

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1265
HOUSE BILL 2095

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
ROCKINGHAM, RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

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

"The Charter of the City of Rockingham.

"Article I. Incorporation and Corporate Powers.

"Sec. 1.1. Incorporation and general powers. The Town of Rockingham shall continue to be a body politic and corporate under the name of the 'City of Rockingham', 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 whatsoever.

"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 provisions, as provided by the general laws of North Carolina pertaining to municipal corporations, their officers, agencies or employees, and as provided by ordinance or resolution of the city council.

"Article II. Corporate Boundaries.

"Sec. 2.1. Existing city boundaries. The boundaries of the City of Rockingham are set out on a map entitled 'Boundary Map of the City of Rockingham, North Carolina'. The map is maintained in the office of the City Clerk, as required by G.S. 160A-22.

"Article III. Charter Amendments.

"Sec. 3.1. Incorporation of amendments. (a) As soon as possible after the adjournment of each General Assembly, the city attorney shall present to the city council copies of all local laws relating to the City of Rockingham 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 purpose of this article.

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

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

"Article IV. Mayor and City Council.

"Sec. 4.1. Composition of the city council. (a) The qualified voters of the City of Rockingham shall at each regular municipal election elect a mayor and members of the city council as hereinafter provided.

(b) The mayor and the members of the city council shall be elected from the city at large.

(c) The person receiving the highest number of votes for the office of mayor shall be declared elected whose term shall be for a period of two years.

(d) The mayor shall take the required oath of office before the city clerk to perform faithfully the duties of the office of mayor and as required by the general laws of North Carolina.

(e) The mayor shall be the official head of the city and shall preside at all meetings of the city council. In the absence or the 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 council shall designate one of its members to perform such duties. In the event of the resignation of the mayor the members of the council shall by a majority vote elect a mayor as provided by the General Statutes of the State of North Carolina.

(f) The city council shall consist of five (5) members. In the regular municipal election on the first Tuesday after the first Monday of November, 1975, two candidates shall be elected for four-year terms, and one candidate shall be elected for a two-year term. In the regular municipal election on the first Tuesday after the first Monday of November, 1977, and each regular municipal election held biennially thereafter, two candidates shall be elected for four-year terms, and one candidate for a two-year term. Members shall serve until their successors are elected and qualify. Candidates for election as members of the city council shall announce, at the time of filing notice of candidacy, the length of term for which they are a candidate and shall be elected only for the term for which they have announced. In each general election, the two candidates receiving the highest number of votes for the four-year terms, and the one candidate receiving the highest number of votes for the two-year term shall be declared elected for these respective terms.

"Sec. 4.2. Organization of city council; oaths of office. The city council shall at 8:00 o'clock P.M. at the regular meeting in December following the date of their election meet and organize for the transaction of official municipal business. Before entering upon their offices the councilmen shall severally take the required oath before the city clerk to perform faithfully the duties of their respective offices. Any elected councilman not present at the organization meeting may take the oath of office within thirty (30) days, and the failure on the part of any elected councilman to take said oath within thirty

(30) days forfeits his right to the office and the council shall have the authority to fill the vacancy.

"Sec. 4.3. Qualifications; terms; vacancies. (a) No person shall be eligible to be elected to the office of mayor or to serve on the city council unless he is a qualified voter under the election laws as prescribed by the General Statutes of the State of North Carolina, and shall have resided within the corporate limits of the City of Rockingham for thirty (30) days immediately preceding the regular municipal election.

(b) If any elected council member shall refuse to be qualified or if there is any vacancy in the office of councilman after election and qualification, or if any councilman is unable to discharge the duties of his office, the remaining members of the council shall elect some person to serve as councilman in the place of the member causing the vacancy until the next regular municipal election. At the next regular municipal election following the creation of the vacancy, candidates for the vacated office shall file in the manner herein provided for candidates seeking regular terms on the council, but shall file only for the remainder of the unexpired term of the member causing the vacancy. The person receiving the highest number of votes for the election to the office of the person causing the vacancy shall be elected for the remainder of the unexpired term, and until his successor is elected and qualified.

"Sec. 4.4. Election of mayor pro tem. (a) The mayor pro tem shall be elected by the city council from among its own members and he shall hold such office for the term for which he has been elected to the council. In the absence, disability, or resignation of the mayor, the mayor pro tem shall, to the extent permitted by the General Statutes of the State of North Carolina perform the mayor's duties, and until a mayor has been selected as provided in Article IV, Section 4.1(e) of this Charter.

