

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2241
Committee Substitute Favorable 6/21/90

Short Title: Bessemer City Charter Rewrite.

(Local)

Sponsors:

Referred to:

June 1, 1990

A BILL TO BE ENTITLED
AN ACT REVISING AND CONSOLIDATING THE CHARTER OF BESSEMER
CITY.

The General Assembly of North Carolina enacts:

Section 1. The Charter of Bessemer City is revised and consolidated to read:

**"THE CHARTER
OF**

BESSEMER CITY, NORTH CAROLINA.

"CHAPTER I. ORGANIZATION AND POWERS.

"ARTICLE A. INCORPORATION OF CITY; CORPORATE POWERS.

"Section 1.10. Incorporation of City and Corporate Powers.

(a) The inhabitants of the City of Bessemer City, in the County of Gaston, State of North Carolina, shall continue to be and constitute a body politic incorporated within the boundaries as established in Article B of this Chapter, or as hereafter established in the manner provided by law, may have and use a corporate seal, and shall have perpetual succession and shall be a city under the name and style of 'Bessemer City.' Under such name the City shall continue to be vested with all of the property and rights of property which now belong to the corporation; 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, whether voluntarily or involuntarily, 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

1 municipal powers, functions, rights, privileges, and immunities of every name and
2 nature whatsoever.

3 (b) In addition to the foregoing, the City shall have, acting through its Council,
4 among other things, power to make and provide for the execution of such ordinances for
5 Bessemer City (hereinafter referred to as the 'City') as they may deem proper not
6 inconsistent with the laws of the State of North Carolina, now or hereafter granted to
7 municipalities under the general law of the State of North Carolina, and the City is
8 specifically granted in addition to the foregoing, the following powers which are in
9 addition to all other powers and authority set out in this Charter:

- 10 (1) Eminent Domain. To condemn land required for any governmental
11 purpose, both within and without the City limits, and in such excess as
12 may be required to protect or preserve same, under the same procedure
13 as now or hereafter provided in the General Statutes.
- 14 (2) Exercise of Police Power. To adopt and enforce within its corporate
15 limits and within one mile thereof police, sanitary, and other police
16 power regulations not inconsistent with the General Statutes and all
17 amendments thereto, including extraterritorial zoning authority as
18 authorized by the General Statutes which are hereby declared to be
19 applicable to the City, provided, however, that the boundaries of such
20 corporate limits and the one-mile area be defined in terms of
21 geographical features identifiable on the ground, to the extent feasible,
22 as provided by general statute;
- 23 (3) Borrow Money. To borrow money within the limits prescribed by
24 law;
- 25 (4) Appropriate Money. To appropriate the money of the City for all
26 lawful purposes in accordance with the applicable provisions of the
27 General Statutes.
- 28 (5) Payment of Debt. To provide for the payment of existing legal
29 indebtedness and of any binding obligation that may be made from
30 time to time by the City and to appropriate funds and levy taxes for
31 that purpose;
- 32 (6) Ordinances to Preserve Order. To pass ordinances for the due
33 observance of Sunday and for maintenance of order in the vicinity of
34 churches, schools, and public buildings;
- 35 (7) Cemeteries. To own, establish, regulate and operate one or more
36 cemeteries and to regulate the burying of the dead;
- 37 (8) Ownership of Public Facilities. To own, operate, maintain, or cease to
38 maintain, parks, hospitals, auditoriums, swimming pools, community
39 centers, playgrounds, stadiums, athletic parks and fields, and such
40 other facilities for the benefit and welfare of its citizens and to finance
41 same out of tax revenue or any portion of the General Fund; provided
42 such appropriations do not exceed ten percent (10%) of the gross tax
43 receipts during any fiscal year;

- 1 (9) Storm Drainage. To require that all property owners provide adequate
2 drainage facilities to the end that their premises be kept free of
3 standing water and permit the natural flow of water thereon to be taken
4 care of, and that in case of failure on the part of such owner or owners
5 to provide the same, after due written notice, to go upon the premises
6 and construct the necessary facilities and charge the costs thereof
7 against said premises to be collected as in the case of taxes;
- 8 (10) Automobiles. To control, regulate, or prohibit the licensing and
9 operating of junk yards and auto wrecking companies in the City;
- 10 (11) Ordinance Enforcement. To prescribe fines, forfeitures, and penalties
11 for the breach of any ordinance enforcing the powers granted in this
12 Charter or by general law and to provide for recovery of such fines and
13 forfeitures and cost of enforcement of such penalties;
- 14 (12) Ordinances to Maintain Peace and Welfare. To pass such ordinances
15 as are expedient for maintaining peace, good government, and the
16 welfare of the City and the morals and happiness of its citizens, and for
17 the performance of all municipal functions;
- 18 (13) General Duties and Powers. To do and perform all other duties and
19 powers authorized by law; and those prescribed by general statute and
20 those necessarily implied by law.

21 No liability shall accrue to the City or its officers, agencies, employees, or elected
22 officials for the failure of said City or its officers, employees, agencies, or elected
23 officials to perform any duty or exercise any powers above enumerated or hereafter set
24 out in this Charter, the General Statutes, or the general laws of the State of North
25 Carolina.

26 Except as otherwise provided in the Charter, or the general laws of North Carolina,
27 the City Council shall have authority to determine by whom and in what manner the
28 powers granted by this section shall be exercised.

29 "Section 1.12. **Exercise of Power.** All powers, functions, rights, privileges, and
30 immunities of the City, its officers, agencies, employees, or elected officials shall be
31 carried into execution as provided by this Charter or, if this Charter makes no provision,
32 as provided by ordinance or resolution of the City Council, and as provided by the
33 general laws of North Carolina pertaining to municipalities, and their officers, agencies,
34 employees, and elected officials.

35 "Section 1.14. **Powers Granted by Charter not Exclusive.** The enumeration of
36 particular powers, rights, privileges, franchises, and immunities by this Charter shall not
37 be held or deemed to be exclusive, but in addition to the powers enumerated or implied
38 therein, or as appropriate to the exercise thereof, the City shall have and may exercise
39 all other powers which under the Constitution and laws of North Carolina are now
40 granted or may be granted in the future to municipalities. The powers herein granted
41 are in addition to and not in substitution of existing powers, or powers hereafter granted
42 to municipal corporations under the Constitution and laws of North Carolina. Except as
43 limited or restricted or prohibited by the Constitution of North Carolina or this Charter,

1 the City shall have and may exercise all municipal powers, functions, rights, privileges,
2 and immunities of every name and nature whatsoever.

3 **"ARTICLE B. MUNICIPAL CORPORATE BOUNDARIES.**

4 "Section 1.16. **Corporate Limits Defined.** The corporate limits of the City shall be
5 those existing at the time of ratification of this restated Charter with such alterations as
6 may be made from time to time in the manner provided by law.

