. The wilful concealment of such a financial interest or the wilful violation of this Section shall constitute malfeasance in office or position, and any violator shall forfeit his office or position. Violation of this Section with the knowledge expressed or implied of the person, firm, or corporation contracting with the town shall render the contract void.

Sec. 12.3. Sale of Property. In addition to the authority granted by general law to sell property owned by the town, the board of aldermen shall have authority to sell upon sealed bids to the highest bidder, after one week's public notice, any real property other than cemetery plots, belonging to the town, and it shall have authority, by a two-thirds vote of its members present and voting, to sell at private sale any real property other than cemetery plots, belonging to the town. Sealed bid proposals shall be opened in public and recorded on the minutes of the board. The public notice shall state the time and place for opening of proposals and shall reserve to the board the right to reject all bids. The terms of any private sale made under authority of this Section shall be recorded on the minutes of the board,

Sec. 12.4. Warranty Deeds. For any real property lawfully sold by the board of aldermen, the mayor may execute, and the clerk may attest to, a deed with the usual covenants of seizin and warranty.

## ARTICLE XIII

### SUBDIVISION CONTROL

Sec. 13.1. Platting Authority. The board of aldermen is hereby authorized to enact an ordinance regulating the platting and recording of any subdivision of land as defined by this Article lying within the town or within one mile in any direction of the corporate limits and not located in any other municipality. In the event of land lying

outside the town within one mile of the corporate limits and lying also within the subdivision control jurisdiction of another municipality, the jurisdiction of the town shall terminate at a boundary line equidistant from the corporate limits of the town and the corporate limits of the other municipality.

Sec. 13.2. Adoption of Ordinance; Procedure. Before the board shall adopt a subdivision control ordinance or any amendment thereto, it shall hold a public hearing, notice of which shall be given once a week for two successive calendar weeks in a newspaper published within the town, or if no newspaper is so published, by posting such notice at four public places in the town. The notice shall be published the first time, or posted, not less than fifteen (15) nor more than twenty-five (25) days prior to the date fixed for the hearing.

Sec. 13.3. Filing of Plat. If the board adopts an ordinance regulating the subdivision of land, no subdivision plat shall be filed or recorded until it shall have been submitted to and approved by the board and such approval entered in writing on the plat by the town clerk, provided a copy of such ordinance shall be filed with the Register of Deeds of Rockingham County. The register of deeds upon a receipt of such ordinance shall not thereafter file or record a plat of a subdivision of land located within the territorial jurisdiction of the town as herein defined without the approval of such plat by the board. The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the territorial jurisdiction of the town as herein defined. The Clerk of Superior Court of Rockingham County shall not order or direct the recording of a plat where such recording would be in conflict with this Section.

Sec. 13.4. Subdivision Regulations. Prior to exercising the powers granted by this Article, the board shall by ordinance adopted pursuant to this Article adopt regulations governing the subdivision of land within its platting jurisdiction as defined in Section 13.1 of this Article. The ordinance shall require that at least a preliminary plan of every proposed subdivision shall be submitted for study, recommendation and tentative approval to the board or to the planning board or commission.

The ordinance may provide for the orderly development of the town and its environs; for the co-ordination of streets within proposed subdivisions with existing or planned streets or with other public facilities; for the dedication or reservations of rights of way or easements for street and utility purposes; and for the distribution of population and traffic which shall avoid congestion and overcrowding, and which shall create conditions essential to public health, safety, and general welfare.

The ordinance may include requirements for the final plat to show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may 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 drainage facilities in accordance with policies and standards established by the board and, to assure

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

Sec. 13.5. Effect of Plat Approval on Status of Dedications. The approval of a plat by the board shall not be deemed to constitute or effect the acceptance by the town or the public of the dedication of any street or other ground, public utility line, or other public facility shown upon the plat.

Sec. 13.6. Penalties for Transferring Lots in Unapproved Subdivisions. If the board adopts an ordinance regulating the subdivision of land as authorized by this Article, any person, who, being the owner or agent of the owner of any land located within the platting jurisdiction of the town as defined by Section 13.1 of this Article, thereafter transfers or sells such land by reference to a plat showing a subdivision of such land before such plat has been approved by the board and recorded in the register of deeds' office, shall be guilty of a misdemeanor, and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The town, through the town attorneys or other official designated by the board, may enjoin such transfer or sale by action for injunction.

