

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**SENATE BILL 497
Second Edition Engrossed 5/7/03**

Short Title: Revise and Consolidate Mt. Airy Charter. (Local)

Sponsors: Senator Garwood.

Referred to: Finance.

March 20, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
3 MOUNT AIRY, TO ANNEX CERTAIN DESCRIBED PROPERTY INTO THE
4 CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, AND TO MODIFY
5 THE CITY OF MOUNT AIRY OCCUPANCY TAX PROVISIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Charter of the City of Mount Airy is revised and
8 consolidated to read as follows:

9 "THE CHARTER OF THE CITY OF MOUNT AIRY.

10 "ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

11 "Section 1.1. **Incorporation.** The City of Mount Airy, North Carolina, in Surry
12 County and the inhabitants thereof shall continue to be a municipal body politic and
13 corporate, under the name of the 'City of Mount Airy,' hereinafter at times referred to as
14 the 'City.'

15 "Section 1.2. **Powers.** The City shall have and may exercise all of the powers,
16 duties, rights, privileges, and immunities conferred upon the City of Mount Airy
17 specifically by this Charter or upon municipal corporations by general law. The term
18 'general law' is employed herein as defined in G.S. 160A-1.

19 "Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those
20 existing at the time of ratification of this Charter, as set forth on the official map of the
21 City and as they may be altered from time to time in accordance with law. An official
22 map of the City, showing the current municipal boundaries, shall be maintained
23 permanently in the office of the City Clerk and shall be available for public inspection.
24 Upon alteration of the corporate limits pursuant to law, the appropriate changes to the
25 official map shall be made and copies shall be filed in the office of the Secretary of
26 State, the Surry County Register of Deeds, and the appropriate board of elections.

1 "ARTICLE II. GOVERNING BODY.

2 "Section 2.1. **City Governing Body Composition.** The Board of Commissioners,
3 hereinafter referred to as the 'Board' and the Mayor shall be the governing body of the
4 City.

5 "Section 2.2. **Board; Composition; Terms of Office.** The Board shall be composed
6 of five members to be elected by all the qualified voters of the City voting at large for
7 staggered terms of four years, or until their successors are elected and qualified. Two
8 commissioners shall be residents of the ward currently designated as the 'North Ward,'
9 two commissioners shall be residents of the ward currently designated as the 'South
10 Ward,' and one commissioner shall be elected as at large.

11 "Section 2.3. **Mayor Term of Office, Duties.** The Mayor shall be elected by all the
12 qualified voters of the City for a term of four years or until his or her successor is
13 elected and qualified. The Mayor shall be the official head of City government and shall
14 preside at all meetings of the Board, shall have the right to vote only when there is an
15 equal division on any question or matter before the Board, and shall exercise the powers
16 and duties conferred by law or as directed by the Board.

17 "Section 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as
18 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or
19 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
20 capacity at the pleasure of the Board.

21 "Section 2.5. **Meetings; Quorum.** In accordance with general law, the Board shall
22 establish a suitable time and place for its regular meetings. Special and emergency
23 meetings may be held as provided by general law. The quorum provisions of G.S.
24 160A-74 shall apply.

25 "Section 2.6. **Qualifications for Office; Compensation; Vacancies.** The
26 qualifications and compensation of the Mayor and Board members shall be in
27 accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

28 "ARTICLE III. ELECTIONS.

29 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
30 held in each odd-numbered year in accordance with the uniform municipal election laws
31 of North Carolina. The Mayor and the Board shall be elected by the nonpartisan primary
32 and election method as provided in G.S. 163-279(a)(3) and G.S. 163-294. Board
33 members shall be elected by all the qualified voters of the City and shall reside in the
34 wards they represent.

35 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal
36 election in 2005 and quadrennially thereafter.