"Sec. 4.5. Rules of council; journal of proceedings. The city council shall determine its own rules and order of business, and shall cause to be kept a journal of its proceedings.

"Sec. 4.6. Council members to hold no other offices. Neither the mayor nor any member of the city council shall hold any other office or position of trust, profit, or honor under the city government.

"Sec. 4.7. Meetings of the city council. (a) The city council shall fix suitable times for its regular meetings, which shall be at least as often as once monthly. The mayor, or any two council members may at any time call a special meeting by signing a written notice stating the time of the meeting, to be delivered to each member or left at his usual dwelling place at least six hours before the meeting. Meetings of the council may also be held at any time when all members are present and consent thereto. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

(b) All meetings of the city council shall be public meetings and as prescribed by the General Statutes of the State of North Carolina.

"Sec. 4.8. Quorum; votes. (a) A majority of the members elected to the council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members.

(b) The affirmative vote of a majority of the council members 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 the council members present.

(c) No member of the council shall be excused from voting on any matter except a matter involving his own financial interest or official conduct.

"Sec. 4.9. Exercise of city powers. (a) The city council shall direct the exercise of all of the powers of the city, except as otherwise provided by this Charter.

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

"Sec. 4.10. Compensation for the mayor and council. The mayor shall receive for his services such salary as the council shall determine from time to time. The members of the council may establish a salary for its members. The salary of the mayor and the salaries of the council may be reduced but no increase therein shall be made to take effect during the term in which the increase is voted and such increase shall apply only to the terms of the members taking office after the next subsequent election.

"Article V. Nomination and Election Procedure.

"Sec. 5.1. Regular municipal elections. Elections shall be held biennially on Tuesday after the first Monday in November, beginning in 1975, and shall be by the nonpartisan plurality election method. All elections and referendums of the City of Rockingham shall be held and conducted as provided by the applicable General Statutes of North Carolina.

"Sec. 5.2. Richmond County Board of Elections to conduct elections. All regular municipal elections and special elections of the City of Rockingham shall be held and conducted by the Richmond County Board of Elections as provided for in the General Statutes. Voting machines of any type approved by the State Board of Elections may be used in all elections.

"Sec. 5.3. Special elections. The city council shall have power to call special elections as might be permitted by law.

"Sec. 5.4. Election precincts. For the purpose of municipal elections the City of Rockingham shall be divided into such precincts as the city council may from time to time designate by proper resolution. The existing precinct and polling place shall be continued as such until changed by the council.

"Sec. 5.5. Registration by voters. The Richmond County Board of Elections shall be in charge of the registration of voters and the registration of voters for all city elections under the provisions of G.S. 163-54 through 59 and other related General Statutes.

"Sec. 5.6. Notice of candidacy. Each person offering himself as a candidate for election to any municipal office shall do so by filing a notice of candidacy with the Richmond County Board of Elections in the following form, inserting the words in parentheses when appropriate:

'Date_____

I hereby file notice that I am a candidate for election to the office of _____, _____ (4-year or 2-year term if candidate _____), in the regular municipal election to be held in _____ for councilman) the City of Rockingham on _____, 19_____.
Signed _____
Name of Candidate

Witness: _____
For the Board of Elections.'

Candidates may file their notices of candidacy with the Richmond County Board of Elections at any time after 12:00 Noon on the Friday preceding the eighth Saturday and before 12:00 Noon on Friday preceding the fourth Saturday before the municipal election. At the time of filing a notice of candidacy, each candidate shall pay to the Board of Elections the sum of \$10.00.

"Sec. 5.7. Duplicate abstracts. Within five (5) days after a city election the chairman of the County Board of Elections shall mail to the chairman of the State Board of Elections the duplicate abstract prepared in accordance with G.S. 163-76. One copy shall be filed with the city clerk and one copy shall be retained by the County Board of Elections as provided by G.S. 163-300.

"Sec. 5.8. Certificates of election. The County Board of Elections shall officially determine and publish the results of elections in accordance with G.S. 163-175 and G.S. 163-179. Not earlier than five (5) days nor later than ten (10) days therefrom the chairman of the County Board of Elections shall issue certificates of election, under his hand and seal, to all municipal officers, under the provisions of G.S. 163-301.

"Article VI. Administrative Officers and Personnel.

"Sec. 6.1. Appointment of city manager, salaries. (a) The city council shall appoint a city manager who shall be the administrative head of the city government responsible for the administration of all departments. The city manager shall be appointed with regard to merit only, and he need not be a resident of the city at the time of his appointment, but shall reside therein during his tenure. He shall hold office during the pleasure of the city council and shall receive such compensation as it shall fix by ordinance.

