

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 323  
HOUSE BILL 476

AN ACT TO REVISE AND REORGANIZE THE CHARTER OF THE CITY OF  
HICKORY.

The General Assembly of North Carolina do enact:

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

"THE CHARTER OF THE CITY OF HICKORY  
"CHAPTER 1. ORGANIZATION AND POWERS

SUBCHAPTER A. INCORPORATION: CORPORATE POWERS AND THEIR  
EXERCISE

Sec. 1.01. Incorporation and Corporate Powers. The City of Hickory shall continue to be a body politic and corporate by the name of "City of Hickory". Under that name the city shall continue to be vested with all of the property and rights of property which now belong to the corporation; shall have perpetual succession; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell, or dispose of the same; may have a common seal and alter and renew the same at will 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. 1.02. Exercise of Power. 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. If this Charter makes no provision, such powers, functions, rights, privileges and immunities shall be carried into execution as provided by ordinance or resolution of the city council or as provided by the pertinent general laws of the State.

Sec. 1.03. Form of Government. The form of government of the City of Hickory shall be the council-manager form of Government.

SUBCHAPTER B. CITY BOUNDARIES

Sec. 1.21. Existing City Boundaries. (a) The boundaries of the city shall be those existing at the time of the adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. The current city boundaries, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may

be, "Map (or description) of Hickory City Limits". Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by or under the direction of the city manager. Photographic, typed or other copies of such map or description, certified by the city clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description.

(b) The city council may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

#### SUBCHAPTER C. CHARTER AMENDMENTS

Sec. 1.51. 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 property, affairs and government of the City of Hickory that were enacted by such General Assembly, whether or not in terms amending this Charter, which he recommends be incorporated into this Charter. Such recommendations may include suggestions for renumbering or rearranging the provisions of such laws, providing titles and catch lines, and for such changes in arrangement and form that do not change the law as may be thought necessary to implement the purposes of this Section.

(b) After considering the recommendations of the city attorney, the 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 local laws relating to the property, affairs and government of the city.

#### CHAPTER II. COMPOSITION OF CITY COUNCIL: ELECTIONS

##### SUBCHAPTER A. COMPOSITION AND METHOD OF ELECTION OF CITY COUNCIL

Sec. 2.01. Composition, Election, and Terms of City Council; Time of General Election. (a) The voters of the city shall elect a mayor and six aldermen. The mayor shall be nominated and elected at large. The aldermen shall be nominated and elected by wards, and, except as is otherwise provided in this Charter, no two aldermen shall be residents of the same ward. All municipal elections shall be nonpartisan.

(b) A general municipal election shall be held annually on the first Monday in June.

(c) The terms of all council members shall begin at the day and hour prescribed by Section 3.03 of this Charter for the taking of the oath of office, and shall run for a period of two years, but members shall serve until their successors are elected and qualified. In the event that it is not possible otherwise to determine which of two or more persons should be considered a hold-over alderman, decision shall be made by lot between the aldermen who are willing to serve, the lots to be cast under the supervision of the mayor and the remaining qualified aldermen.

Sec. 2.02. Ward Boundaries. (a) The City of Hickory shall be divided into six (6) wards, whose boundaries shall be those existing at the time of adoption of this Charter,

with such alterations as may be made from time to time in the manner provided by law. The current ward boundaries, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be, "Map (or description) of Hickory Ward Boundaries". Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by or under the direction of the city manager. Photographic, typed or other copies of such map or description, certified by the city clerk, shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description.

(b) The city council may provide for the redrawing of any such map. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

Sec. 2.03. Adjustment of Ward Boundaries to Include Annexed Territory. In all cases in which additional territories have heretofore been or may hereafter be annexed to the City of Hickory, the city council shall have the power to designate the respective ward or wards to which any such additional territory shall be allocated and to enlarge and adjust the boundaries of the several wards of the city so as to include any territory so allocated to them from time to time. In exercising the authority herein contained, the city council shall at all times endeavor to maintain, so far as possible, the equality of population of the several wards of the city. Any member of the city council who becomes domiciled in a different ward as a result of a relocation of ward boundaries shall continue to represent the ward from which he was elected until the expiration of the term for which he was elected.

#### SUBCHAPTER B. REGISTRATION

Sec. 2.31. Appointment and Compensation of Registrar and Judges of Election; Oaths of Office; Vacancies. (a) The city council shall appoint a registrar and two judges of election for each election ward at least thirty days before any general municipal election, who shall be residents of the respective wards for which they are appointed. The names of the registrars and judges shall appear in the notice calling for the primary election preceding the general municipal election, as provided for in Section 2.51 of this Charter (or, if there be no primary election, in a notice published in a newspaper published within the City of Hickory at least thirty days before the date of such general election).

(b) The registrars and judges, before entering upon their duties, shall take an oath to perform faithfully the duties of their offices and the oath of office required by general law (now codified as G.S. 11-6 and 11-7). The oath shall be administered by the mayor, a justice of the peace or some other officer authorized to administer oaths.

(c) The registrars and judges shall receive for their services such compensation as shall be fixed by the city council. Their compensation in no event shall exceed that allowed by law for registrars and judges holding elections for members of the General Assembly.

(d) If a registrar or judge of election shall fail to attend at the hour of opening of the polls on the day of election, his place shall be filled by decision of the remaining

ward officials of his ward at once. If at any other time a registrar or judge is unable to act as such, the mayor may appoint a replacement to act for him after being duly sworn.

Sec. 2.32. Registration Procedures. (a) Each registrar shall be furnished at the expense of the city with registration books, ballot boxes, and such blank forms as are required by this Charter. It shall be his duty to revise the registration books of his ward prior to each election in such manner that said books shall show an accurate list of the electors previously registered in such ward and still residing therein, without requiring such electors to be registered anew; but no name shall be stricken from the registration books without notice and an opportunity to be heard.

(b) When a new registration has been ordered the registration books shall be opened for the registration of voters at nine o'clock a. m. on the fourth Saturday before the general municipal election. For all other registration periods the registration books shall be opened for the registration of voters at nine o'clock a. m. on the third Saturday before the general municipal election.

(c) In all cases the registration books shall be closed at sunset on the second Saturday before the said election. It shall be the duty of each registrar, between the hours of nine o'clock a. m. and sunset on each day during the period when the registration books are open, to keep open said books for the registration of voters residing within his ward and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his ward, between the hours of nine o'clock a. m. and sunset, for the registration of voters.

(d) The last Saturday for registration (that is, the second Saturday before the general election) shall be combined with challenge day. On such day during the registration hours the registration books shall be open for the inspection of the electors of the ward, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged", and shall appoint a time and place, before the election day, when he together with the judges of election shall hear and determine said objection. They shall give notice thereof, and shall hear and determine the cause of the challenge, under the rules and regulations prescribed for the general elections (now codified in Chapter 163 of the General Statutes). Nothing herein contained shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified.

(e) No registration shall be allowed on the day of election, except that if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

Sec. 2.33. New Registrations. (a) It shall be the duty of the city council to provide for a new registration for the entire city in the year 1971 or previously, and at least as frequently as once during every ten-year period that elapses after such initial new registration and each subsequent new registration. The city council may be required to perform this duty at the suit of any qualified voter of the city. Any such action shall be

instituted in the Superior Court of Catawba County, and the procedure in such action shall be as provided in Article 40, Chapter 1 of the General Statutes.

(b) The city council shall have power from time to time to order a new registration for one or more wards, in addition to the new registrations required by subsection (a) of this Section.

(c) The council shall give public notice of every new registration held pursuant to subsection (a) or (b) of this Section by posting a notice in a newspaper published within the City of Hickory, or, in the event there is no newspaper published within the City of Hickory, by posting such notice at three public places, for twenty days prior to the beginning of the registration period.

Sec. 2.34. Definition of "Ward". Whenever in this subchapter or in subchapter C or D of this chapter the term "Ward" is used to refer to an administrative unit for purposes of registration or elections, the same shall be deemed a "precinct" within the meaning of the general laws governing registration and elections.

SUBCHAPTER C. NOMINATIONS

Sec. 2.51. Time for Holding Primary Elections; Ward Designations. (a) There shall be a primary election for every municipal election at which a city officer is to be elected, except as otherwise provided in Section 2.52 of this Charter. The primary election for the general municipal election shall be held on the last Monday in May next preceding said general election. The primary election for any special municipal election at which a city officer is to be elected shall be held on the first Monday preceding said special election. The notice calling for any primary election shall be published at least thirty days before the date of the municipal election.

(b) The aldermen to be elected in the year 1961, and every two years thereafter, shall be nominated from wards 4, 5, and 6. The aldermen to be elected in the year 1962, and every two years thereafter, shall be nominated from wards 1, 2, and 3.