37 "Section 3.3. **Election of Commissioners.** The Commissioners serving on the date
38 of ratification of this Charter shall serve until the expiration of their terms or until their
39 successors are elected and qualified. In the 2003 election and quadrennially thereafter,
40 three commissioners shall be elected, the Commissioner-at-Large, one commissioner
41 representing the North Ward for the term then expiring, and one commissioner
42 representing the South Ward for the term then expiring. In the 2005 election and
43 quadrennially thereafter, two commissioners shall be elected, one commissioner

1 representing the North Ward for the term then expiring, and one commissioner
2 representing the South Ward for the term then expiring.

3 "Section 3.4. **Ward Boundaries.** The City shall be divided into two wards that are
4 currently designated as the North Ward and the South Ward. The ward boundaries are
5 those existing at the time of ratification of this Charter, as set forth on the official map
6 of the City and as they may be altered from time to time in accordance with general law.

7 "Section 3.5. **Special Elections and Referenda.** Special elections and referenda
8 may be held only as provided by general law or applicable local acts of the General
9 Assembly.

10 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

11 "Section 4.1. **Form of Government.** The City shall operate under the
12 council-manager form of government in accordance with Part 2 of Article 7 of Chapter
13 160A of the General Statutes.

14 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Board shall
15 appoint a City Manager in accordance with G.S. 160A-147 and the provisions of Article
16 V of this Charter.

17 "Section 4.3. **City Clerk.** The City Manager shall appoint a City Clerk to keep a
18 journal of the proceedings of the Board, to maintain official records and documents, to
19 give notice of meetings, and to perform such other duties as required by law or as
20 directed by the City Manager.

21 "Section 4.4. **Finance Director.** The City Manager shall appoint a Finance Director
22 to perform the duties designated in G.S. 159-25 and such other duties as may be
23 prescribed by law or assigned by the Manager.

24 "Section 4.5. **Tax Collector.** The City shall have a Tax Collector to collect all taxes
25 owed to the City and perform those duties specified in G.S. 105-350 and such other
26 duties as prescribed by law or assigned by the City Manager. Notwithstanding G.S.
27 105-349, the City Manager shall have the power to appoint, suspend, and remove the
28 Tax Collector in accordance with general personnel rules, regulations, policies, and
29 ordinances as adopted by the Board.

30 "Section 4.6. **City Attorney.** The Board shall appoint a City Attorney licensed to
31 practice law in North Carolina. It shall be the duty of the City Attorney to represent the
32 City, advise City officials, and perform other duties as required by law or as directed by
33 the Board. The Board may appoint one or more Assistant City Attorneys to assist the
34 City Attorney and serve in his or her absence or incapacity and who shall have the same
35 qualifications and duties as the City Attorney.

36 "Section 4.7. **Other Administrative Officers and Employees.** The Board may
37 authorize other positions to be filled by appointment by the City Manager and may
38 organize the City government as deemed appropriate, subject to the requirements of
39 general law.

40 "ARTICLE V. CITY MANAGER.

41 "Section 5.1. **Appointment, qualifications; term; compensation; oath.**

42 (a) The Board shall appoint a City Manager in accordance with Article IV of this
43 Charter who shall be the administrative head of all departments of City government.
44 The City Manager shall be appointed with regard to merit only and need not be a

1 resident of the City when appointed. The Board may require the City Manager to reside
2 within the City during the Manager's tenure of office. No Board member may be
3 appointed or act as City Manager during the term for which the member was elected or
4 within one year after the expiration of the member's term.

5 (b) Unless otherwise agreed upon by the Board and the City Manager, if the City
6 Manager is involuntarily removed by the Board, except for good and just cause, the City
7 Manager shall be forthwith paid any unpaid balance of salary, any accumulated and
8 accrued job benefits, and salary for the three calendar months following the day of
9 termination or for such other period as may be agreed upon in advance.

10 (c) Before entering upon the duties of office, the City Manager shall take and
11 subscribe an oath to perform faithfully the duties of the office.