7 "Section 1.18. **City Map.** The city engineer or such other appropriate and qualified
8 person shall prepare a map of such boundaries to be entitled 'Map of Bessemer City
9 Limits' and shall also prepare a written description of the corporate boundaries as shown
10 on said map to be designated 'Description of Bessemer City Limits.' The city manager,
11 if any, or Mayor shall at all times maintain said map and description in his office as the
12 official map and description of the corporate boundaries of the City and shall be open to
13 inspection by any person at any time during normal business hours; provided, however,
14 that the City shall have authority to extend its corporate limits in any fashion as
15 provided for by the general laws of North Carolina. The city engineer or such other
16 appropriate person shall indicate any alteration by making appropriate changes in or
17 additions to said map and description. Photographic, typed or other copies of said
18 official map or description, certified by the city clerk, shall be admitted in evidence in
19 all courts and shall have the same force and effect as would the original map or
20 description. When required from time to time, the City Council may provide for the
21 redrawing of the official map or the rewriting of the official description. A redrawn
22 map and a rewritten description shall supersede the earlier map and description which
23 are replaced.

24 **"ARTICLE C. CHARTER AMENDMENTS.**

25 "Section 1.20. **City Attorney to Recommend Changes.** As soon as possible after
26 the adjournment of each General Assembly, the city attorney shall present to the City
27 Council copies of all local laws relating to the property, affairs, and government of the
28 City that were enacted by such General Assembly, whether or not in terms amending
29 this Charter, which he recommends to be incorporated into this Charter. Such
30 recommendations may include suggestions for renumbering or rearranging the
31 provisions of such laws, for providing titles and catch lines, and for such other changes
32 in arrangement and form that do not change the law as may be thought necessary to
33 implement the purposes of this section. After considering the recommendations of the
34 city attorney, the City Council may provide for the incorporation of such laws into this
35 Charter in order to maintain at all times a current and accurate Charter.

36 **"CHAPTER II. MAYOR AND COUNCIL.**

37 **"ARTICLE A. COUNCIL: COMPOSITION, TERMS,**
38 **QUALIFICATIONS, AND COMPENSATION.**

39 "Section 2.10. **Composition of the City Council.** The membership of the City
40 Council shall consist of a Mayor and six Council members who shall be elected in the
41 manner provided in this Charter.

42 "Section 2.12. **Terms, Qualifications, and Vacancies.**

43 (a) The terms of office for all elected officials (i.e., Mayor and Council
44 members) shall be for two years, beginning the day and hour of the organizational

1 meeting of the Council, and shall continue until their successors are elected and
2 qualified.

3 (b) No person shall be eligible to be elected to the City Council or to serve
4 thereon unless he is a qualified voter and resident of the City. Any qualified elector of
5 the City who has been a resident of the ward from which he is elected for at least 30
6 days prior to election shall be eligible to serve as a council member for such ward.

7 (c) If any person elected as a council member shall refuse to be qualified, or for
8 any reason cannot be qualified, or if there is a vacancy occurring after his election and
9 qualification as a result of death, resignation, removal of the place of residence of a
10 council member from Bessemer City or the ward for which such council member was
11 elected, conviction of or submission to a felonious charge, a declaration of lunacy, or
12 for any other cause as decreed by a court of competent jurisdiction, or by operation of
13 law, or if any such person becomes unable to discharge the duties of the office of
14 council member, the Council shall choose some qualified person who has been a
15 resident of the ward in which the vacancy occurred for at least four months prior to the
16 date of appointment to serve as council member in his place and stead for such
17 unexpired term. Council members so selected shall have all authority and powers given
18 by this Charter to regularly elected council members. Such council member shall be
19 elected by a majority vote of the remaining members of the City Council in regular or
20 special meeting. The City Council shall have authority to fill any vacancy resulting
21 from a failure of candidates filing.

22 (d) If any person elected as Mayor shall refuse to be qualified, or for any reason
23 cannot be qualified, or if there is a vacancy occurring after his election and qualification
24 as a result of death, resignation, removal of residence from Bessemer City, conviction of
25 or submission to a felonious charge, a declaration of lunacy, or for any other cause as
26 decreed by a court of competent jurisdiction, or by operation of law, or if any such
27 person becomes unable to discharge the duties of the office of Mayor, Council shall
28 choose some qualified person residing in the City for such unexpired term to act as
29 Mayor in his place and stead. A Mayor so selected shall have all authority and powers
30 given by this Charter to a regularly elected Mayor. Such Mayor shall be elected by a
31 majority vote of the remaining members of the City Council in regular or special
32 meeting.

33 (e) No person elected to the City Council, whether he qualifies or not, shall,
34 during the term for which he was elected, be appointed to or serve in any other position
35 or office of trust or profit in the City government. However, when a vacancy exists or
36 shall occur in the office of Mayor, a Council member shall not be barred from selection
37 as Mayor for the unexpired term.

38 "Section 2.14. **Compensation and Reimbursement of Officials.** The City Council
39 may fix the compensation of the Mayor and the Council members and any other elected
40 officers of the City in such sums as may be just and reasonable. Any increase in the
41 compensation of Mayor or Council member shall not take effect until after the next
42 succeeding regular municipal election. The Mayor, Council members or other elected
43 officers shall be entitled to reimbursement for actual expenses incurred in the course of

1 performing their official duties at rates not in excess of those allowed to other City
2 officers and employees.

3 "Section 2.16. **Rules of Business.** The City Council shall determine its own rules
4 and order of business.

5 **"ARTICLE B. ORGANIZATION AND PROCEDURES.**

6 "Section 2.20. **Organizational Meeting.** On the first regular meeting date in
7 December following the election in the immediately preceding November, the newly
8 elected Mayor and Council members shall meet at its usual place for holding its
9 meetings in Bessemer City, and the newly elected Mayor and Council members shall
10 take their oath of office and assume the duties of their office. The council members
11 shall choose from its members a Mayor Pro Tem, who shall hold office for a term of
12 two years. The organization of the Council shall take place notwithstanding the
13 absence, death, refusal to serve or nonelection of one or more members; provided, that
14 at least four of the persons entitled to be members are present.

15 "Section 2.22. Regular and Special Meetings.

16 (a) Regular Meetings. Following the organizational meeting, the Council shall
17 designate the time for its regular meetings by resolution or ordinance and shall convene
18 for such regular meeting not less than once each month.