Sec. 2.52. When Primaries not Necessary. When not more than two persons have filed for mayor or for alderman to be nominated from any ward, then it shall not be necessary to hold a primary election for that office and the city council shall declare such persons to be the candidates for the regular municipal election for the office.

Sec. 2.53. Mode of Nomination of Elective Officers. The mode of nomination of all elective officers of the city to be voted for at any general municipal election shall be as follows and not otherwise:

(a) Petition of nomination – Prerequisite to having name on ballot in primary. The name of a candidate shall be printed upon the official ballots for the primary election when not less than ten petitions of nomination shall have been presented in his behalf in the manner and form and under the conditions hereinafter set forth, but no more than twenty-five petitions shall be accepted by the clerk on behalf of any proposed candidate.

(b) Same – Petition form. The petition of nomination shall read substantially as follows:

PETITION FOR NOMINATION

I, the undersigned, do hereby petition for the nomination of ...  
..... for the office of .....of the City of

Hickory, and do hereby request that his name be printed upon the official ballots to be used at the primary election to be held on the ..... Monday of ..... 19 .....

I further state that I believe him to be of good moral character and qualified to perform the duties of the office.

I hereby certify that I am a qualified voter of the City of Hickory, and am not at this time a signer of any other petition nominating any other candidate for the above-named office, or (in case there are several places to be filled in the above-named office) that I have not signed more petitions than there are places to be filled in the above-named office.

My residence is in Ward ....., at Number ....., ..... Street.

Witness my signature, this the .....day of ..... 19 .....

Witness:

.....

.....

Petitioner's Signature

A registered voter in Ward .....

.....

(Address)

(c) Same – Petitions to be furnished by city clerk. It shall be the duty of the city clerk to furnish, upon application, after the official call of an election, a reasonable number of petition forms of the above character, at the expense of the city.

(d) Same – Contents, execution, etc., of petitions. Each petition must be on a separate paper; must contain the name of one signer thereto, and no more; shall contain the name of one candidate, and no more; and all petitions must be of uniform size as determined by the city clerk. Each signer must be a qualified voter, must not at the time of signing a petition have his name signed to any other petition for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed to more petitions for candidates than there are places to be filled in such office. In case a voter has signed two or more conflicting petitions, all such petitions shall be rejected. All petitions must be signed by the individuals personally and their signatures must be witnessed by a qualified voter of the City of Hickory.

(e) Same – Presentation to city clerk; city clerk to endorse date of presentation thereon. Petitions of nomination may be presented to the city clerk not more than twenty-five days nor later than ten days before the primary election, except as otherwise herein provided. The city clerk shall endorse thereon the date upon which the petitions were presented to him for filing.

(f) Same – Examination by city clerk as to compliance with Section; return for noncompliance; amendment. When petitions for nomination are presented for filing to the city clerk, he shall forthwith examine the same, and ascertain whether they conform to the provisions of this Section. If found not to conform thereto he shall then and there in writing designate thereon the defect or omission or reason why such petitions cannot be filed, and shall return the petitions to the person who presented the same for filing. The petitions may then be amended and again presented to the city clerk not later than

seven days before the primary election. Whereupon the city clerk shall forthwith proceed to examine the petitions as hereinbefore provided.

(g) Same – Withdrawal of signature to individual certificate. Any signer to a petition of nomination may withdraw his name from the same by presenting to the city clerk a verified revocation of his signature before the deadline for filing of petitions or amended petitions, as the case may be, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

(h) Same – Withdrawal of candidacy. Any person whose name has been presented under this Section as a candidate may, not later than ten days before the day of the primary election, cause his name to be withdrawn from nomination by written request presented to the city clerk, and no name so withdrawn shall be printed upon the ballot. If upon such withdrawal the number of candidates does not exceed the number to be elected to said office, then other nominations may be made by presenting petitions therefor not later than seven days prior to such primary election.

(i) Same – To be approved and preserved by city clerk. If either original or amended petitions of nomination be found sufficiently signed as hereinbefore provided, the city clerk shall approve the same ten days before the day of holding said primary election, except as otherwise provided in the preceding subsection. The city clerk shall preserve in his office all petitions of nomination.

(j) Same – Effect of approval. When a petition of nomination shall have been approved by the city clerk, it shall not be withdrawn nor added to and no signature shall be revoked thereafter.

Sec. 2.54. Certification and publication of list of candidates and offices. Immediately after such petitions are approved, the city clerk shall enter the names of the candidates in a list, with offices to be filled, and shall, not later than five days before the primary election, certify said list as being the list of candidates nominated as required by this Charter, and the city council shall cause such certified list of names and offices to be filled, designated whether for a full term or unexpired term, to be published at least three days before the primary election in one or more issues of one or more papers published in the City of Hickory.

Sec. 2.55. Preparation and Form of Ballots at Primary Election. (a) Thereupon the city clerk shall prepare and cause to be printed the ballots to be used at such primary election. Separate ballots shall be prepared for each city ward, as necessary. The ballots for a ward shall contain the names of each candidate certified by the clerk under Section 2.54 for alderman to be nominated from said ward and the candidates (if any) for mayor, and the name of no other candidate shall be printed thereon. At the top of each ballot shall be the words "Official Primary Ballot for Ward (insert number)"; following this, shall be the words "Instructions to Voters: To vote make a cross mark in the square in line with the name of the candidate for whom you wish to vote. Do not make any other mark." Following the instructions shall be the names of the candidates for mayor (if any), arranged alphabetically, with a square at the left of each name, and immediately below the words, "Vote for One". Following these names, likewise alphabetically arranged, shall appear the names of the candidates for alderman nominee from the ward in question, and immediately below the words, "Vote for One". Like

arrangement shall be made for the names of candidates for each other elective office that may be from time to time provided for by law.

(b) All ballots shall be authenticated with a facsimile of the signature of the city clerk, and shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink; shall have no party designation or mark; and the names of all candidates shall be printed upon the ballots in the same color of ink and shall be in type of the same size and style, and the ballots shall be furnished at the expense of the city.

Sec. 2.56. Qualification for Voting in Primary Election. The qualifications for voting at a primary election shall be the same as those required for voting in the general municipal election.

Sec. 2.57. Conduct of Primary Election, Counting of Ballots and Canvassing of Results. The primary election shall be conducted, the ballots shall be counted and the returns canvassed in the manner provided by Subchapter D of this chapter with respect to the general municipal election.

Sec. 2.58. What Candidates to Have Names Printed on Ballots in Election for which Primary Held. The two persons receiving at a primary election the highest number and second highest number of votes, respectively, for mayor, for aldermen nominees from the same ward, or any other office, shall be candidates whose names shall be printed on the official ballots to be used at the general municipal election for which such primary election was held; except that in case two or more persons receive the same number of votes, and more votes than any other person for the same office, then said persons shall be the candidates as aforesaid whose names shall be printed on said official ballots. If in order to obtain the requisite number of candidates for mayor, for alderman nominee from the same ward, or for any other office, it becomes necessary to take one or two or more persons having the same number of votes for mayor, for aldermen nominees from the same ward, or for any other office, then the names of all the aforesaid persons having the same number of votes for such office shall be printed on the official ballots to be used at such general municipal election, together with the names of all persons, if any, receiving a higher number of votes for such office, even though it makes the number of candidates more than twice the number to be chosen to such office. No person shall have his name printed on the official general municipal election ballot except as provided by this Section.

#### SUBCHAPTER D. GENERAL ELECTIONS

Sec. 2.71. Form of Ballots for General Municipal Elections. At the top of all ballots used at any general municipal election shall be the words "Official Election Ballot", and the ballots used for the election of officers shall conform in all other respects with the provisions of Section 2.55 as modified by Section 2.58 of this Charter.

Sec. 2.72. Conduct of Elections and Counting of Ballots. (a) The registrar and judges of election for each ward shall open and close the polls, and shall superintend and conduct the election in like manner as is provided by law for the general elections (now codified in Chapter 163 of the General Statutes). The polls shall open and close at the same hours provided by law for said general elections.

(b) The qualifications for voting at a general municipal election shall be those required of an elector by the State Constitution.

(c) At the end of the election, in each ward the polls shall be closed, the ballot boxes opened, and the ballots publicly counted by or under the supervision of the registrar and judges of election in like manner as is provided by law for general elections (now codified in Chapter 163 of the General Statutes). The registrar and judges shall make returns thereof upon the blank forms furnished by the city clerk. One copy of the return shall be forwarded by them forthwith to the city clerk. One copy shall be placed in a sealed envelope and retained in the custody of the registrar for use in case of a recount.

Sec. 2.73. Canvassing of Results in Case of Recount. (a) The results of the election need not be canvassed unless a recount of the ballots is made. If a recount is demanded by a candidate for any office by notice in writing delivered to the city clerk within seventy-two hours after the close of the election, the results for such office shall be canvassed in the manner provided by this Section.