12 "Section 5.2. **Powers and Duties.** The City Manager shall have all the powers and
13 duties conferred by general law, except as expressly limited by the Board, so far as
14 authorized by general law, and the provisions of this Charter. Additionally, the City
15 Manager shall have the following powers and duties:

16 (a) The City Manager may designate an assistant to perform the Manager's
17 functions temporarily when the Manager is absent from the City, sick, or otherwise
18 unable to act; and from time to time, with Board approval, may designate an assistant or
19 assistants to perform the Manager's functions during any particular absence or
20 disability. The person or persons so designated shall have all of the powers and duties of
21 the City Manager when acting in the place of the City Manager.

22 (b) The City Manager may, when authorized by the Board, execute in the name
23 and on behalf of the City, contracts, bonds, and other legal instruments, except deeds.

24 (c) The City Manager shall make and execute all contracts on behalf of the City
25 in the manner authorized or provided by resolutions or ordinances adopted by the
26 Board. The Board may, on such terms as it deems proper, allow the City Manager to
27 authorize one or more designees to make and execute contracts.

28 (d) The City Manager may, when authorized by the Board, settle claims against
29 the City for: (i) personal injuries or damages to property when the amount involved
30 does not exceed the sum of ten thousand dollars (\$10,000) and does not exceed the
31 actual loss sustained, including loss of time, medical expenses, and any other expenses
32 actually incurred; and (ii) the taking of small portions of private property that are
33 needed for the rounding of corners at intersections of streets, when the amount involved
34 does not exceed ten thousand dollars (\$10,000) and does not exceed the actual loss
35 sustained. Settlement of a claim by the City Manager pursuant to this subsection shall
36 constitute a complete release of the City from any and all damages sustained by the
37 person involved in the settlement in any manner arising out of the incident, occasion, or
38 taking complained of. All settlements and all releases shall be approved by the City
39 Attorney.

40 (e) Unless excused by the Board, it shall be the duty of the City Manager to
41 attend all meetings of the Board, with the right to take part in discussions and
42 recommend for adoption such measures as the City Manager deems expedient, but the
43 City Manager shall not vote on any matters before the Board. The City Manager shall be
44 entitled to notice of all special and emergency Board meetings.

1 "Section 5.3. **Manager's Personnel Authority; Role of Elected Officials.** As chief
2 administrator, the City Manager shall have the power to appoint, suspend, and remove
3 all officers, department heads, and employees in the administrative service of the City,
4 except the City Attorney and any other official whose appointment or removal is
5 specifically vested in the Board by this Charter or general law. Neither the Board nor
6 any of its members shall take part in the appointment or removal of department heads
7 and employees in the administrative service of the City, except as provided by this
8 Charter. Except for the purpose of inquiry, or for consultation with the City Attorney,
9 the Board and its members shall deal with the administrative service solely through the
10 City Manager, an acting City Manager, or an Interim City Manager, and neither the
11 Board nor any of its members shall give any specific orders to any subordinates of the
12 City Manager, an acting City Manager, or an Interim City Manager, either publicly or
13 privately.

14 "ARTICLE VI. PUBLIC CONTRACTS.

15 "Section 6.1. **Award of Certain Contracts.**

16 (a) The City Manager may award, approve, and execute contracts or agreements
17 of any kind or nature on behalf of the City when the amount of the contract or
18 agreement does not exceed one hundred thousand dollars (\$100,000) if the Board has
19 approved the appropriation in the annual budget for the current fiscal year for the
20 general purpose specified in the contract or agreement. In addition, the City Manager, or
21 the City Manager's duly authorized designee appointed in accordance with Section
22 5.2(a) of this Charter, may approve and execute amendments to contracts or agreements,
23 including contracts initially approved solely by the Board when the amount in question
24 does not exceed one hundred thousand dollars (\$100,000).

25 (b) The City Manager, upon authorization by the Board, may award, approve,
26 and execute contracts for the acquisition of or the construction and installation of water
27 and sewer lines that will eventually become a part of the City utility system, regardless
28 of the amount in question, where the construction and installation was or shall be the
29 sole responsibility and expense of another person, firm, or corporation.