19 (b) Special Meetings. The Mayor, or in the absence of the Mayor, the Mayor Pro
20 Tem, or a majority of the Council members at any time may call a special meeting of
21 the City Council by causing written notice stating the time, place and purpose of the
22 special meeting, to be delivered to each member or left at his dwelling and also at his
23 place of business at least six hours before such special meeting. Only the business
24 stated in the written notice may be transacted at a special meeting so called, except
25 when the Mayor and all Council members are present and consent to the transaction of
26 other business. Meetings of the Council may also be held at any time the Mayor and all
27 Council members are present and consent thereto or when called or announced at a
28 regularly scheduled meeting of the Council at which time all members of the Council
29 are present.

30 (c) Attendance and Quorum. The Mayor and City Council members shall be
31 expected to attend all Council meetings, both regular and special, and shall endeavor to
32 attend at least seventy-five percent (75%) of such meetings. A majority of the City
33 Council shall constitute a quorum. In determining whether a quorum is present, the
34 Mayor shall be counted as a member of the City Council.

35 (d) All Meetings Public. Unless otherwise provided by law, all meetings shall be
36 open to the public, and the Council shall sit with open doors at all of its legislative
37 sessions.

38 (e) Minutes of Meeting to Be Kept. The City Council shall keep a journal of its
39 proceedings which, except as to those matters exempted by law, shall be a public
40 record. All minutes shall be maintained by the city clerk.

41 (f) Mayor to Preside. The Mayor, who shall be the official head of the City,
42 shall preside at all meetings of the Council, if present. In the absence of the Mayor, the
43 Mayor Pro Tem shall preside, and in the absence of both, a chairman pro tem shall be
44 chosen to preside at such meeting.

1 (g) Voting.

- 2 (1) Mayor and council Obligated to Vote. Neither the Mayor nor any
3 Council member shall be excused from voting except upon matters
4 involving the consideration of his own official conduct, or involving
5 matters in which he has a financial or prejudicial interest. An
6 unexcused failure to vote by the Mayor or a Council member who is
7 present shall be deemed an affirmative vote and shall be so recorded.
8 A Council member who has withdrawn from a meeting without being
9 excused shall be counted as present for the purpose of determining
10 whether or not a quorum is present, and if a vote is taken during the
11 absence of a Council member, his vote shall be deemed an affirmative
12 vote as set forth above.
- 13 (2) Mayor and Mayor Pro Tem. The Mayor shall have no vote except in
14 the case of a tie. In the absence of the Mayor, the Mayor Pro Tem, or
15 the Chairman Pro Tem shall vote as herein provided for the Mayor.
- 16 (3) Quorum. A majority of the members present shall be sufficient to pass
17 any motion, resolution, or ordinance unless a greater vote is required
18 by law or is set out herein.
- 19 (4) Public Hearings. The Council may continue any public hearing
20 without further advertisement. If a quorum is not present at the time
21 fixed for such hearing, it shall automatically be continued to the next
22 regular Council meeting.

23 **"ARTICLE C. POWERS AND DUTIES.**

24 "Section 2.30. Exercise of Powers.

25 (a) City Council. The City Council shall direct the exercise of all of the powers
26 of the City, except as otherwise provided by this Charter. In addition to other powers
27 conferred upon it by law, the City Council may adopt and provide for the execution of
28 such ordinances, rules and regulations as may be necessary or appropriate for the
29 preservation of the comfort, convenience, security, good order, better government or
30 general welfare of the City and its inhabitants. The Council may enforce the same by
31 imposing penalties for violations and may compel the performance of the duties
32 imposed upon others by suitable penalties.

33 (b) Mayor. The Mayor shall be the official representative of the City and shall
34 preside at all meetings of the City Council. The powers and duties of the Mayor shall be
35 such as are conferred upon him by this Charter, by the General Statutes, and by general
36 law, together with such others as may be conferred by the Council.

37 (c) Mayor Pro Tem. During the absence or disability of the Mayor, the functions
38 of his office shall be maintained by the Mayor Pro Tem. The Mayor Pro Tem shall
39 preside at all meetings of the Council in the absence of the Mayor, but shall only vote
40 when so presiding as herein provided for the Mayor.

41 (d) Council to be Judge of Elections. The City Council shall be the judge of the
42 elections and qualifications of its members and the Mayor, and in such cases shall have
43 power to subpoena witnesses and compel the production of all pertinent books, records,

1 and papers; but the decision of the City Council in any case shall be subject to review
2 by a Court of competent jurisdiction.

3 **"ARTICLE D. ORDINANCE PROCEDURES.**

4 "Section 2.40. **Applicable General Law.** Except as otherwise herein provided, the
5 adoption, amendment and repeal of ordinances shall be governed by provisions of
6 general laws applying to municipalities.

7 "Section 2.42. **Effect of Ordinances on City Property.** Unless otherwise provided
8 in the ordinance, all ordinances shall apply to property and rights-of-way belonging to
9 the City and located outside the corporate limits.

10 "Section 2.44. **Code of Ordinances.** The Council shall adopt and issue a copy of its
11 ordinances known as the 'Code of Ordinances of Bessemer City.' The code may be
12 reproduced by printing, mimeographing, photoduplication, offset or similar process and
13 may be issued as a securely bound book or books with periodic separately bound
14 supplements or as a loose leaf book maintained by replacing pages.

15 **"CHAPTER III. ADMINISTRATIVE OFFICES.**

16 **"ARTICLE A. ORGANIZATION OF CITY GOVERNMENT.**

17 "Section 3.10. **Organization.** The Council may create, change, abolish and
18 consolidate offices, positions, departments, boards, commissions, and agencies of the
19 City government and generally organize and reorganize the City government in order to
20 promote orderly and efficient administration of City affairs, except as may be otherwise
21 provided by this Charter and by the applicable general laws of the State of North
22 Carolina.

23 **"ARTICLE B. CITY MANAGER.**

24 "Section 3.20. **Appointment.** The City Council shall appoint a city manager to
25 serve at its pleasure. He shall be appointed solely on the basis of his executive and
26 administrative qualifications, and the city manager need not be a resident of the City at
27 the time of his appointment but shall be required to become a resident of the city within
28 six months following his appointment. The individual appointed city manager is
29 eligible to serve in more than one appointive capacity but not as an elected official. He
30 shall receive such compensation as the Council may fix.

31 "Section 3.22. **Powers.** The city manager shall be the chief administrator of the
32 City. He shall be responsible to the Council for administering all municipal affairs
33 placed in his charge and shall have the powers and duties set out in the applicable
34 provisions of the General Statutes. However, the city manager shall not have any
35 authority to hire or fire the city clerk, city attorney, or the police chief.

36 "Section 3.24. **Interim City Manager.** When the position of city manager is
37 vacant, the Council shall designate a qualified person to exercise the powers and
38 perform the duties of manager until the vacancy is filled.