(b) The respective registrars and the city clerk shall constitute the board of canvassers. If a recount has been properly demanded the members of the board of canvassers shall meet at 11:00 a.m. on the third day next after the election at the city hall. The board shall organize by the election of one of its number as chairman. The city clerk shall serve as secretary. Any member of the board who fails to deliver the returns from his ward by 12:00 noon on the first day of the board meeting shall be guilty of a misdemeanor, unless justified by illness or other good cause shown for such failure. If any ward returns have not been received by the board by 12:00 noon on the first day of the board meeting, or if any returns are incomplete or defective, the board shall have authority to dispatch an officer for the purpose of securing the proper returns for the ward.

(c) The board of canvassers shall, at its meeting, in the presence of such electors (including any of the candidates) as choose to attend, open, canvass, and judicially determine the results, and shall make abstracts, stating the number of legal ballots cast in each ward, the name of each candidate voted for and the number of votes given to each candidate, and shall sign the abstracts in duplicate with its certificate as to the correctness of the abstracts. It shall have authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same; to send for papers and persons and examine the latter upon oath; and to pass upon the legality of any disputed ballots transmitted to it by any ward officer.

(d) The board of canvassers shall transmit one copy of the certified abstract of the results to the council and shall file the other copy, together with the original ward returns, with the city clerk.

Sec. 2.74. Declaration of Results; Tie Votes. (a) At a general municipal election the person receiving the highest number of votes for mayor, for alderman from any one ward, or for any other office shall be deemed and declared elected to such office. If two or more persons receive the same number of votes for mayor, for alderman from the same ward, or for any other office, for which no person has been elected, the city council by majority vote shall fill the vacancy so created by choice between the two tied candidates until the next regular election.

(b) If no election contest, appeal, or recount is pending, the city clerk within ten days after the election shall furnish each of the officers who were elected a certificate of election under his hand and seal. At the same time he shall notify said officers to meet at city hall on the first Monday of July next at 10:00 o'clock a. m. to be sworn into office.

(c) If an election contest, appeal or recount is pending, the clerk shall furnish said certificates and notification within five days after the contest or appeal, or the results of the recount, have been finally determined.

## SUBCHAPTER E. OTHER ELECTIONS

### ARTICLE 1. SPECIAL ELECTIONS

Sec. 2.91. Authority of City Council to Call Special Elections. The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, or for any other purpose expressly authorized by law, including primary and general elections for the election of members to serve on Hickory City Board of Education as required by N.C. G. S. 115.21 and related statutes. Registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted and canvassed as provided by said Act, and initiative, referendum and recall elections shall be governed by Article 2 of this subchapter. All other special elections shall be held under the same rules and conditions as are provided in this chapter for general elections. Every special election, except as otherwise provided by law, shall be held on a day fixed by the council. If no date is provided by law for publishing notice of a special election, the council shall publish notice thereof one time in a newspaper of general circulation in the city at least thirty days before the date of the election.

### ARTICLE 2. INITIATIVE, REFERENDUM AND RECALL ELECTIONS

Sec. 2.101. Powers of Initiative, Referendum and Recall. (a) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to propose ordinances to the city council. If the council rejects an ordinance proposed hereunder or passes it with amendment, the voters shall have power to approve or reject the proposed or amended ordinance at the polls. These powers comprise the initiative power.

(2) The initiative shall not extend to the proposing of: Any part or all of the annual budget; or any ordinance making or repealing any appropriation of money, fixing the salaries of city officers or employees, or authorizing or repealing the levying of taxes.

(3) Voters seeking to propose an ordinance subject to initiative shall proceed by way of initiative petition addressed to the council and containing the full text of the proposed ordinance. Any initiative petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for members of the city council.

(b) (1) The voters of the city shall have power, except as provided in paragraph (2) of this subsection, to require reconsideration by the council of any adopted ordinance, including any ordinance initiated under subsection (a) of this Section and adopted by the council. If the council fails to repeal an ordinance which it has been required to

reconsider, the voters shall have power to approve or reject that ordinance at the polls. These powers comprise the referendum power.

(2) The referendum power shall not extend to any part or all of the annual budget or the property tax levied therein; to any ordinance making or repealing any appropriation of money or fixing the salary of any officer or employee; or to any repealing ordinance adopted by the council in compliance with a referendum petition.

(3) Voters seeking a referendum on any ordinance shall proceed by way of a referendum petition addressed to the council, identifying the ordinance concerned and requesting that it be either amended, repealed, or referred to the voters of the city. Any referendum petition must be filed with the city clerk within ninety days after adoption by the council of the ordinance concerned and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for members of the city council.

(c) (1) The voters of the city shall have the power, which shall be known as the recall power, to remove from office any member of the city council.

(2) Voters seeking the recall of any member of the city council shall proceed by way of a recall petition addressed to the council, identifying the council member concerned, requesting his removal from office and stating the grounds alleged for his removal. Any recall petition must be filed with the city clerk and must be signed by qualified voters of the city equal in number to at least 25% of the qualified voters of the city who voted at the last preceding election for members of the city council.

Sec. 2.102. Additional Regulations Concerning Initiative, Referendum and Recall. The city council by ordinance may adopt such further regulations as it deems necessary to carry out the purposes of this Article, concerning such matters as the form and filing of petitions, their effect, the determination of their sufficiency, petitioners' committees, and the conduct and effect of the elections. Any such regulations may, but need not, coincide with the provisions concerning initiative, referendum and recall elections of the following acts, or any combination thereof, being the present Charters of the Cities of Greensboro, Durham and Raleigh: Session Laws 1959, Chapter 1137; Session Laws 1949, Chapter 1184; Private Laws 1921, Chapter 142.

#### SUBCHAPTER F. APPLICATION OF GENERAL LAWS

Section 2.121. General Laws Applying to City Elections. In all respects not provided for by this Charter all elections held in the city (whether primary, general, special or other elections, and including registrations for all such elections) shall be conducted and governed as prescribed by law for the election of members of the General Assembly. Wherever in such Statutes appear the words "State Board of Elections" and "county board of elections" shall be deemed to be written the words "city council", and wherever appear the words "chairman of county board of elections" shall be deemed to be written the word "mayor". Nothing herein contained, however, shall be construed as provided for the designation of candidates' political party affiliation on municipal election ballots, nor as authorizing absentee registration or absentee voting by voters in military or naval service or by any other voters.

#### CHAPTER III. MAYOR AND COUNCIL

## SUBCHAPTER A. COUNCIL: QUALIFICATIONS AND COMPENSATION

Sec. 3.01. Qualifications of Councilmen; Vacancies; Removal. (a) No person shall be eligible to be nominated or elected to the city council, nor to serve thereon, unless he is a qualified voter and resident of the city.

(b) If a vacancy shall occur in the city council, the remaining council members shall elect a person from the same ward to fill the vacancy until the next general or special election.

(c) The council, by vote of five of its members, shall have power to remove from office the mayor or any alderman for misfeasance, malfeasance, corruption, neglect of duty, or other misconduct in office. A removal proceeding shall be initiated by introduction before the council of a motion, which shall include a statement of the charges alleged as grounds for the proposed removal. Before the council may take action upon such a motion, the person to be proceeded against shall have at least ten days' written notice of the introduction of the motion, accompanied by a copy of the motion. He shall have the right to be heard in person or by counsel in his defense. Two readings shall be required for adoption of the motion, the introduction to constitute the first reading. A vacancy arising as the result of any such removal shall be filled in the manner provided by subsection (b) of this Section.

Sec. 3.02. Compensation of Council Members. (a) Each council member shall receive not less than ten dollars (\$10.00) per meeting as compensation for his services payable monthly, except that no member shall receive any amount in excess of six hundred dollars (\$600.00) as such compensation during any municipal year.

(b) In addition to the compensation provided for by subsection (a) of this Section, council members may be reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

Sec. 3.03. Oaths of Office. All newly elected or appointed council members, before entering upon their duties, shall take and subscribe before the city clerk an oath to perform faithfully the duties of their offices and the oaths of office required by general law (now codified as G. S. 11-6 and 11-7). The council members who are elected for full terms at the general elections shall meet at the city hall for the purpose of taking such oaths at ten o'clock a. m. on the first Monday of July following their election. A council member who is elected or appointed to fill a vacancy shall take the oaths at the next meeting of the city council following his election or appointment. Any council member who is not present at the time and place provided for by this Section may take the oaths at any time thereafter. In the absence of the clerk the oaths may be administered by any other person authorized by law to administer oaths of office.

## SUBCHAPTER B. COUNCIL: ORGANIZATION AND PROCEDURE

Sec. 3.21. Council Meetings; Rules; Records. (a) The council shall hold two regular meetings each month at some stated day and regular hour to be fixed by ordinance from time to time. It may hold such adjourned and called or special meetings as may be necessary or desirable. The mayor or any three members may call a meeting upon written notice of not less than twelve hours to all members, signed by the members calling the meeting, and issued through the city clerk's office.