30 "Section 6.2. **Procedures.**

31 (a) The City Manager shall, within 45 days of the award of any contract
32 described in Section 6.1 of this Charter, report such award to the Board. However, the
33 City Manager shall not be required to report contracts in a minimum amount that may
34 be set from time to time by the Board.

35 (b) In awarding, approving, and executing contracts described in this Article, the
36 City Manager shall comply with all applicable provisions of this Charter and Article 8
37 of Chapter 143 of the General Statutes. The City Manager may take any action that the
38 Board is required or authorized to take under Article 8 of Chapter 143 of the General
39 Statutes in making, approving, awarding, or executing contracts.

40 "ARTICLE VII. ACQUISITION OF PROPERTY.

41 "Section 7.1. **Delegation to City Manager.** The Board may delegate authority to the
42 City Manager to purchase real property, any interest in real property, or personal
43 property provided that: (i) the Board shall have approved the appropriation for the
44 purchase in the annual budget for the current fiscal year; and (ii) the City Manager,

1 within 45 days following the purchase shall submit to the Board a written report setting
2 forth the names of the persons or entities from whom the real property or interest in real
3 property was purchased, a general description of the property or interest in property
4 acquired, the purchase price paid, and the intended use of the property or interest in
5 property.

6 "ARTICLE VIII. DISPOSITION OF PROPERTY.

7 "Section 8.1. **General Provision.** Unless specifically provided otherwise, the
8 provisions of Article 12 of Chapter 160A of the General Statutes shall not apply to the
9 disposition of property pursuant to this Article. The authority contained in this Article is
10 in addition to and not in limitation of any other authority granted by this Charter or
11 general law.

12 "Section 8.2. **Disposition of Property.** The Board may, upon the affirmative vote of
13 at least four members, publicly or privately sell, lease, rent, exchange, or otherwise
14 convey or cause to be publicly or privately sold, leased, rented, exchanged, or otherwise
15 conveyed any property, real or personal, or any interest in such property, belonging to
16 the City.

17 "Section 8.3. **Conditions and Restrictions Authorized.** The Board may sell,
18 exchange, or otherwise transfer the fee or any lesser interest in real property to any
19 purchaser subject to such covenants, conditions, and restrictions as the Board may deem
20 to be in the public interest. The sale, exchange, or other transfer may be made pursuant
21 to the provisions of this Charter, Article 12 of Chapter 160A of the General Statutes, or
22 any other applicable provision of law, and the consideration received by the City, if any,
23 for the sale, exchange, or transfer may reflect the restricted use of the property resulting
24 from the covenants, conditions and restrictions. The City may invite bids or written
25 proposals, including detailed development plans and site plans, for the purchase of any
26 property or property interest, whether by sale, exchange, or other transfer, pursuant to
27 such specifications as may be approved by the City. A sale, exchange, or other transfer
28 of real property, or interest therein, pursuant to this section may be made contingent
29 upon any necessary rezoning of the property.

30 "Section 8.4. **Disposition of Certain Property by City Manager.** The Board may
31 authorize the City Manager to dispose of the following property by the methods
32 indicated without obtaining Board approval for each disposition:

33 (a) Interests in real property by private negotiation or sale with respect to parcels
34 having a fair market value of ten thousand dollars (\$10,000) or less.

35 (b) Water or sewer easements, or similar interests in real property, as part of any
36 exchange for other water and sewer easements or similar interests in property.

37 (c) Water or sewer easements, or similar interests in real property by private
38 negotiation and sale, when the easement or similar interest in real property is no longer
39 needed by the City.

40 "Section 8.5. **Disposition of Personal Property.** The City may sell any and all
41 surplus personal property belonging to the City at private sale.

42 "Section 8.6. **Lease or Rental of Property.** Notwithstanding G.S. 160A-272, the
43 Board may, in its discretion, lease City-owned property for such terms and upon such
44 conditions as the Board may determine, including terms of more than 10 years without

1 the necessity of following any procedures other than those required by G.S. 160A-272
2 for leases of 10 years or less.