The city manager shall:

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

(5) Appoint and remove all employees of the city except the city attorney and the city clerk, who shall be appointed by the city council, and report all appointments and removals made by him to the council at its next meeting.

(6) Perform all other duties as may be required by the city council.

(b) Salaries and compensation of all officials and employees shall be fixed by the city council.

"Sec. 6.2. City attorney. The city attorney shall be appointed by the city council, and shall have the following duties:

(1) To serve as legal advisor to the city council, the city manager, the clerk, the treasurer, the tax collector, and all city departments, officers, and agencies.

(2) To represent as counsel the city, its officers, agents, or employees, in any legal action arising out of or connected with the proper functions of the city, unless disqualified so to act.

(3) To draft such ordinances, resolutions, and documents as requested by the council or city manager.

"Sec. 6.3. City clerk. The city clerk shall be appointed by the city council, and shall have the following duties:

(1) To act as clerk to the council, to attend all meetings thereof, and to maintain a permanent record of all proceedings thereof.

(2) To keep the books of account of the city.

"Sec. 6.4. City treasurer. The city treasurer shall be appointed by the city council and shall receive and keep all moneys belonging to the city and disburse the same according to law, and keep the manager advised of the status of all funds.

"Sec. 6.5. City tax collector. The city council shall appoint a tax collector for the city, who shall be charged with the collection of all taxes and assessments, and shall work under the direct supervision of the city manager.

"Sec. 6.6. Consolidating of functions of certain offices. The city council may, in its discretion, consolidate the offices of city clerk, city treasurer, and city tax collector, and may assign the functions of any one of these offices to the holder of any other of these offices, except that the office of city tax collector and city treasurer may not be combined.

"Sec. 6.7. 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 city clerk: the city manager, city clerk, city treasurer, tax collector, any assistant city clerk or assistant tax collector, or assistant city treasurer, chief of police and each member of the police force, the building inspector, and all employees empowered to enforce the building code.

"Article VII. Taxation.

"Sec. 7.1. Powers of taxation. The city shall have all taxing power and authority delegated to municipal corporations by general laws.

"Sec. 7.2. Payment of delinquent taxes into general fund. The city council may, in its discretion, direct the payment into the general fund of the city all or any part of the proceeds of ad valorem taxes which are, when collected, three or more years delinquent.

"Sec. 7.3. 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 taxes.

"Article VIII. Street Improvements; Assessments for Cost.

"Sec. 8.1. Authority. In addition to any authority which is now or may hereafter be granted by general law to the City of Rockingham for making street improvements, the city council is authorized to make street improvements, and assess the cost thereof against abutting property owners in accordance with the provisions of this article.

"Sec. 8.2. When petition unnecessary. The city council may order street improvements and assess the cost thereof, exclusive of the cost 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 council as a fact:

(a) That the street improvement project does not exceed twelve hundred lineal feet.

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

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

(d) That it is in the public interest to widen a street or part thereof, which is already improved, provided, that the assessment 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 city's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this section.

"Sec. 8.3. Street improvements defined. For the purposes of the preceding section, the term 'street improvements' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, and the construction or reconstruction of curbs, gutters, and street drainage facilities.

"Sec. 8.4. Assessment procedure. In ordering street improvements without a petition and assessing the cost thereof under authority of this article, the city council shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 8.5. Effect of assessments. The effect of the act of levying assessments under the authority of this article shall for all purposes be the same as if the assessments were levied under the authority of Article 10, Chapter 160A of the General Statutes.

"Article IX. Establishment of Proposed Street Lines.

"Sec. 9.1. Authority to establish proposed street lines. Whenever, in the opinion of the city council, it is in the best interest of the city to do so, the council may make provision for the ultimate widening or extension or both of existing streets and for the opening of new streets, and for the gradual acquisition of the lands necessary for such improvements, in accordance with the procedure established by this article.