(b) The council shall adopt rules not inconsistent with law concerning the conduct of meetings, including a rule that only those matters included upon the agenda may be considered at any council meeting, and that no matter may be placed upon the agenda for a meeting which has not been presented to the city clerk or the city manager by noon of the day preceding the meeting. The rule concerning the agenda shall provide, however, that the council may consider a matter not included on the agenda by a vote of a majority of the council or, if necessary to meet a public emergency affecting life, health or property; such consideration to be had only after adoption of a motion stating that an emergency exists and describing the emergency in clear and specific terms. No council rule concerning the conduct of meetings may be adopted, amended or repealed upon less than thirty days' notice presented at a regular meeting of the council, such notice to be recorded in the minutes of that meeting.

(c) All special or adjourned meetings other than executive sessions and all regular meetings shall be open to the public. No directives, ordinances or resolutions may be adopted, amended or repealed in an executive session.

(d) In the event the council is authorized or required by law to hold a joint meeting with the governing body of another municipality or political subdivision of the State or with any other public agency, it may at its election meet with the other governing body or agency at a designated place within the area subject to the jurisdiction of the other governing body or agency.

(e) A record of the proceedings of every meeting shall be kept by the city clerk in a well-bound book, and every resolution, bylaw, or ordinance passed by the city council, and every motion made at any meeting, must be recorded in such book. The records of the proceedings of each meeting must be signed by the city clerk. Any citizen may have access, during reasonable hours, to these records upon application to the city manager.

Sec. 3.22. Quorum; Votes. (a) Four members of the council shall constitute a quorum to do business, but three members may adjourn from time to time and compel the attendance of absent members by ordering them to be taken into custody.

(b) No member shall be excused from voting except upon matters involving the consideration of his own official conduct. In all other cases a failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused, shall be deemed an affirmative vote and shall be so recorded. A member who has withdrawn from a meeting without being excused by the council shall be counted as present for purposes of determining the existence of a quorum.

#### SUBCHAPTER C. COUNCIL: ORDINANCE PROCEDURE

Sec. 3.41. Applicable General Law Provisions. Except as otherwise herein provided, the adoption, amendment, repeal, pleading and proving of ordinances shall be governed by applicable provisions of general law.

Sec. 3.42. Adoption of Ordinances. (a) Except as provided by subsection (b) of this Section, no ordinance shall be enacted unless the same shall have been read twice and passed two readings, which readings shall have been on two different days and at least one of which shall have been at a regular meeting. The affirmative vote of a majority of the members upon each reading shall be necessary to adopt any ordinance.

(b) To meet a public emergency affecting life, health or property the council may adopt one or more emergency ordinances; but such ordinances may not be used to levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money. Every emergency ordinance shall be plainly designated as such and shall contain, after the ordaining clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. An emergency ordinance may be considered and may be adopted upon a single reading with or without amendment, or rejected, at the meeting at which it is introduced. The affirmative vote of two-thirds of the members of the council shall be required for the adoption of such an ordinance. An emergency ordinance shall be effective only until the first regular meeting after its enactment, unless ratified at such meeting.

Sec. 3.43. Publication of Ordinances. (a) Notice of any compilation or codification of the city ordinances adopted by the city council, and ordered issued by it in pamphlet or book form, shall from time to time be given by publication of the title of the ordinance adopting the compilation or codification, which title shall adequately describe the general contents of the ordinance. The ordinance included in the compilation or codification shall be effective not less than twenty days after publication of such notice.

(b) Any new chapter of the city code whether by way of addition or substitution may be published in its entirety or a notice thereof may be published by stating the title of the chapter, the date of its adoption, and that it will be effective twenty days after the publication of said notice. Any new chapter published in its entirety shall become effective upon publication. Any new chapter published by title shall become effective not less than twenty days after publication. When a new chapter is published by title, at least one copy of the ordinance shall be kept for public examination and inspection in the office of the city clerk at least from the time of its publication until the effective date.

(c) All other ordinances shall be published in their entirety and shall become effective upon publication, unless the ordinance expressly provides for a different effective date.

(d) As used in this Section the term "publication" means publication once in some newspaper, published in the city, which is qualified to carry legal notices, or, if there be no such newspaper, by posting in three public places in the city.

Sec. 3.44. Code of Ordinances; Proving of Ordinances. (a) The city council shall, from time to time, adopt and provide for the issuance and distribution of a codification of the city ordinances, to be known as the "Hickory Code of Ordinances". The Code of Ordinances shall consist of two separate parts. The first part shall be known as "General Ordinances". The second part, which may be published in sections, shall be known as "Technical Ordinances", and may include all ordinances regarding the construction of buildings, the installation of plumbing, the installation of electric wiring, the installation of oil appliances, or gas appliances and equipment, use of the city sewerage system, and other technical ordinances designated as such by the city council.

(b) Any of the following shall be admitted in evidence in all courts and shall have the same force and effect as would an original ordinance:

(1) An official code or compilation of ordinances which: (i) sets forth the ordinances in question; (ii) is reproduced by the process of printing, mimeographing, photoduplication, or similar process; (iii) is issued as a securely bound book or books with periodic, separately bound supplements; and (iv) is certified by the city clerk, both as to the original volume or volumes and the supplements, as having been adopted by the city council.

(2) An official code or compilation of ordinances which meets the requirements of items (i) and (ii) of paragraph (1), above, but which is issued as a loose-leaf book or books and is certified by the clerk as having been prepared and maintained pursuant to action by the city council.

(3) A photographed, typed or other copy of an ordinance, as set out in the minute books of the city council or as set out in an official code or compilation of ordinances, certified by the clerk as a true copy.

The burden of pleading and proving the existence of any modification or repeal of an ordinance, a copy of which has been duly pleaded or submitted in evidence, shall be upon the party asserting such modification or repeal.

(c) The official copy of the Hickory Code (or compilation) of ordinances, whether said code or compilation is issued in bound or loose-leaf form, shall be kept in the office of the city clerk. It shall be the duty of the clerk to insert at the appropriate places in any loose-leaf code or compilation all amending or supplementing ordinances, and to extract from said code or compilation all provisions which from time to time may be repealed by the city council.

Sec. 3.45. Codification of Certain Zoning, Traffic and Related Ordinances by Appropriate Entries Upon Official Map Books. (a) The council may provide that any one or more classes of ordinances concerning the matters enumerated in subsections (b) and (c) of this Section shall be codified by appropriate entries upon official map books to be retained permanently in the office of the city clerk. Such entries shall be made by or under the direction of the city manager. In conjunction with the introduction of every proposed ordinance concerning any of these matters, a map of the affected area shall be presented to the city council, but failure to present a map shall not affect the validity of the ordinance.

(b) The ordinances referred to in subsection (a) include all ordinances establishing or amending boundaries of any district under zoning regulations.

(c) The ordinances referred to in subsection (a) also include all ordinances:

(1) Designating the location of official traffic control devices;

(2) Designating areas or zones where restrictions, prohibitions or other controls are applied with respect to parking, loading, bus stops, and taxicab stands;

(3) Establishing speed limits;

(4) Designating the location of through streets, stop intersections, yield right-of-way intersections, waiting lanes, pedestrian crosswalks, one-way streets, and truck traffic routes; and

(5) Establishing restrictions, prohibitions, or other controls upon vehicle turns at designated locations.

(d) Photographic copies of any part of such official map books shall be admitted in evidence in all courts and shall have the same effect as would the original map book.

#### SUBCHAPTER D. COUNCIL: POWERS AND DUTIES

##### Sec. 3.61. Exercise of City Powers; General Powers of City Council.

(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 other powers conferred upon it by law, the 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 to protect health, life or property, or to preserve or promote the comfort, convenience, security, good order, better government, or general welfare of the city and its inhabitants.

Sec. 3.62. Investigatory and Related Powers. The city council shall have power to summon and compel the attendance of witnesses, and the production of books and papers, before it whenever this may be deemed necessary for the more effective discharge of its duties, and shall have power to punish for contempt of the council with the same fines and penalties that the municipal judge may impose for contempt of the municipal court of the City of Hickory. All processes necessary to enforce the powers conferred by this Section shall be signed by a member of the council, addressed to the city manager, and shall be served by him or any member of the police department. Any person adjudged guilty of contempt under the provisions of this Section shall have the right of appeal to the Superior Court of Catawba County.

#### SUBCHAPTER E. MAYOR

Sec. 3.81. Powers and Duties of the Mayor. (a) The powers and duties of the mayor shall be such as are conferred upon him by this Charter, together with such as are conferred by the city council pursuant to this Charter, and no other.

(b) The mayor shall preside at all meetings of the city council and shall have the right to vote upon all questions. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes, and by the public for all ceremonial purposes. He shall have power to administer oaths.