Sec. 13.7. Definitions. For purposes of this Article, a "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

- (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in its subdivision regulations;
- (b) The division of land into parcels greater than five acres where no street right of way dedication is involved;
- (c) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (d) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right of way dedication is involved and where the resultant lots are equal to or exceed the standards of the town, as shown in its subdivision regulations.

#### ARTICLE XIV

#### POLICE

Sec. 14.1. Police 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 town-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. 14.2. Effect of Ordinances on Town Property. All applicable ordinances of the town shall have full force and effect upon and within all town-owned property and facilities, whether located within or outside the corporate limits.

#### ARTICLE XV RECORDER'S COURT

Sec. 15.1. General Law Governs. The Madison Recorder's Court, established by resolution of the board of aldermen on September 14, 1961, under authority of Section 7-264.1 of the General Statutes, shall be conducted in accordance with the general law applicable to municipal recorders' courts in this State.

#### ARTICLE XVI ALCOHOLIC BEVERAGES

Sec. 16.1. On Premises Beer Licenses. Notwithstanding the provisions of Section 18-77 of the General Statutes, the board of aldermen is hereby authorized in its discretion to limit by ordinance the number of "on premises" beer licenses provided for in Section 18-73 of the General Statutes to be issued in the town to any number not less than the equivalent of one "on premises" license for every two hundred persons residing in the town, according to the most recent Federal census. The board of aldermen shall also have authority to determine the location at which beer may be sold under authority of any "on premises" license.

#### ARTICLE XVII CLAIMS AGAINST THE TOWN

Sec. 17.1. Presentation of Claims; Suit Upon Claims.

(a) All claims or demands against the Town of Madison arising in tort shall be presented to the board of aldermen in writing, signed by the claimant, his attorney or agent, within ninety (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 thirty (30) days or after the expiration of twelve (12) months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety (90) days after the cause of action accrues, and unless suit is brought within twelve (12) months thereafter, any action thereon is barred.

(b) No action shall be instituted against the town on account of damages to or compensation for real property taken or used by the town for any public purpose of any kind unless, within two (2) 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, stating in the notice the date that the alleged use commenced, a description of the 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 (6) 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 (3) 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 (6) months after termination of the incapacity, or within three (3) years after the happening or the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

Sec. 17.2. Settlement of Claims by Town Manager. The town manager may settle claims against the town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred (\$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 town manager pursuant to this Section shall constitute a complete release of the town 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 approved by the town attorney.

#### ARTICLE XVIII MISCELLANEOUS

Sec. 18.1. Recreation Commission; Ex Officio Members. The board of aldermen shall select two of its members to serve as ex officio members of the recreation commission, notwithstanding the provisions of Section 160-161 of the General Statutes.

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Madison (Chapter 298 of the Private Laws of North Carolina, Session 1909, as amended), to consolidate into it certain local Acts concerning the property, affairs, and government of the town, and to provide for the town manager form of government. It is intended to continue in force without interruption those provisions of prior local Acts which are consolidated into this Act, so that all rights and liabilities which 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, or amendments thereto, even though such Acts or amendments are not expressly set forth herein:

- (a) Any Acts concerning the property, affairs, or government of the Madison City schools or school system;
- (b) Any Acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind;
- (c) Any Acts authorizing conveyance or sale of particular town property or interests therein;
- (d) Any Acts authorizing the issuance of bonds.

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

- (1) N. C. Session Laws, 1961, Chapter 42;
- (2) N. C. Session Laws, 1949, Chapter 376;
- (3) N. C. Public-Local Laws, 1937, Chapter 301;
- (4) N. C. Private Laws, 1931, Chapter 109;
- (5) N. C. Private Laws, 1909, Chapter 298.

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 provisions of law repealed by this Act.

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

- (a) The repeal herein of any Act repealing such provision of law, or
- (b) Any provision of this Act that disclaims an intention not to repeal or effect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Madison, and all existing rules or regulations of departments or agencies of the town, 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 Town of Madison or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

Sec. 8. 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, except that the provisions of Article V of the Charter relating to nomination and election procedure shall not apply to the 1963 municipal election, nor to the registration of voters for the 1963 municipal election, in the Town of Madison.

In the General Assembly read three times and ratified, this the 30th day of May, 1963.