39 "Section 3.26. **Qualified Candidates.** Any duly qualified person shall be eligible
40 for the position of city manager other than the Mayor or members of the City Council.

41 **"ARTICLE C. PERSONNEL.**

42 "Section 3.30. Hiring, Compensation and Benefits.

43 (a) Pay and Allowances. The Council shall approve the schedule of pay, expense
44 allowance, and other compensation of all City employees and may adopt position

1 classification plans. The Council may purchase life insurance and health insurance for
2 the benefit of all or any class of City employees as a part of their compensation, and
3 may provide other fringe benefits for City employees.

4 (b) Ordinances and Regulations. The Council may adopt or provide for rules and
5 regulations or ordinances concerning but not limited to annual leave, sick leave with full
6 pay or with partial pay supplementing workers' compensation payments for employees
7 injured in accidents arising out of and in the course of employment, hours of
8 employment, holidays, working conditions, service award and incentive award
9 programs, other personnel policies, and any other measures that promote the hiring and
10 retention of capable, diligent and honest career employees.

11 "Section 3.32. **Defense of Employees and Officers.** Upon request made by or in
12 behalf of any employee or officer, or former employee of officer, the Council, in its
13 discretion, may provide for the defense of any civil or criminal action or proceeding
14 brought against such employee or officer either in his official or in his individual
15 capacity, or both, on account of any act done or omission made, or any act allegedly
16 done or omission allegedly made, in the scope and course of his employment or duty as
17 an employee or officer of the City. The defense may be provided by the City by its
18 counsel, or by employing other counsel, or by purchasing insurance which requires that
19 the insurer provide the defense.

20 "ARTICLE D. CITY CLERK.

21 "Section 3.42. **City Clerk.** The Council shall appoint a city clerk to serve at its
22 pleasure. He shall give notice of meetings of the Council, keep a journal of the
23 proceedings of the Council, be custodian of all City records entrusted to him, and shall
24 perform any other duties that may be required by law, by the Council or by the city
25 manager. In addition, the Council may appoint or provide for one or more deputy city
26 clerks who shall have full authority to exercise and perform any of the powers and
27 duties of the city clerk that it may specify.

28 "ARTICLE E. CITY ATTORNEY.

29 "Section 3.52. **City Attorney.** The Council may appoint a city attorney to serve at
30 its pleasure, shall prescribe his duties and approve his rate of compensation. The
31 Council may appoint or provide for one or more associates or assistant city attorneys
32 who shall receive such compensation as may be fixed by the Council and shall have full
33 authority to exercise and perform any of the powers and duties of the city attorney that
34 may be specified by the Council or the city attorney.

35 "ARTICLE F. TAX COLLECTOR.

36 "Section 3.62. **Tax Collector.** The Council shall appoint a tax collector to collect
37 taxes levied by the Council. The Council may in its discretion designate some official
38 or employee of the City who has other duties to perform also the duties of tax collector.
39 The Council shall fix the compensation of the tax collector and the tax collector shall
40 serve at its pleasure. It shall be the duty of the tax collector to employ all lawful means
41 to collect all taxes levied by the Council and to perform such other duties as are
42 prescribed by law or as might be directed by the Council. The Council at its discretion
43 may appoint one or more deputy tax collectors to serve at its pleasure and to receive
44 such compensation as fixed by the Council. Deputy tax collectors shall have the

1 authority to do and perform under the direction of the tax collector any act which the tax
2 collector himself might perform unless the scope of authority of the deputy tax collector
3 is specifically limited by the Council or by law.

4 **"ARTICLE G. POLICE CHIEF.**

5 "Section 3.72. **Police Chief.** The City Council may appoint a police chief to serve
6 at its pleasure, shall prescribe his duties, and fix his compensation.

7 **"ARTICLE H. MISCELLANEOUS.**

8 "Section 3.80. **Official Bonds.** The officers, employees, and elected officials of the
9 City, both elective and appointive, shall execute such official bonds in such amounts
10 and upon such terms and conditions as the Council may from time to time require. The
11 City may purchase and pay the premium for such bonds if it elects to do so.

12 "Section 3.82. **Reimbursement of City Officials.** The City Council is hereby
13 authorized and empowered to reimburse any city official for expenses incurred while
14 upon official business.

15 "Section 3.84. **Appointive City Officers.** The Council may appoint one person to
16 fill any two or more positions listed in this Article.

17 **"ARTICLE I. FINANCE AND FISCAL MATTERS.**

18 "Section 3.90. **General Authority to Levy and Collect Taxes.** To raise revenue
19 for defraying expenses and incident to the proper government of the City, the Council
20 may, except as otherwise provided by law, levy and collect: (1) a tax on real and
21 personal property and on all other property subject to taxation; (2) a tax on all trades,
22 occupations, professions, businesses and franchises carried on within the City; and (3)
23 any other taxes authorized by general law, by local act of the General Assembly or by a
24 vote of the citizens of the municipality as provided by law. The power to impose the tax
25 shall include the power to impose reasonable penalties for failure to declare tax liability,
26 if required, or to impose penalties or interest for failure to pay taxes lawfully due within
27 the time prescribed by law or ordinance. The power to impose the tax shall also include
28 the power to provide for its administration in the manner not inconsistent with the
29 statute authorizing the tax.

30 "Section 3.92. **Fiscal Year; Adoption of Annual Budget.** The fiscal year of the
31 City shall be from July 1 through June 30. During such fiscal year, the City shall
32 operate under an annual balanced budget which shall be adopted and administered in
33 accordance with Chapter 159, Article 3 of the General Statutes. The City shall be
34 required to adopt a financial budget by September 1 of each year for the next year.

35 "Section 3.94. **Inspection of Records.** All records and accounts in every office and
36 department of the City shall be open for inspection by any citizen or representative of
37 the press at all reasonable times and under reasonable regulations established by the
38 City Council, except records or documents the exposure of which would tend to defeat
39 the lawful purpose which they are intended to accomplish or otherwise made
40 confidential by law.

41 **"ARTICLE J. PROCUREMENT AND PROPERTY MANAGEMENT.**

42 "Section 3.102. **Contracting, Purchasing, Bidding, and Property Management**
43 **Procedures.** All contracts, except as otherwise provided for in this Charter, or by law,

1 shall be authorized and approved by the Council and reduced to writing in order to be
2 binding upon the City.

3 Before making any purchase of contract supplies, materials, equipment or
4 contractual services, opportunity shall be given for competition, under such rules and
5 regulations and with such exceptions as the City Council may prescribe by ordinance.
6 Unless otherwise limited by ordinance, all expenses for supplies, materials, equipment
7 or contractual services involving sums greater than the limits imposed by the General
8 Statutes shall be made on a written contract, and such contract shall be awarded to the
9 lowest responsible bidder after such public notice and competition as may be prescribed
10 by ordinances and in accordance with applicable provisions of the General Statutes.