(c) Such functions not enumerated in this Charter as are conferred upon the mayor by general law shall be exercised by the city manager.

Sec. 3.82. Mayor Pro Tempore. During the disability of the mayor or his absence from the city the functions of his office shall devolve upon some member of the city council designated annually as mayor pro tempore by the council.

### CHAPTER IV. ADMINISTRATIVE OFFICES, POWERS AND PROCEDURES

#### SUBCHAPTER A. CREATION AND FUNCTIONS OF DEPARTMENTS, OFFICES AND OTHER AGENCIES IN GENERAL

Sec. 4.01. Offices, Positions, Departments and Other Agencies Continued by Charter or Created by Council. (a) The following offices and positions, in addition to those provided for by Chapter III of this Charter, are hereby continued by this Charter; city manager, assistant city manager, city clerk, city accountant, city attorney, chief of

police, and fire chief. The assistant city manager shall have such duties as may be assigned to him by the city manager.

(b) The city council may create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies other than those established or continued by this Charter. The council by ordinance may assign additional functions or duties to offices, positions, departments and agencies established or continued by this Charter, but may not discontinue or assign elsewhere any functions or duties assigned by this Charter to a particular office, position, department or agency, except that the positions of fire chief and police chief may be combined.

#### SUBCHAPTER B. CITY MANAGER

Sec. 4.21. City Manager: Appointment, Qualifications, Term, Compensation, and Oath. (a) There shall be appointed by the city council an officer to be known as the city manager, who shall be the administrative head of the city government. He shall be appointed with regard to merit only and need not be a resident of the city when appointed. No council member may receive such appointment nor act as manager during the term for which he was elected, nor within one year after the expiration of his term.

(b) The term of the city manager shall be at the discretion of the city council, and he shall receive such compensation as it may fix.

(c) Before entering upon the duties of his office, the city manager shall take and subscribe an oath to perform faithfully the duties of his office and the oaths of office required by general law (now codified as G. S. 11-6 and 11-7).

Sec. 4.22. City Manager: Powers and Duties. The city manager shall (1) be the administrative head of the city government and, as such, shall be responsible for the administration of all city offices, positions and departments, created by or under this Charter; (2) see that within the jurisdiction of 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 council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the 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; and (5) transmit to the heads of the several departments notice of all acts of the council relating to the duties of their departments, and make designation of officers to perform duties ordered to be performed by the council.

Sec. 4.23. City Manager: Absence or Disability. The city manager may (1) designate a deputy to perform his functions temporarily when he, the manager, is absent from the city, sick or otherwise unable to act, or (2) from time to time designate a deputy or deputies to perform his functions during any particular absence or disability. The person or persons so designated shall have all of the powers and duties of the manager when acting, in the place of the manager.

Sec. 4.24. City Manager: Removal. The city council may remove the city manager by vote of a majority of its members. If involuntarily removed by the council, the manager shall forthwith be paid any unpaid balance of his salary, any accumulated and accrued job benefits, and his salary for the three calendar months next following the day of his termination.

SUBCHAPTER C. FINANCES AND FISCAL MATTERS  
ARTICLE 1. FISCAL AND BUDGETARY ADMINISTRATION AND  
PROCEDURES

Sec. 4.41. City Accountant. (a) The city manager shall appoint an official who shall have the title of city accountant.

(b) The city accountant shall:

(1) Authorize the disbursement of all city monies and have control over all expenditures to ensure that budget appropriations are not exceeded;

(2) Maintain a general accounting system for the city and each of its departments, offices and agencies;

(3) Keep books for and exercise financial budgetary control over each city department, office and agency;

(4) Submit to the city council through the city manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the city; and, in addition,

(5) Perform all functions and duties, and exercise all powers, provided for by general law for this office. If any such functions, duties or powers conflict with those prescribed by paragraphs (1) through (4) of this subsection, the provisions of said paragraphs shall prevail.

Sec. 4.42. Application of Municipal Fiscal Control Act. Subject to the provisions of this Charter, all of the provisions of the Municipal Fiscal Control Act (now codified as Article 33 of G. S. Chapter 160) may, by ordinance, be applied to the City of Hickory.

ARTICLE 2. TAXATION

Sec. 4.51. General Authority to Levy and Collect Taxes. To raise revenue for defraying expenses incident to the proper government of the city, the council may annually levy and collect (1) an ad valorem tax on real and personal property (including intangible property not exempt from taxation) and on all other property subject to ad valorem tax; (2) a tax on all businesses, trades, professions, avocations, and franchises, carried on or enjoyed within the city, as permitted by general law; and (3) any other taxes permitted by general law.

Sec. 4.52. Levy, Collection and Payment of Ad Valorem Property Taxes.

(a) Except as otherwise herein provided, ad valorem property taxes shall be imposed and collected in the manner provided by general law.

(b) Ad valorem property taxes shall become due and payable on the date provided by general law, and interest shall be charged for late payment in the amounts and during the periods covered by general law. In the discretion of the city council a discount of two per cent, and none other, may be allowed for prepayment of taxes at any time before September first next preceding the date when due.

Sec. 4.53. 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 city may employ the remedies of levy upon personal property, attachment and garnishment, in the manner of and subject to the limitations provided in G. S. 105-385 (c) through (g).

SUBCHAPTER D. PERSONNEL  
ARTICLE 1. HIRING AND FIRING

Sec. 4.71. Appointment and Removal of Department Heads and Employees. (a) Except as is otherwise provided in this Charter, heads of departments shall be appointed by the city council for a term of one year from a list of recommended appointees submitted by the city manager. If the city council is unable or refuses to appoint from the list so furnished it shall call on the city manager for other such lists.

(b) The city manager shall have power to suspend, fine, and dismiss any head of a department in the interest of discipline; but any officer, appointed or elected by the city council to a position in said department, who has been suspended, fined or dismissed, may appeal to the city council at any of its regular meetings, and it shall review his case, affirm or modify or reverse the order of the manager, and make any restitution within the law which it may deem advisable. The city manager shall promptly report all suspensions, fines, and dismissals as hereinafter provided in the Article in reference to the police powers of the City of Hickory.

(c) All appointments made by the council shall be made at the first council meeting in July, and the terms of office of officials thus appointed shall run from the date of such meeting.

(d) Except for the purpose of inquiry or investigation, the council and its members shall deal with department heads and city employees through the city manager, and neither the council nor any of its members shall give order to any subordinate of the manager, either publicly or privately.

ARTICLE 2. PENSION, RETIREMENT AND INSURANCE SYSTEMS

Sec. 4.81. Public Liability Insurance Policies Covering Certain Employees. The city may purchase and pay the premium on one or more public liability insurance policies to protect and hold harmless from loss any city employee or employees engaged in occupations found by the city council to be hazardous to the public generally.

SUBCHAPTER E. PROCUREMENT AND PROPERTY MANAGEMENT

ARTICLE 1. CONTRACTING, PURCHASING AND PROPERTY MANAGEMENT  
PROCEDURES

Sec. 4.101. Contracting Procedures; Authentication of Documents. (a) Except as herein otherwise provided, all formal requirements concerning the making and execution of contracts by the city shall be governed by general law.

(b) All contracts for which formal bid procedures are required by laws shall be approved by the city council.

(c) Except where otherwise provided by law, all contracts, licenses and other public documents of the city shall be signed by the city manager or some person designated by him and shall be authenticated by the city clerk. The manager shall file with the council a written memorandum of any designation by him of a person to sign documents, and such memorandum shall be recorded in the minutes of the council.

Sec. 4.102. Contracts for Supplies for Current Use. No contract for a longer period than twelve months shall be made by the city or anyone acting for the city for supplies for current use for any city department.

## ARTICLE 2. SALE AND DISPOSITION OF PROPERTY

Sec. 4.111. Sale of Surplus Real Property. (a) Whenever the city owns any real estate which is not required for public purposes, said real estate may be sold by the city in the manner provided by this Section.

(b) When an offer is received for any such property, the city council may cause notice to be published in any newspaper of general circulation published in the city (or if there is no such newspaper, then in any newspaper of general circulation published in Catawba County), once each week for two successive weeks. Said notice shall set forth a general description of the property, the amount offered therefor, and a statement that unless said offer is raised within fifteen days following the first publication, by a bid exceeding the original offer by at least such percentage as the council may fix and set forth in said statement (not exceeding ten percentum on the first one thousand dollars (\$1,000.00), and five percentum thereafter), the council will, in its discretion, proceed to authorize and complete the sale. Upon the expiration of fifteen days following first publication of said notice, if no increased bid has been made as herein set forth, the council may, in its discretion, authorize the sale and order execution of an appropriate conveyance therefor upon payment of the purchase price. If an increased bid is submitted in the manner herein provided, the council may advertise said bid in the same manner as the original bid. The council may, in its discretion, in connection with any such bid or increased bid, require that the bidder give security or make a deposit, in such amount as the council may fix, to be forfeited upon failure of the bidder, after acceptance of his bid, to pay the purchase price and take delivery of the deed.

