

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 603*

Short Title: Durham Charter Cleanup.

(Local)

Sponsors: Senators Gulley and Lucas.

Referred to: State and Local Government.

March 22, 2001

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL OBSOLETE OR REDUNDANT SECTIONS OF THE
2 CHARTER OF THE CITY OF DURHAM.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** The Charter of the City of Durham, being Chapter 671 of the
5 1975 Session Laws, as amended, is further amended by repealing the following
6 sections:

7 Section 2.5, entitled "Use of property lines as annexation boundaries", as
8 added by Chapter 342 of the 1993 Session Laws;

9 Section 13.1, entitled "Council to judge elections", as added by Chapter 852
10 of the 1979 Session Laws;

11 Section 23, entitled "Authority of city manager";

12 Section 24, entitled "Special police";

13 Section 28, entitled "Political campaign activity prohibited";

14 Section 29, entitled "Director of public safety";

15 Section 33, entitled "Protection of the public water supply";

16 Section 41, entitled "Fiscal year and annual estimate";

17 Section 42, entitled "Revenue";

18 Section 46, entitled "Authority to impose";

19 Section 48, entitled "License transfer";

20 Section 50, entitled "Investigation of city affairs";

21 Section 53, entitled "Opening under the streets; obstructions";

22 Section 58, entitled "Regulation of the use of public property";

23 Section 59, entitled "Suppression of nuisances";

24 Section 61, entitled "Sunday observance";

25 Section 62, entitled "Regulation of Amusements";

26 Section 64, entitled "Regulation of bondsmen";

27 Section 65, entitled "Protection of businesses from fraud";
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1 Section 66, entitled "Licensing of plumbers and electricians";
2 Section 83, entitled "Public buildings";
3 Section 84, entitled "Public contracts";
4 Section 98, entitled "Dedication or reservation of recreation areas";
5 Section 99, entitled "Building inspections";
6 Section 103, entitled "Regulation of parks and squares";
7 Section 104, entitled "Public concerts";
8 Section 106, entitled "Appropriations for recreational, scientific and cultural
9 activities";
10 Section 107, entitled "Advertisement of the city";
11 Section 108, entitled "Encouraging location of industry";
12 Section 109, entitled "City ice plant";
13 Section 110, entitled "City rock quarry";
14 Section 113, entitled "Authority to waive governmental immunity"; and
15 Section 117, entitled "Penalty for failure to turn over city property".

16 **SECTION 2.** Section 7 of the Charter of the City of Durham, being Chapter
17 671 of the 1975 Session Laws reads as rewritten:

18 "Sec. 7. Oaths of Office.—The Mayor and each Council member, before entering
19 upon the duties of the office to which they have been elected, shall take before some
20 officer authorized to administer oaths an oath that they will fairly and impartially
21 perform the duties of their office. ~~The Mayor and Council members shall hold their~~
22 ~~respective offices until their respective successors have been duly qualified."~~

23 **SECTION 3.** Section 8 of the Charter of the City of Durham, being Chapter
24 671 of the 1975 Session Laws, as amended by Chapter 370 of the 1983 Session Laws
25 and Chapter 169 of the 1985 Session Laws, reads as rewritten:

26 "Sec. 8. Powers of the City Council.—The City Council shall have full power and
27 authority, except as otherwise provided for in this Charter, to exercise all of the powers
28 conferred upon and delegated to the City of Durham by this Charter and by the laws of
29 North Carolina. The City Council shall have power to make such ordinances, rules and
30 regulations as it may deem necessary for the proper government of the City and to
31 promote and safeguard the health, morals, safety and general welfare and convenience
32 of the public. The City Council may provide for the proper enforcement of such
33 ordinances, in such manner as it may think best, by fine, imprisonment or otherwise.
34 The City Council may provide for the organization of the offices, departments and
35 divisions of City government, not inconsistent with this Charter: By way of example
36 and not limitation, the City Council, in performing the duties and responsibilities set
37 forth in G.S. 160A-412, may assign all or part of the duties of an inspection department
38 to an existing or newly created department, division or office of the City, may assign all
39 or some of the personnel appointed pursuant to G.S. 160A-411 to an existing or newly
40 created department, division or office of the City and may designate the job titles and
41 duties of the personnel so assigned.

42 ~~Pursuant to Article V, Section 2(7) of the Constitution of North Carolina, the City~~
43 ~~Council may contract with and appropriate money to any person, association, or~~
44 ~~corporation for the accomplishment of any public purpose."~~

1 **SECTION 4.** Section 30 of the Charter of the City of Durham, being
2 Chapter 671 of the 1975 Session Laws reads as rewritten:

3 "Sec. 30. Authority to Operate Waterworks.—(1) ~~The City Council is authorized to~~
4 ~~conduct and operate the municipally owned waterworks of the City for the purpose of~~
5 ~~supplying the purchasers of water of the system with a good and wholesome supply~~
6 ~~thereof. Persons employed by the City in connection with said system shall be appointed~~
7 ~~by the City Manager and shall be under his supervision and control.~~

8 (2) ~~For the purpose of properly operating and maintaining the system and for making~~
9 ~~additions and improvements thereto as may be necessary at all times to properly operate~~
10 ~~the system, the City Council shall have power to acquire by purchase or by~~
11 ~~condemnation additional property or rights within or without the City.~~

12 (3) The City Council, and all persons acting under their authority, shall have the
13 right to use the ground or soil, in, or upon, or under any road, railroad, highway, lane or
14 alley for the purpose of enlarging or improving or maintaining the plant or system of
15 waterworks owned by the City, upon the condition that they shall not permanently
16 injure any such property, and that the same shall be restored to its original condition, or
17 damages done thereto shall be repaired by the City Council.

18 **SECTION 5.** In order to recodify a local modification to G.S. 160A-314
19 applicable to the City of Durham as a part of the Charter, S.L. 1998-50 is repealed and
20 the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, is
21 amended by adding a new section to read:

22 "Sec. 38. Stationary container collection service.

23 (a) Where housing units qualify under city ordinances for roll-out cart solid
24 waste collection service, and the housing units instead choose to be served by stationary
25 containers in accordance with city ordinances, a city may provide stationary container
26 collection service without charging fees for such service other than the fees applicable
27 to roll-out cart service.

28 (b) Nothing in this section shall be construed to impair the authority of a city to
29 charge customers who do not qualify for service under subsection (a) of this section the
30 fees established by city ordinances for stationary container collection service."

31 **SECTION 6.** This act is effective when it becomes law.