11 Before beginning any City improvement costing more than the maximum sum
12 permitted by the General Statutes, an opportunity shall be given for competition, under
13 such rules and regulations and with such exceptions as the City Council may prescribe
14 by ordinance. Unless otherwise limited by ordinance, all city improvements costing
15 more than the maximum limits imposed by the General Statutes shall be executed by
16 written contract except where such improvement is authorized by the City Council to be
17 executed directly by a city department in conformity with detailed plans, specifications,
18 and estimates. All such contracts shall be awarded to the lowest responsible bidder after
19 such public notice and competition as may be prescribed by ordinances and in
20 accordance with G.S. 143-129 provided the City Council shall have the power to reject
21 any or all bids and exercise its discretion in the selection of a bid.

22 "Section 3.104. **Sale and Disposition of Property.** The City by private sale, sale on
23 sealed bids, or public auction may in accordance with applicable provisions of the
24 General Statutes upon such terms and conditions as it deems wise exchange, enter into
25 agreements regarding the joint use of, lease or sale of any interest in real or personal
26 property which it may legally own.

27 "Section 3.106. **Easements.** The City shall have authority without complying with
28 the provisions of this Article to grant easements over, through, under, or across any city
29 property or the right-of-way of any public street or alley that is not a part of the State
30 highway system. Easements in a street or alley right-of-way shall not be granted if the
31 easement would substantially impair or hinder the use of the street or alley as a way of
32 passage.

33 "Section 3.108. **Conflict of Interest.** Any officer, department head, employee, or
34 member of the Council who has financial interest, direct or indirect, in any proposed
35 contract with the City or in any proposed sale of any land, materials, supplies, or
36 services to the City or to a contractor supplying the City shall make known that interest
37 and shall refrain from voting upon or otherwise participating in the making of such
38 contract or sale. Any officer, department head, employee, or member of the Council
39 who willfully violates the requirements of this section shall be guilty of malfeasance in
40 office or position. A violation of this section with the knowledge expressed or implied
41 of the person or corporation contracting with or making a sale to the City shall render
42 the contract void.

43 "ARTICLE K. AUDITS.

1 "Section 3.120. **Audits.** The City Council shall order an independent audit made of
2 all accounts of the city government by a certified public accountant selected by the City
3 Council and said accountant shall have no personal interest directly or indirectly in the
4 financial affairs of the city government or its officers. This audit shall be made annually
5 at the end of the fiscal year. The City Council shall have the authority to order an
6 independent audit at any other time they should so desire. The annual audit herein
7 provided for shall be made available for public inspection at the office of the City Clerk.

8 **"CHAPTER IV. REGULATORY AND PLANNING FUNCTIONS.**

9 **"ARTICLE A. ADMINISTRATION OF JUSTICE.**

10 "Section 4.10. **Administration of Justice.** The Council may offer and pay rewards
11 for the conviction of any person or persons alleged to have committed criminal offenses
12 which, in the judgment of the Council, involve serious danger to the public peace or
13 public safety. The Council shall fix the terms, conditions, and amounts of such rewards.
14 The rewards shall be paid only by order of the Council from nontax revenues in the
15 general fund of the City; and the Council shall, in its discretion, determine who shall be
16 entitled to the collection of any reward. In addition, the Council may allocate funds
17 from nontax revenues in the general fund of the City for payment of informant's fees
18 concerning such criminal offenses.

19 **"ARTICLE B. PLANNING, ZONING, BUILDING REGULATIONS,**
20 **AND RELATED MEASURES.**

21 "Section 4.20. **Authority.**

22 (a) Authority Granted.

23 For the purpose of promoting the orderly growth, expansion, and development of the
24 City and the surrounding one mile area, the Council is hereby authorized to exercise any
25 planning, zoning, subdivision and building regulation powers (including plumbing,
26 heating, cooling, or electrical regulation powers) now or hereafter conferred upon the
27 City and vested in the Council by this Charter, the General Statutes, or any other law
28 applicable to the City.

29 (b) City May Contract for Services.

30 The City Council may contract with another governmental unit, agency or
31 department for the performance of the services authorized pursuant to this Article as
32 allowed by statute.

33 (c) Enforcement.

34 In order to enforce properly the provisions of any planning, zoning, or subdivision
35 ordinance or building regulation the Council shall require by ordinance that prior to the
36 beginning of any construction, reconstruction or alteration of any building or structure
37 or for plumbing, heating, cooling or electrical installations within said area a permit or
38 permits be obtained therefor from the inspections superintendent of the City.

39 (d) Powers Granted Not Exclusive.

40 The powers herein granted to the City are intended to be supplementary to any
41 powers now or hereafter conferred upon it.

42 "Section 4.22. **Public Hearings on Zoning Changes.** Before adopting or amending
43 any zoning regulations, restrictions, or boundaries, the Council after first referring the
44 matter to the Bessemer City Planning and Zoning commission (commonly referred to as

1 the 'Planning Board') for its recommendation shall hold a public hearing in accordance
2 with the applicable ordinance.

3 **"ARTICLE C. UTILITY REGULATIONS.**

4 "Section 4.30. Operation of Water, Sewer, and Gas Systems and Other Utilities.

5 (a) Authority Granted.

6 Subject to the General Statutes, Federal Law and Regulations, and applicable
7 general law, the City Council may:

- 8 (1) Provide for the construction or acquisition and operation of utilities
9 and utility systems;
- 10 (2) Acquire any real or personal property necessary or incidental thereto,
11 including equipment, machinery, and all manner of rights or interests
12 in or relating to land and water, and appurtenances thereto;
- 13 (3) Establish rates of charge for utility services and the use of utility
14 facilities;
- 15 (4) Adopt rules and regulations concerning the management of utilities
16 and utility systems, with regard to such matters as maintenance,
17 operation and improvement thereof, or require the pretreatment of
18 waste; and
- 19 (5) Adopt rules and regulations concerning charges for utility services.

20 (b) Definition of the Term 'Utility'.

21 As used in this Charter, unless the context otherwise requires, the term 'utility'
22 includes water supply, water distribution, sewerage, waste disposal, electric power,
23 natural or manufactured gas, and public transportation.

24 "Section 4.32. **Connection by Abutting Property Owners.** The Council may
25 require that within 30 days after a water main or sewer line is completed and made
26 ready for use, the owner of every abutting lot whereon such utility is supplied for any
27 human use shall cause the lot to be connected thereto.