(c) The provisions of this Section shall be construed as in addition to all other provisions of law authorizing or prescribing the method of sale of real property owned by the city.

Sec. 4.112. Acceptance of Secured Promissory Notes for Sale of Real Estate. The city council is authorized in its discretion to accept, in payment of the purchase price (or any part thereof) for any real estate sold as surplus, negotiable promissory notes, maturing at such times and bearing interest at the rate of six percentum per annum, and secured by purchase money mortgages or deeds of trust upon the respective tracts so sold or by such other security, as the council may deem adequate.

Sec. 4.113. Conveyance to Abutting Owners of Small Parcels of Land Cut Off from City-Owned Tracts by Street Improvements. Whenever in opening, extending or widening any street, avenue, alley or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to execute and deliver in the name of the city a deed conveying said cutoff or separated parcel or tract of land to an abutting, or adjoining property owner or owners in exchange for rights-of-way for said street, avenue, alley or public place or in settlement of any alleged damages sustained by said abutting or adjoining property owner. All deeds and conveyances heretofore or

hereafter so executed and delivered shall convey all title and interest the city has in such property notwithstanding no public sale after advertisement was, or is hereafter, made.

Sec. 4.114. Sale of Surplus Personal Property of Less Than Five Hundred Dollars (\$500.00) Value. (a) the city manager in the manner provided by subsection (b) of this Section, may sell any surplus, unused or obsolete personal property belonging to the city and having in his judgment at the time of the publication of the notice provided for in subsection (b) of this Section a market value of no more than five hundred dollars (\$500.00). The manager may convey title to any property sold hereunder.

(b) Such property may be sold at public outcry, after one week's public notice, to the highest bidder. Such property may also be sold, when the manager shall determine it is in the public interest, upon sealed bids after one week's public notice, to the highest bidder. Sealed bid proposals shall be opened in public and recorded on the minutes of the council. The public notice shall state the time and place for opening of proposals and shall reserve to the manager the right to reject all bids.

(c) It shall not affect the validity of a sale conducted hereunder that the property was actually sold for more than five hundred dollars (\$500.00).

(d) Property may be sold hereunder without regard to the requirements of G. S. Chapter 160, Article 6, or of any other law governing the procedure for sale of municipal property. The powers granted herein are in addition to and not in substitution for existing powers granted by law for the sale of city property, both with respect to property having a value of more than five hundred dollars (\$500.00) and with respect to property having a value of less than five hundred dollars (\$500.00).

(e) The sale of any and all property under the authority of this Section shall be reported by the city manager to the city council at its next regular meeting following such sale.

#### SUBCHAPTER F. RECORDS MANAGEMENT

Sec. 4.131. City Clerk. (a) The city council shall appoint annually a city clerk for a term of one year, provided that the council may, within its sole discretion, terminate such appointment at any time.

(b) The city clerk shall: (1) Give notice of council meetings; (2) keep a journal of council proceedings; (3) record in a book kept for the purpose all ordinances and resolutions; (4) be the custodian of all city records; and (5) perform such other duties as are prescribed by general law or by this Charter, or as shall be required by the city council.

#### SUBCHAPTER G. OTHER DEPARTMENTS, OFFICES AND AGENCIES.

##### ARTICLE 1. CITY ATTORNEY

Sec. 4.151. City Attorney: Appointment and Compensation. (a) The city council shall appoint annually a city attorney for a term of one year, provided that the council may, within its sole discretion, terminate such appointment at any time.

(b) The city attorney shall receive an annual salary to be fixed by the city council, and such additional remuneration as the council may deem advisable for services performed other than those specifically prescribed by Section 4.152.

Sec. 4.152. City Attorney: Functions. In addition to other duties required of him by this Charter or by law, the city attorney shall attend all council meetings and advise the city council, the mayor, the city manager and all officers and agents of the city in regard to matters connected with the city's business.

## ARTICLE 2. POLICE AND FIRE ADMINISTRATION

Sec. 4.161. Powers and Duties of Chief of Police and Policemen. (a) The chief of police, acting under the city manager, shall have control of the police force and shall enforce discipline therein.

(b) The chief of police and each member of the police force shall have the powers of peace officers vested in the sheriffs and constables, for the following purposes: For the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders, and for serving civil process. Such powers may be exercised within the corporate limits of the city and one mile beyond, and upon city real property wherever located.

Sec. 4.162. Fingerprinting and Photographing of Arrested Persons. The chief of police may provide for the taking of fingerprints and photographs of any person arrested by any police officer of the city, in cases involving felonies, larceny or aggravated assault, notwithstanding the limitations of G. S. 148-79.

Sec. 4.163. Powers of Firemen on Duty During Fires. The fire chief and his assistants, while on duty during fires, shall have the powers conferred upon police officers by Section 4.161 (b) of this Charter, and are authorized to make arrests without warrants for interference with or obstructions to their operations.

## ARTICLE 3. WATER AND SEWER ADMINISTRATION

Sec. 4.171. Renewal of Discontinued Water or Sewer Connections. When any water or sewer connections are discontinued by any officer or agent of the city in accordance with the provisions of an ordinance, it shall be unlawful for any person, firm or corporation (private or public), other than the city council or its agents or employees, to make said connections or to use the same without the approval of the city manager.

## CHAPTER V. REGULATORY AND PLANNING FUNCTIONS

### SUBCHAPTER A. CITY PROPERTY, INCLUDING STREETS, SIDEWALKS, PARKS AND PUBLIC BUILDINGS

Sec. 5.01. Control of Beggars. The city council may prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of the city.

### SUBCHAPTER B. MOTOR VEHICLES AND TRAFFIC

Sec. 5.21. Location of Traffic Control Devices. (a) The city council may authorize an official to designate the location of any or all official traffic control devices, upon a determination by him in each case:

(1) If such a device is to be installed by him at a particular location, that its installation is necessary in order to control traffic congestion in the interest of public safety; (2) If such a device is to be moved or removed from a particular location, that the device is no longer required at such location for the control of traffic congestion in

the interest of public safety. An "official traffic control device", as used in this Section, is a sign, signal, marking, or device, including a parking meter, which is intended to regulate vehicular or pedestrian traffic.

(b) Whenever an official traffic control device is installed, moved or removed pursuant to the preceding subsection, such action shall be reported in writing at the next regular council meeting. Unless such action is reversed by the council, a notation thereof shall be made by or under the direction of the city manager on a map or record book or any combination thereof maintained for that purpose. Such map or record book shall be retained permanently in the office of the city clerk and shall be designated, as the case may be, as "Map (or Record Book) of Location of Official Traffic Control Devices". Typed, photographic or other copies of any part of such map or record book certified by the city clerk, shall be admitted in evidence in all courts and shall have the same effect as would the original map or record book.

(c) For purposes of enforcement, the installation or moving or removing of a traffic control device pursuant to subsection (a) shall take effect immediately when such a device is installed, moved or removed. The location of a traffic control device may be proved by the testimony of the official who designated its location in any case where an offender is brought to trial before a notation concerning the traffic control device in question has been made pursuant to subsection (b).

Sec. 5.22. Obstruction of Alleys. If, in the opinion of the city council, a fire hazard is created by the obstruction of private alleys, the council may adopt regulations governing the obstruction of private alleys, either by reason of the parking of motor vehicles or otherwise.

Sec. 5.23. Regulation of Ambulances and Wreckers. The city council may establish regulations governing the operation of ambulances, wreckers, and other motor vehicles used in connection with emergencies, disasters, or accidents.

#### SUBCHAPTER C. OCCUPATIONAL AND BUSINESS LICENSING AND REGULATION

Sec. 5.41. General Powers of City Council to Regulate Occupations and Businesses: Revocation of Licenses by City Manager. (a) The city council is authorized to regulate or, subject to general law, to license any occupations, businesses, trades, or forms of amusement or entertainment in the interest of the public health, welfare, order or safety, and to prohibit such as may be inimical to the public health, welfare, order or safety.

(b) The city manager may revoke or suspend any license issued by the council pending the action of the council.

Sec. 5.42. Liability Insurance or Surety Bond to be Furnished by Demolition Contractors. (a) The city council may require every demolition contractor to furnish and keep in effect, for each building demolition project in the City of Hickory he may undertake, a policy of insurance or surety bond with sureties approved by the city manager. The policy or bond shall be in such amount or amounts as may be fixed by the council and shall be conditioned upon such contractor responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the prosecution of the demolition project, but the total liability of the contractor under such policy or bond shall not exceed a maximum limit designated by the council.