"Sec. 9.2. Platting of proposed street lines. From and after the time of adoption of a major street plan by the city council and the State Highway Commission pursuant to provisions of G.S. 136-66.2, and as amended, the city council shall have power to request, make, or cause to be made, from time to time, surveys for the exact locating of the lines of new, extended, widened, or narrowed streets and highways in the whole or any portion of the city and the area within one mile outside of its corporate boundaries. Personnel making such surveys are empowered to enter upon lands, make examinations or surveys, and place and maintain necessary monuments thereon, at reasonable times and with due care for the property. A plat or plats of the area or areas thus surveyed shall be prepared on which are indicated the locations of the lines recommended as the planned or mapped lines of future streets, street extensions, street widenings or street narrowings. The preparation of such plat or plats shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

"Sec. 9.3. Adoption of official map; hearing; notice. Following the preparation of such plats, the city council may officially adopt a map or maps of planned new streets and highways, extensions, widenings, narrowings, or vacations of streets within the city and the area within one mile outside of its corporate boundaries. Before taking any such action, the council shall hold a public hearing thereon, notice of the time and place of which shall have been given once a week for two successive weeks in a newspaper published in the city, or if there be no newspaper published in the city, by posting such notice at four public places in the city and at four public places within the affected area outside of the corporate boundaries. Said notice shall be published or posted for the first time not less than fifteen (15) days prior to the date fixed for said hearing. Following adoption of such map or maps, the council shall certify a copy to the register of deeds of Richmond County, which copy shall be duly filed. The placing of any street or street line upon any official map or maps shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

"Sec. 9.4. Right of city to acquire property before improvement. From and after the time of adoption and certification to the register of deeds of any such map or maps, it shall be unlawful to build upon any land within the lines of proposed streets shown thereon or to repair or otherwise improve any existing buildings within said lines until the city council shall have been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this article. To that end, any person proposing to build upon such land or to make repairs, or improvement to any existing building on such land shall, in writing, notify the city council of the nature and estimated cost of such building, repairs, or improvements. The council shall then determine whether it will take the necessary steps to acquire said land prior to construction of said building or the making of said repairs or improvements. If the council fails, within sixty (60) days from the receipt of such notice, to acquire, adopt a formal resolution directing an appropriate officer to acquire, or institute condemnation proceedings to acquire said property, then the owner or other person giving notice may proceed to erect the building or to make the repairs or improvements described in said

notice. The building inspector is authorized to withhold and refrain from issuing, for a period not exceeding sixty (60) days from receipt by the council of the notice herein prescribed, any building permit for the erection of any building within the said lines, or for the making of any repairs or improvements to existing buildings within said lines.

"Sec. 9.5. Failure to give notice bars recovery for value of improvements. If any person, firm, or corporation builds upon any land included within said proposed street lines, or repairs or otherwise improves that part of any existing building within said lines, without giving the city council an opportunity to acquire said property free from improvements, as provided in Section 9.4 of this article, the council shall not be required to pay for the value of said buildings, repairs, or improvements in any proceeding subsequently brought to acquire the land for the purpose shown on the officially adopted map or maps.

"Sec. 9.6. Failure of city to act; no limit to subsequent condemnation. The failure of the city council to take action under Sections 9.4 and 9.5 of this article within sixty (60) days after notice shall not have the effect of limiting the right of the council at any subsequent time to condemn the same. In such case, however, the owner shall be entitled to full compensation as now provided by law for the building, repairs, or improvements made after the failure of the council to take action within the prescribed period.

"Article X. Zoning.

"Sec. 10.1. Extraterritorial zoning. The city council shall have such authority to enact zoning regulations as is granted by the general law and as provided by North Carolina General Statutes Chapter 160A, Article 19 and amendments thereto.

"Article XI. Parking and Parking Facilities.

"Sec. 11.1. Authority to regulate off-street parking. The city council shall have power and authority to enact ordinances for the regulation of the use by vehicles of:

- (a) Municipally owned or leased off-street parking areas and facilities.
- (b) Publicly owned off-street parks, outdoor recreation areas, and yards and grounds occupied by public buildings.
- (c) Privately owned areas which the city is given to use as a parking area and used by the general public for parking or street purposes.

"Sec. 11.2. Civil penalties. In the exercise of the authority granted by Section 11.1, the city council shall have authority to make and provide civil penalties for violations of such ordinances, not exceeding the penalties provided by general law for the violation of municipal ordinances.

"Sec. 11.3. Towing of vehicles from off-street area; charges. The city council may, in addition to providing civil penalties, provide that such vehicles in violation of parking regulations at any of the places designated in Sections 11.1 and 11.2 of this article, may be towed away and the owner or person responsible therefor required to pay the resulting towing and storage charges.

"Sec. 11.4. Towing of vehicles from streets; charges. The city council may provide by ordinance that vehicles stalled, wrecked, abandoned, or illegally parked upon any public street may be removed therefrom by having the same towed away to such place

as may be designated by a council-appointed city official and to require that the owner or person responsible therefor pay the resulting towing and storage charges.