28 "Section 4.34. **Utility Charges.** In the event any charge for utility service or for the
29 use of utility facilities is not paid within 10 days after it becomes due, the same shall be
30 delinquent and if authorized by the General Statutes become a lien upon such real
31 property served or in connection with which the service or facility is used or upon all
32 personal property situated upon such real property for both. The charge may at any time
33 after becoming delinquent be collected either by suit or by the City tax collector.

34 "Section 4.36. **Deposits.** A deposit by an owner or tenant of the premises to be
35 served by a utility service or the use of utility facilities may be levied as per adopted
36 ordinances and regulations of the City and held by the City for the duration of the
37 service without interest. If a utility charge is not paid in a timely manner, the same may
38 be deducted from the deposit and utility service may be cut off and not be turned on
39 again until the balance of the deposit is increased to the original amount. An owner or
40 tenant of property being serviced should give notice that the property is going to be
41 vacated, in order to receive a refund of the deposit amount remaining subject to offset
42 for charges due. In the event the owner or tenant shall vacate the premises without
43 notifying the City and having utility cut off, the owner or tenant shall be liable to the
44 City for any utility charges which accrue after the owner or tenant vacated the premises

1 and shall forfeit to the City any balance of such deposit remaining after the utility
2 service charge due has been deducted.

3 "Section 4.38. **Water and Sewer Connection.** Before any person, firm, or
4 corporation shall connect in any manner, except a sewer or water lateral from the meter
5 to the premises, any privately owned water or sewer line or lines with any water or
6 sewer line or lines of the City, such person, firm or corporation shall, by proper
7 instrument, in consideration of making such connection and the benefits to be derived
8 therefrom, dedicate, give, grant, and convey such water or sewer line or lines to the City
9 whether such connection and line or lines be within or without the City limits. No
10 connection to any water or sewer line or lines or any other local public utility shall be
11 made without the express approval of the City, nor shall such connection be effected
12 except by the forces or employees of the City, for which a reasonable charge may be
13 made. Should any person, firm, or corporation connect any privately owned water or
14 sewer line or lines with any city water or sewer line or lines without first dedicating,
15 giving, granting, and conveying same to the City, the act of connecting such water or
16 sewer line or lines to the water or sewer line or lines for the City shall be conclusively
17 deemed and held to be a dedication, gift, grant, and conveyance of such water or sewer
18 line or lines to the City; provided, that the City may enter into contracts, with any
19 person, firm or corporation whereby sewer or water lines may be laid within or without
20 the City limits and connected to the systems of the City under such terms as may be
21 agreed upon, notwithstanding any provisions of this section.

22 "Section 4.40. **Natural Gas.** The City shall be authorized to purchase such
23 quantities of natural or manufactured gas as necessary to effectively service the utility
24 needs of the City and its inhabitants and obtain the most reasonable price from the
25 provider. Such purchases by the City may be made through informal filing and bidding
26 procedures and do not require the approval of the City Council if in excess of \$10,000.

27 "Section 4.42. **Public Utility Franchises.** The Council may grant franchises for
28 any public utility or cablevision company in the manner provided by law, and, in its
29 discretion, may hold a referendum at the expenses of the applicant on the question of
30 granting a franchise.

31 **"ARTICLE D. VEHICLES AND TRAFFIC.**

32 "Section 4.50. Council to Adopt Regulations.

33 (a) Authority to Adopt Traffic Ordinances.

34 The Council may adopt ordinances regulating the speeds of vehicles upon any City
35 streets and may establish truck routes (or other required routes for limited classes of
36 vehicles or traffic) applicable to any City street. As used in this section, the term 'City
37 streets' includes all public highways, roads and streets within the City limits, including
38 numbered State highways, and highways, roads and streets maintained, repaired,
39 constructed, reconstructed or widened in whole or in part with State funds.

40 (b) State Numbered Highways.

41 An ordinance concerning vehicle speeds, truck routes, or other required routes that
42 applies to numbered State highways shall be subject to approval by the North Carolina
43 State Highway Commission.

44 **"ARTICLE E. ROADS AND STREETS.**

1 "Section 4.60. **General Authority.** The Council shall have general authority and
2 control over all public streets, sidewalks, alleys, bridges, and other ways of public
3 passage as provided in the General Statutes.

4 "Section 4.62. **Power to Classify Streets and Establish Building Setback Lines.**
5 The Council not only within the corporate limits of the City but also within the territory
6 beyond the corporate limits as now or hereafter fixed for a distance of one mile in all
7 directions may:

- 8 (1) Classify all or a portion of any existing or proposed street according to
9 its size, present and anticipated traffic load and other characteristics
10 relevant to the achievement of the purposes of this Article; and
- 11 (2) Establish by ordinance minimum distances that buildings constructed
12 along each class or type of street shall be set back from the right-of-
13 way line or the center line of the street. The Council may classify
14 portions of any street in a manner different from other portions of the
15 same street where the characteristics of the portions differ.

16 "Section 4.64. **Enforcement.** Any setback line ordinance may provide for
17 enforcement through the issuance of building permits and may be coordinated with the
18 enforcement of the building code, the zoning ordinance and the subdivision ordinance.

19 **"ARTICLE F. IMPROVEMENTS AND SPECIAL ASSESSMENTS.**

20 "Section 4.70. **Local Improvements.** The City has all the power and authority
21 granted to municipalities by the general laws of the State with respect to local
22 improvements, such as, but not limited to, grading, regrading, widening, paving and
23 repaving of public streets and alleys; constructing, reconstructing and altering of
24 sidewalks, curbs, gutters and storm drains in the public streets and alleys; and laying or
25 relaying sanitary sewer and water lines. The authority granted by this Article is in
26 addition to that granted by any other law and with respect to any particular local
27 improvement, the City may exercise any one or more of the alternative powers available
28 to it.

29 "Section 4.72. **Special Assessments.** In making special assessments, the City may
30 employ the following procedures:

- 31 (1) **Petition.** Upon receipt of a petition from one or more owners of
32 abutting property which fifty percent (50%) or more of the total street
33 frontage is in one ownership, the Council may order the making of any
34 local improvement. The Council may assess the cost thereof against
35 the abutting property in the same manner and following the same
36 procedures set out in the general laws of the State for making special
37 assessments against property benefited by local improvements.
- 38 (2) **Limited Assessment Permitted.** The Council may order the making of
39 any local improvement and assess the cost thereof, except the City's
40 portion, if any, against only a limited number of abutting properties if
41 the owners of those properties submit a petition asking that the
42 improvement be made and that the total amount to be assessed for the
43 improvement be assessed only against their properties.