The policy or bond, if required, shall be filed with the council as a condition precedent to conducting any building demolition project in the City of Hickory.

(b) As used in this Section, the term "demolition contractor" means a person, firm or corporation who undertakes on his account or for another (whether for an agreed price or for cost plus a fixed fee or otherwise) to raze, dismantle or demolish a building.

#### SUBCHAPTER D. PLANNING, ZONING, BUILDING REGULATIONS AND RELATED MEASURES

##### ARTICLE 1. SUBDIVISION CONTROLS

Sec. 5.61. Authority to Require Installation of Certain Improvements Prior to Approval of Plats. (a) In connection with subdivision or platting controls, the city council may require the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface water drainage, and other utility mains, as the condition precedent to the approval of the plat. The requirements may provide for tentative approval of the plat previous to such improvement and installation. The requirements may provide that in lieu of completion of the work and installations prior to final approval of the plat, the council may accept a bond, in an amount and with surety and condition satisfactory to it, providing for and securing to the city the actual construction and installation of the improvements and utilities within a period specified by the council and expressed in the bond. The city is empowered to enforce the bond by all appropriate legal and equitable remedies. Requirements adopted under this subsection may be adopted throughout the area over which the city is authorized by law to exercise platting or subdivision controls.

(b) The requirements may provide, in lieu of the completion prior to the final approval of the plat of such work and installation on land within the corporate limits of the city, for an assessment under this Chapter or under G. S. Chapter 160, Article 9, or other statutory authorization whereby the city may do the work and make the installation at the cost of the owners of the property within the subdivision.

##### ARTICLE 2. BUILDING REGULATIONS

Sec. 5.71. Power to Destroy Property to Stop Fires. The mayor, the city manager, a member of the city council, or the chief of the fire department may order the blowing up, tearing down or other destruction of any building when it is deemed necessary to stop the progress of a fire. No person shall be held liable, civilly or criminally, for acting in obedience to orders thus given, nor shall the city, the mayor, the city manager, the council member or the fire chief be held liable, civilly or criminally, for the giving of such orders or for damages to property ordered destroyed.

##### ARTICLE 3. ULTIMATE STREET IMPROVEMENTS

Sec. 5.81. Ultimate Street Improvements Law Made Applicable to City of Hickory. Chapter 156 of the N. C. Private Laws of 1927 (concerning ultimate street improvements), as the same may be amended from time to time, shall apply to the City of Hickory.

#### SUBCHAPTER E. PUBLIC HEALTH REGULATIONS

Sec. 5.91. Regulation of Burials, Crematories and Cemeteries. The city council may regulate burial grounds, crematories and cemeteries, and may prohibit burials within the city limits, if deemed advisable or if found necessary to protect the public health.

#### SUBCHAPTER F. UTILITY REGULATION

Sec. 5.111. Public Utility Franchises. (a) The city council may grant franchises for any public utility in the manner provided by law. (b) Franchises granted hereunder: (1) Shall extend for such periods as the council may determine, not to exceed sixty years, and may be renewable;

(2) Shall be revocable at the will of the council for violation of their terms and conditions;

(3) Notwithstanding any other provision of law, shall, if they pertain to the streets, sidewalks, or other public grounds or places in the city, be separately taxable or subject to separate payments in lieu of taxes or in return for the use of streets, etc., such taxes or payments to be in addition to all other taxes. No taxes or payments may be required under this paragraph, in the aggregate, in excess of the comparable amounts that were imposed and collected on or before January 1, 1947;

(4) May not be transferred without the approval of the council;

(5) May contain such provisions, consistent with the General Statutes relating to the jurisdiction of the State Utilities Commission, as the council deems proper concerning service, facilities, maintenance, operation, rates, accounting, reports and other matters; and

(6) May reserve to the city the right to purchase the utility properties covered by the franchise upon such terms (including price) as may be provided for by the franchise, but in no event shall the value of the franchise be considered in determining the purchase price.

#### CHAPTER VI. CITY SERVICES AND FACILITIES

##### SUBCHAPTER A. ESTABLISHMENT AND MAINTENANCE OF SERVICES AND FACILITIES

##### ARTICLE 1. ROADS AND STREETS

Sec. 6.01. Authority to Close Public Alleys and to Condemn Property for the Purpose. (a) The city council shall have authority to close any public alleys that it may deem advisable. Before such action is taken, a public hearing shall be held upon notice to the adjoining property owners.

(b) In the event the city and the owners of the property proposed to be purchased or the owners of property adjoining an alley proposed to be closed cannot agree upon the purchase price or the amount of damages such adjoining property owners may sustain, then the city may condemn any land or interests in land needed for the purpose of closing the alley. The procedure in such condemnations shall be as set forth in subchapter B of this Chapter.

##### SUBCHAPTER B. EMINENT DOMAIN

Sec. 6.41. Authority to Acquire Needed Property: Procedure for Condemnation of Property. The City of Hickory, acting through its city council shall have authority to

purchase or acquire by condemnation for any lawful public use or purpose any land, right of access, right of way, water right, privilege, easement, or any other interest in or relating to land or water, either within or beyond the city limits, including the dwelling house, yard, kitchen, garden, or burial ground of any person. The procedure in such condemnation proceedings shall conform as nearly as possible to the procedure provided in G. S. Chapter 40, Articles I and II, and all Acts amendatory thereof, except that the restrictions contained in G. S. 40-10 shall not apply to the City of Hickory.

#### SUBCHAPTER C. LOCAL IMPROVEMENTS AND ASSESSMENTS FOR LOCAL IMPROVEMENTS

Sec. 6.61. Authority to Make Local Improvements. Chapter 224 of the N. C. Private Laws of 1927, as the same may be amended from time to time, shall apply to the City of Hickory, and the city council shall have authority to make local improvements to assess the cost against benefited property pursuant to said Act as well as under any other procedure provided by law.

#### CHAPTER VII. MUNICIPAL COURT

Sec. 7.01. Establishment. The special court for the trial of misdemeanors and for other purposes, designated as the Municipal Court of the City of Hickory, is hereby continued.

Sec. 7.02. Court of Record: Jurisdiction. (a) Said court shall be a court of record with the following jurisdiction: (1) Exclusive, original jurisdiction over all offenses arising from the violation of any ordinance or regulation of the city council within the corporate limits of the City of Hickory and within Hickory Township. (2) Exclusive, original jurisdiction to try all actions for the recovery of any penalty imposed by law or by any ordinance of the City of Hickory for any act done or the failure to do any act within the corporate limits of the City of Hickory and within Hickory Township. (3) Original and concurrent jurisdiction with justices of the peace of all offenses committed within the City of Hickory or within Hickory Township, which are now or may hereafter be tried by justices of the peace under the Constitution and General Laws of the State. (4) Exclusive, original jurisdiction of all other criminal offenses committed within the City of Hickory or within Hickory Township which are below the grade of felony as now defined by law. (5) Exclusive, original jurisdiction to hear and determine the question of probable cause and to bind over to the Superior Court of Catawba County for all offenses committed within the corporate limits of the City of Hickory and within Hickory Township above the grade of misdemeanors. (6) Original jurisdiction over any and all offenses occurring upon the property of the City of Hickory whether or not said property shall lie in Catawba County or in other counties.

(b) No provision of this Charter shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction with such municipal court of the City of Hickory over any misdemeanor now within the jurisdiction of such court, when committed without the corporate limits of the City of Hickory: Provided, however, any defendant in any such case made returnable before a justice of the peace may at any time prior to the introduction of any evidence file a written request that the case be removed to the municipal court of the City of Hickory for trial, and upon the

filing of such request the justice of the peace shall order the case so removed and transferred. He may require such bail bond or recognizance for such purpose as might otherwise be by law authorized or required to secure the appearance of a defendant or witness before such justice of the peace and make the same returnable to the said municipal court on the first day upon which said court is scheduled to be in session following the filing of such request, and the justice of the peace shall at once deliver to the clerk of the said municipal court the warrant, recognizance and other papers in such case.

(c) The judge of said court shall have power and authority to issue his warrants or other process for all persons charged with any offense within his jurisdiction and for such persons brought before him and to determine the charges against them, and pronounce judgment thereon; impose fines and sentences of imprisonment, penalties and forfeitures; issue executions and otherwise direct and compel the enforcement of his judgments, with the right of appeal by the defendant from the judgment or sentence of the municipal court of the City of Hickory to the Superior Court of Catawba County, under the same provisions of law as govern an appeal from other inferior courts or courts of justices of the peace. In case a defendant, witness or other person shall be adjudged to be imprisoned by the said municipal court, it shall be competent for said court to sentence such person to imprisonment in the common jail of Catawba County to be worked as provided by the General Statutes of North Carolina.