"Sec. 11.5. Registration prima facie evidence of responsibility. The ownership of any vehicle as established by its registration with the North Carolina Department of Motor Vehicles shall be prima facie evidence as to the person, firm, or corporation responsible for violating the provisions of any ordinance adopted in accordance with the powers granted in this article.

"Sec. 11.6. Towing and storage facilities. In the implementation of the authority granted by this article relating to the removal and storage of vehicles, the city council may provide such towing and storage facilities by and through its own forces, equipment, and property, as well as by contract with independent towing and storage contractors and operators, and the city council may appropriate and use reasonable sums of public funds to defray the necessary expenses thereof.

"Article XII. Traffic Bureau.

"Sec. 12.1. Authority of city council to establish traffic bureau. (a) The city council may by ordinance establish a traffic bureau to process and collect civil penalties provided for violations of traffic and parking ordinances of the city.

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

(c) All civil penalties collected in the traffic bureau shall be paid into the general fund of the city.

"Article XIII. Police.

"Sec. 13.1. Police jurisdiction extended. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within two miles of the corporate limits, and all members of the police force shall have within each territory all rights, power, and authority, as they now 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 now have within the corporate limits.

"Article XIV. Sidewalks.

"Sec. 14.1. City may clean or repair after notice; charges a lien. The city council may, by ordinance, establish a procedure whereby city forces may clean or repair any sidewalk upon failure of the abutting property owner after ten (10) days' notice to do so. In such event, the cost of such cleaning or repair 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 city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, cost, and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"Article XV. Refuse, Weeds, and Trash.

"Sec. 15.1. 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. 15.2. 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 (10) 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 XVI. Purchasing and Contracts.

"Sec. 16.1. Provisions of general law govern. All contracts of the city 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. 16.2. 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 city 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. 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 express or implied of the person, firm, or corporation contracting with the city shall render the contract void.

"Article XVII. Claims Against the City.

"Sec. 17.1. Presentation of claims; suit upon claims. (a) All claims or demands against the City of Rockingham arising in court shall be presented to the city council 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 shall be 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 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 city council 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 damage or compensation claimed.

(c) Notwithstanding the provision 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 the 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 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. 17.2. Settlement of claims by city clerk or treasurer. The city manager, as authorized by the governing body of the city, may settle claims against the city for:

(1) Personal injury or damages to property when the amount involved does not exceed the sum of \$1000.00 and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred.

(2) The taking of small portions of private property which are needed for the rounding of corners at street intersections, when the amount involved in any such settlement does not exceed \$1000.00 and does not exceed the actual loss sustained. Any settlement of a claim by the city manager pursuant to this section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident occasion, or taking complained of. All such releases shall be reviewed and approved as to form by the city attorney.

"Article XVIII. Miscellaneous.

"Sec. 18.1. Signing of warrants or orders for payment. Either the city treasurer, or any bonded official of the City of Rockingham and who is authorized by the city council may sign warrants or orders for payment on the city treasury or depository. In addition, in the absence of the city clerk or other qualified and authorized official, such warrants or orders may be signed by the mayor.

"Sec. 18.2. City depositories; signatures to vouchers; surety bonds. The city council from time to time shall have the power to designate depositories to receive any and all funds collected or paid to the city treasurer. The city council shall determine from time to time what security shall be required for funds placed in a depository. The city treasurer is authorized and empowered to sign vouchers for all obligations of the city. The council may from time to time designate other officials of the City of Rockingham to sign vouchers in behalf of the city. The city council shall designate what officials of the City of Rockingham shall furnish surety bonds and the amount of said bonds.

"Sec. 18.3. Bond elections. The conduct of bond elections shall be governed by the provisions of general law relating to municipal bond elections.

"Sec. 18.4. Cemetery regulations. The city council may provide rules and regulations for the use of all city cemeteries, whether located within or outside the corporate limits, and such rules and regulations shall be enforced by the police force within said cemeteries as city ordinances.

"Sec. 18.5. Interments within city. The city council is authorized to establish, operate and maintain cemeteries within the corporate limits as provided in Article 17 of Chapter 160A of the North Carolina General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the City of Rockingham. 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 that have accrued are preserved and may be enforced.

Sec. 3. All existing ordinances and resolutions of the City of Rockingham, and all existing rules or regulations of departments or agencies of the City of Rockingham, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

Sec. 4. 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 Rockingham or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 5. 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. 6. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of April, 1974.