- 1 (3) Assessment by Council without Petition. If, in the Council's judgment,
2 which shall be conclusive, the abutting property to be assessed will be
3 benefited in an amount at least equal to the assessment, no petition for
4 local improvements shall be necessary and the Council may order the
5 making of any such local improvement and assess the cost thereof
6 against abutting properties in the following cases:
- 7 a. Streets.
- 8 1. When any street or part of a street is unsafe; or
9 2. The improvement of a street or part of a street not more
10 than 1,500 linear feet in length is necessary to connect a
11 street already paved; or the improvement of a street or
12 part of a street is necessary to connect a paved street, or
13 portion thereof, with a paved highway; or the
14 improvement of a street or part of a street is necessary to
15 provide a paved approach to a railroad, street grade,
16 separation, or bridge; or the widening of any street or
17 part of a street is necessary to accommodate present and
18 anticipated volumes of traffic;
- 19 b. Storm Drains. When any street or part of a street, or any
20 property, is without storm sewer or other surface drainage
21 improvements, and storm sewer or other surface drainage
22 should be provided in the public interest;
- 23 c. Sidewalks. When any street or part of a street is without
24 sidewalks and sidewalks should be provided in the public
25 interest;
- 26 d. Water and Sewer. When any property is without water and
27 sewer lines and water and sewer lines should be provided in the
28 public interest.
- 29 (4) Repair of Sidewalks and Driveways. If the Council determines that
30 the public interest requires repair of a sidewalk or portion of a
31 driveway within the public right-of-way, the Council may order the
32 making of the repair and assess the total cost against the property
33 abutting the sidewalk or driveway repaired. Before an assessment may
34 be made for the repair, at least 30 days written notice shall be given to
35 the abutting property owner personally or by registered or certified
36 mail to his last known address or his address as shown on the tax
37 records. The notice shall state that he is required to make the repair at
38 his own expense in conformity with the sidewalk standards adopted by
39 the City, and that if he shall fail to make the repair thereupon the City
40 may make the repair and assess the cost. If the Council finds that any
41 sidewalk or driveway is in need of immediate repair, the Council may
42 adopt a resolution setting out its finding and directing that the repair be
43 made immediately and that the cost be assessed against the abutting
44 property without prior notice to the property owner affected.

1 "Section 4.74. **Planting Strip and Driveway Maintenance.** It is the responsibility
2 of the abutting property owner to maintain any property, driveway, steps or walkway
3 servicing the premises between the property line and the curb of a paved street including
4 any property located between a sidewalk and the abutting street. The City Council may
5 exercise any reasonable amount of enforcement necessary to maintain such areas at the
6 expense of the property owner should it be necessary.

7 **"ARTICLE G. ANNEXATION.**

8 "Section 4.76. **Annexation.** The City Council shall have the authority to exercise
9 all powers of annexation as provided in the General Statutes.

10 **"CHAPTER V. ELECTIONS.**

11 "Section 5.10. **Regular and Special Elections. Time.** For the purpose of electing a
12 Mayor, the several Council members and all other elective officers of the City, there
13 shall be held in the City, on the Tuesday following the first Monday in November, and
14 biennially thereafter on the odd-numbered years beginning in 1973, a regular municipal
15 election as provided in the General Statutes. The City Council may, by resolution and in
16 accordance with the General Statutes and applicable law, order a special election, fix the
17 time for holding the same, and provide all means for holding such special election,
18 including rules and regulations governing registration of voters.

19 "Section 5.12. **Form of Voting.** The qualified voters of the City, voting at large,
20 shall elect one council member from each of the six wards. Each voter in the City shall
21 be entitled to vote for one candidate from each ward, and the candidate from each ward
22 who receives the largest number of votes cast for council members from his ward shall
23 be declared elected.

24 "Section 5.14. **Wards.** For the purpose of electing council members, the City shall
25 be divided into six geographical subdivisions to be known as wards as established by
26 ordinance duly adopted by the Council after hearing. The current wards are described
27 as follows:

28 **Ward 1:** Beginning at the intersection of Virginia Avenue and 12th Street and
29 running westerly along said avenue to Skyland Avenue; thence continuing westerly a
30 straight line to where the northerly line of the city limits is intersected by Highway No.
31 1403 commonly known as Ramseur Road; thence easterly along the northerly city limits
32 line to Highway No. 1448; thence southerly along said Highway and 12th Street to the
33 beginning.

34 **Ward 2:** Beginning at the intersection of Mickley Avenue and the southerly line of
35 the city limits and running westerly along said city limits line to the southwesterly
36 corner of the city limits line; thence easterly along the city limits line to where it is
37 intersected by Highway 1403; thence easterly a straight line to the westerly end of
38 Virginia Avenue in the Mountain Road; thence southerly along the Mountain Road to
39 Mickley Avenue; thence southerly along Mickley Avenue to the beginning.

40 **Ward 3:** Beginning at the intersection of Virginia Avenue and 12th Street and
41 running southerly along 12th Street to the southerly city limits line; thence westerly
42 along the city limits line to Mickley Avenue; thence northerly along Mickley Avenue to
43 the Mountain Road; thence northerly along the Mountain Road to the westerly end of
44 Virginia Avenue; thence easterly along Virginia Avenue to the beginning.

1 **Ward 4:** Beginning at the intersection of Virginia Avenue and 12th Street and
2 running easterly along Virginia Avenue to 8th Street; thence southerly along 8th Street
3 to the southerly city limits line; thence westerly along the city limits line to 12th Street;
4 thence northerly along 12th Street to the beginning.

5 **Ward 5:** Beginning where the southerly city limits line is intersected by 8th Street
6 and running northerly along 8th Street to the northerly end of the street and continuing
7 northerly a straight line to the northerly city limits line; thence easterly along the city
8 limits line to the northeasterly corner of the city limits line; thence westerly along the
9 southerly city limits line to the beginning.

10 **Ward 6:** Beginning at the intersection of 8th Street and Virginia Avenue and
11 running westerly along Virginia Avenue to 12th Street; thence northerly along 12th
12 Street and highway No. 1448 to the northerly city limits line; thence along the old and
13 new city limits line to a point in the city limits line northeasterly from the northerly end
14 of 8th Street; thence a straight line along 8th Street in a southerly direction to the
15 beginning.

16 "Section 5.16. **Polling Places and Ballots.** The City Council shall establish one or
17 more polling places for the City. There shall be one ballot prepared for each local
18 election. The full names of all candidates for Mayor and all candidates for the City
19 Council shall be printed on the official ballots in the alphabetical order of the surnames
20 in rotation without party designation.

21 "Section 5.18. **Absentee Voting.** In any City election, including a primary or
22 general election or referendum, conducted by the county board of elections, absentee
23 voting shall be permitted. Absentee voting shall not be permitted in any City election
24 which is not conducted by the county board of elections. The appropriate provisions of
25 the General Statutes shall apply to absentee voting with the exception that the earliest
26 date by which absentee ballots shall be available to voters is 30 days prior to the date of
27 the municipal primary or election or as quickly following the filing deadline specified in
28 the General Statutes as the county board of elections is able to secure the official ballots.