Sec. 7.03. Elections, Term and Compensation of the Judge. The court shall be presided over by a judge, who may be a licensed attorney at law, and who shall be of good moral character and at the time of his appointment a qualified elector of Hickory Township. He shall be appointed for a term of one year by the City Council of the City of Hickory at its first regular meeting in July or at such other time as said council makes its regular annual appointments. The judge and all other court officials now serving the existing municipal court for the City of Hickory shall hold office until their successors shall have been appointed and qualified pursuant to the provisions of this Chapter. The salary of the judge shall be determined and fixed in advance by the city council and shall not be increased or decreased during the term of his office.

Sec. 7.04. Judge Pro Tempore. The city council may annually elect a judge pro tempore to act in the place of the judge in the event he should be prevented from attending the municipal court of the City of Hickory on account of sickness, absence or other disability.

Sec. 7.05. Clerk of Municipal Court: Election; Duties. (a) The city council shall annually elect a clerk of the municipal court of the City of Hickory and such deputy clerks as may be considered necessary.

(b) It shall be the duty of the clerk of court to keep an accurate and true record of all costs, fines, penalties, forfeitures and punishments imposed by the court, and the record shall show the name and residence of the offender, the nature of the offense, the date of the hearing and trial, and the punishment imposed, which record shall at all times to be open to inspection by the city council or other persons having business relating to the court. The clerk shall keep a permanent docket for recording all processes issued by the court which shall conform to the dockets kept by the Clerk of the Superior

Court. He shall also keep in proper files a record of all warrants which have been issued and cases which have been disposed of in said court showing what disposition was made thereof.

(c) The clerk shall make monthly settlement with the State, county and city treasurers of all money which has come into his hands belonging to either.

Sec. 7.06. Prosecuting Attorney. The city council shall annually appoint a prosecuting attorney for the court who shall appear for the prosecution in all cases therein, and when specially requested by the city council shall assist in the prosecution of all cases which may be bound over or appealed from the court to the Superior Court. His salary shall be fixed by the city council at the same time and in the same manner as is provided for the fixing of the salary of the judge. The prosecuting, attorney shall be of good moral character, and, at the time of his appointment, be a qualified elector of Hickory Township.

Sec. 7.07. Issuance and Service of Process. (a) The judge of the municipal court of the City of Hickory may issue process to the chief of police or to the sheriff, constable or other lawful officer of Catawba County and such process, when attested by the seal of the court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law.

(b) The summons, warrant of arrest and every other writ, process or precept issuing from the court may be signed by the judge, judge pro tempore or by the clerk of the court or deputy clerk.

Sec. 7.08. Costs. (a) Regardless of whether the jurisdiction of the court is original or derivative, in each criminal case disposed of by the court there shall be assessed as costs by the court, in addition to any other lawful costs required by law, the sum of fifteen dollars and sixty cents (\$15.60), representing the following costs:

Judge .....	\$ 3.00
Solicitor .....	3.00
Clerk .....	1.00
Warrant .....	1.60
Library (pursuant to Public-Local Laws 1937, Chapter 112).....	.50
Arrest Fee .....	2.50
City's Officers Retirement .....	2.00
N. C. Law Enforcement Officers' Benefit & Retirement Fund (Pursuant to G. S. 143-166) .....	2.00
	<hr/>
	\$15.60

(b) In any case, if applicable, there shall also be assessed: (i) the sum of fifty cents (50¢) for each warrant served by one other than an officer of the City of Hickory; (ii) the sum of sixty cents (60¢) for subpoenaing witnesses by city officers, to be paid into the general fund; (iii) one dollar (\$1.00) for subpoenaing witnesses by one other than an officer of the City of Hickory, to be paid to the county or to the fee deputy; and (iv) one dollar (\$1.00) for each day or part that defendant remains in jail.

(c) All costs recovered and collected in said court except as is otherwise herein provided or provided by the laws of the State of North Carolina shall belong to the City

of Hickory and shall be paid by the clerk of said court into the city treasury accompanied by an itemized statement showing when and from whom received, provided, however, that any officer not receiving a salary from the County of Catawba or the City of Hickory who shall execute any process, writ or subpoena issued by said court shall be paid and shall receive fees prescribed by law for such service.

(d) Costs may be assessed either against the defendant or, in cases authorized by Section 7.10 of this Charter or by general law (now codified as G. S. 6-49), against the prosecutor.

Sec. 7.09. Continuances; Recognizances; and Transcripts. The court shall have the same authority to grant continuances, take bonds and recognizances, and render judgments on forfeited bonds and recognizances as is now fixed by law in the Superior Courts, and the procedure regulating the issuing and serving of notice against the defendants and their sureties upon bonds and recognizances and all other proceedings in taking and enforcing judgments in such cases shall be the same as in the Superior Court in like cases. Transcripts of any judgments rendered may be docketed in the Superior Court of Catawba County in the same manner and with the same effect as judgments of other courts docketed as provided by law.

Sec. 7.10. Prosecutor May be Taxed with Costs. The judge shall have full power in any case in which he shall adjudge that the prosecution was not required by public interest to tax the prosecution with the costs of such action; and in the event the judge shall adjudge that the prosecution is frivolous or malicious, he may imprison the prosecutor for the nonpayment of such costs as provided by law for similar cases in other courts.

## CHAPTER VIII. MISCELLANEOUS

### SUBCHAPTER A. CLAIMS AGAINST THE CITY

Sec. 8.01. Presentation of Claims to City Council. No action shall be instituted or maintained against the City of Hickory upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the city council and the council shall have declined to pay or settle the same as presented, or for thirty days after presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto. Nothing contained in this subchapter shall be construed to prevent any statute of limitations from commencing to run at the time when a claim accrued or demand arose, or in any manner to interfere with its running.

Sec. 8.02. Time for Presentation of Claims. (a) Except as otherwise provided in this Section, no action for damages of any character whatever, to either person or property, shall be instituted against the city unless, within two years after the happening or infliction of the injury complained of, the complainant or his duly authorized agent or attorney, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the injury, stating in the notice the date and place of the injury, the manner of infliction, the character of the injury, and the amount of damage claimed.

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

kind unless, within two years after such alleged use, the owner or his duly authorized agent or attorney, his executor, administrator, guardian, or next friend shall have given notice in writing to the council of the claim, the notice to set forth the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b), if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within one year after the termination of the physical or mental incapacity, provided that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within one year after termination of the physical or mental incapacity, or within three years after the happening or infliction of the injury complained of, whichever is the longer period.

Sec. 8.03. Settlement of Claims by City Manager. The city manager may settle claims against the city for (1) personal injury or for damages to property when the amount involved does not exceed the sum of five hundred dollars (\$500.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred, and (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 the sum of five hundred dollars (\$500.00) and does not exceed the actual loss sustained. Settlement of a claim by the city manager pursuant to this Section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be subject to the approval of the city attorney. The payment of any and all such claims shall be reported by the city manager to the city council at its next regular meeting following such sale.

#### SUBCHAPTER B. DEFINITIONS

Sec. 8.21. Definitions. As used in this Charter, unless the context indicates to the contrary:

The term "City" means the City of Hickory, Catawba County.

The term "council" means the city council of the City of Hickory.

The term "manager" means the city manager of the City of Hickory.

The term "clerk" means the city clerk of the City of Hickory.

The term "G. S." means the General Statutes of North Carolina.

"Sec. 2. (a) The purpose of this Act is to revise, reorganize and amend the revised and consolidated Charter of the City of Hickory (Chapter 68 of the Private Laws of 1913, as amended) and to consolidate into it other existing local acts concerning the property, affairs and government of the city. Unless expressly indicated to the contrary herein, it is not the intention to repeal, but rather to re-enact with or without

amendments, as the case may be, and to continue in force without interruption the provisions of said Charter and special acts, so that all rights and liabilities that have accrued are preserved and may be enforced, and that any grants of power and authority to the City of Hickory therein contained shall still be in force and available to the City of Hickory, if by it deemed appropriate.

"(b) All existing city ordinances and resolutions, and all existing rules or regulations of city departments or agencies, not inconsistent with the provisions of this Act shall continue in full force and effect until repealed, modified or amended.

"(c) All contracts, orders, leases, bonds and other obligations or instruments entered into by the city or for its benefit prior to the effective date of this Act shall continue in full force and effect. Public improvements initiated prior to such date may be carried to completion in accordance with existing laws or with the provisions of this Act.

"(d) 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 or before the city or any of its departments or agencies shall be abated or otherwise affected by the adoption of this Act.

"(e) This Act shall not be deemed to repeal, modify, nor in any manner to affect any Acts concerning any of the following subjects, or amendments thereto, even though such Acts or amendments are not expressly set forth herein:

(i) Any Acts concerning the property, affairs or government of the Hickory schools or school system;

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

(iii) Any Acts authorizing conveyance or sale of particular city properties or interests therein, or authorizing issuance of bonds, levy of taxes, or holding of elections for particular purposes."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of May, 1961.