29 "Section 5.22. **Statutes Governing City Elections.** City elections shall be
30 conducted as far as possible in all things and in all details, other than as provided in this
31 Charter, in accordance with the general election laws pertaining to municipal elections
32 and particularly in accord with the appropriate provisions of the North Carolina General
33 Statutes. However, where the General Statutes herein referred to are in conflict with
34 any provision in this Charter, then said provision of this Charter shall supersede the
35 general laws of North Carolina.

36 "Section 5.26. **Contract Services.** The City Council shall have the authority to
37 contract with any governmental unit, agency or department for performing the services
38 described in this Chapter as permitted by the General Statutes.

39 "CHAPTER VI. MISCELLANEOUS.

40 "ARTICLE A. CLAIMS AGAINST THE CITY.

41 "Section 6.10. **Claims.** No formal legal action shall be instituted or maintained
42 against the City upon any claim or demand whatsoever of any kind or character unless
43 the claimant shall have first presented in writing his claim or demand to the Council or
44 to the city manager and said Council or city manager shall have declined to pay or settle

1 the same as presented. Nothing contained herein shall be construed to interfere with the
2 running of any statute of limitations.

3 **"ARTICLE B. CLAIMS BY THE CITY.**

4 "Section 6.12. **Claims.** The city manager is hereby authorized to execute releases
5 of persons, firms, and corporations because of damages to personal property belonging
6 to the City, when the full amount of damages to such property is ascertained and a
7 statement thereof has been furnished to the city manager by the city attorney and the
8 amount of such release does not exceed five thousand dollars (\$5,000).

9 **"ARTICLE C. INSURANCE.**

10 "Section 6.14. **Insurance.** The City may contract to insure itself and any of its
11 officers, agents, employees and elected officials against liability for wrongful death or
12 negligent or intentional damage to person or property, and against absolute liability for
13 damage to person or property, caused by an act or omission of the City or any of its
14 officers, agents, employees, or elected officials when acting within the scope of their
15 authority or the course of their employment. The Council shall determine what
16 liabilities and what officers, agents, employees, and elected officials shall be covered by
17 any insurance purchased pursuant to this Article.

18 **"ARTICLE D. CONTINUANCE OF CONTRACTS IN EFFECT PRIOR
19 TO CHARTER.**

20 "Section 6.16. **Contracts.** All contracts entered into by the City, or for its benefit,
21 prior to the effective date of the restated Charter shall continue in full force and effect.
22 Public improvements for which legislative steps have been taken under laws or the
23 Charter provision existing at the time of the effective date of this Charter may be carried
24 to completion in accordance with the provision of such existing law and Charter
25 provision.

26 **"ARTICLE E. CONTINUANCE OF ORDINANCES IN EFFECT PRIOR
27 TO CHARTER.**

28 "Section 6.18. **Ordinances.** All ordinances of the City not inconsistent with the
29 provision of this restated Charter shall remain in full force and effect until altered,
30 amended or repealed by the City Council.

31 **"ARTICLE F. CONTINUANCE AND RATIFICATION OF ACTION TAKEN
32 PRIOR
33 TO CHARTER.**

34 "Section 6.20. **Prior Action.** All actions of the City, its various Council members
35 both past and present, its Mayors both past and present, and its city managers both past
36 and present, prior to the effective date of the restated Charter shall continue in full force
37 and effect and are hereby validated, approved, ratified, and confirmed regardless of
38 whether such actions were within or outside the scope of the Charter or general law then
39 in effect. Said validation and approval shall include but not be limited to any and all
40 alley closings which were completed or contemplated prior to the effective date of this
41 restated Charter.

42 **"ARTICLE G. REPEAL OF LAWS IN CONFLICT WITH CHARTER.**

43 "Section 6.22. **Repeal.** All laws and clauses of laws in conflict with this Charter are
44 hereby repealed and specifically any provision, Charter, or amendment thereto to the

1 City in conflict are specifically repealed. The following acts are specifically repealed:
2 Chapter 828, Session Laws of 1967, and Chapter 22, Session Laws of 1971. No such
3 repeal shall affect any act done or any right accruing or accrued or established or any
4 suit had or commenced in any case before the time when such appeal shall take effect;
5 provided, that no law heretofore repealed shall be revived by the repeal or any act
6 repealing such law; provided, that all persons who at the time that said repeal shall take
7 effect shall hold any office under any of the acts hereby repealed shall continue to hold
8 the same according to the tenure thereof, except those as to which a different provision
9 shall have been made to this Charter.

10 **"ARTICLE H. SEVERABILITY CLAUSE.**

11 "Section 6.24. **Severability.** Should any provision of this Charter be declared invalid
12 or unconstitutional by any court of competent jurisdiction, that declaration shall not
13 affect the validity of any part, clause, phrase, section, subsection, or sentence of this
14 Charter not specifically declared to be invalid or unconstitutional.

15 **"ARTICLE I. APPLICABILITY OF CHARTER.**

16 "Section 6.26. **Applicability.** This Charter shall apply only to the City of Bessemer
17 City, Gaston County, North Carolina and the geographic territory described in Chapter
18 I, Article B hereof and includes the one-mile territory immediately surrounding the
19 corporate boundaries.

20 **"ARTICLE J. STRUCTURE AND LANGUAGE.**

21 "Section 6.28. **Headings.** The headings used in this Charter are provided for
22 convenience only and should not be construed as binding on the terms of the provisions
23 contained herein.

24 "Section 6.30. **Gender.** For purposes of this Charter, the terms 'he', 'him', and 'his'
25 are intended in the generic sense and shall be deemed to include both the female and
26 male gender.

27 **"ARTICLE K. STATUTORY REFERENCES.**

28 "Section 6.32. **References.** Reference to a section or other subdivision of the
29 General Statutes of the State of North Carolina shall be deemed to refer to such section
30 or subdivision as amended or to any other section or subdivision to which the same has
31 been transferred or by which the same has been superseded. Whenever any section of
32 this Charter refers to or cites a section of the General Statutes and that section is later
33 amended or superseded, the Charter provision shall be deemed amended to refer to the
34 amended section or the section that most nearly corresponds to the superseded section.
35 The reference 'G.S.' shall be construed to refer to the General Statutes of North
36 Carolina. Whenever a Code provision contains the language 'as provided in G.S.____-',
37 any further explanation of the cited General Statute is only a summary of its content and
38 it is included for information purposes only, and any violation of the cited General
39 Statute will be enforced as specifically provided therein."

40 Sec. 2. This act is effective upon ratification.