3 "Section 8.7. **Documents of Conveyance.** Whenever a disposition of an interest in
4 real property is authorized by the City pursuant to this Charter or otherwise, the
5 instrument conveying such interest may be executed by the Mayor or the Mayor's
6 designee and attested by the City Clerk or City Manager, with the official seal of the
7 City affixed thereto. With respect to the sale of real property the City may execute deeds
8 in the usual form and include therein full covenants of warranty.

9 "ARTICLE IX. ECONOMIC DEVELOPMENT.

10 "Section 9.1. **Promotion of the City.** The Board is authorized to appropriate
11 annually reasonable sums for promoting the City.

12 "Section 9.2. **Encouraging Local Development.** The Board is authorized and
13 empowered to annually set apart and appropriate funds and to expend the same for the
14 purpose of aiding, assisting, and encouraging, by contract with independent contractors
15 or otherwise, the location of manufacturing, industrial, and commercial plants,
16 distribution centers, or businesses in the City and for advertising the advantages and
17 resources of the City and for such purposes as will, in the discretion of the Board,
18 increase the taxable value of property of the City and that will promote the general
19 welfare of the City, which purposes are declared to be lawful public purposes of the
20 City.

21 "Section 9.3. **Urban Development Projects.**

22 (a) The term 'urban development project' as used in this section means a capital
23 project comprising the construction or renovation of one or more buildings or other
24 improvements, including the provision for sidewalks and streets in conjunction
25 therewith, of which part of the overall project is privately owned and part is publicly
26 owned.

27 (b) The City may acquire, construct, own, and operate or participate in the
28 acquisition, construction, ownership, and operation of an urban development project or
29 specific facilities within the project, including the making of loans and grants from any
30 moneys lawfully available for the project.

31 (c) The City may enter into binding contracts with one or more private
32 developers with respect to acquiring, constructing, owning, or operating an urban
33 development project. The contract may be entered into before acquisition of any real
34 property necessary for the project. The contract may specify the following:

35 (1) The property interests of both the City and the developer. However,
36 the property interests of the City shall be limited to facilities for a
37 public purpose.

38 (2) The responsibilities of the City and the developer for construction of
39 the project.

40 (3) The responsibilities of the City and the developers with respect to
41 financing the project.

42 (d) An urban development project may be constructed on property acquired by
43 the developer on property acquired by the City or on property acquired jointly by the
44 City and the developer.

1 (e) The City may lease or convey interests in urban development project property
2 or other property owned by it, including air rights over public facilities.

3 (f) The contract between the City and the developer with respect to construction
4 of an urban development project may provide that the developer shall be responsible
5 for: (i) construction of the entire project, reconstruction, or repair of the project or any
6 part thereof subsequent to its initial construction; (ii) construction of any addition to the
7 project, renovation of the project, or any part thereof, and (iii) purchase of apparatus,
8 supplies, materials, or equipment for the project, whether during the initial equipping of
9 the project or subsequent thereto. The contract shall include such provisions as the
10 Board deems sufficient to assure that the public facility included in the project or added
11 thereto, is constructed, reconstructed, repaired, or renovated, and that the apparatus,
12 supplies, materials, and equipment are purchased at a reasonable price. The provisions
13 of Article 8 of Chapter 143 and Article 3 of Chapter 44A of the General Statutes shall
14 not apply to an urban development project if the City funds constitute no more than fifty
15 percent (50%) of the total costs of the project. Federal funds available for loan to private
16 developers in connection with a project shall not be considered City funds for purposes
17 of this subsection.

18 (g) The City may contract for the operation of any public facility included in an
19 urban development project by any person, partnership, firm or corporation, public or
20 private.

21 (h) To assist in the financing of its share of the urban development project, the
22 City may apply for, accept, and expend funds from the federal or state government or
23 from any other lawful source.

24 (i) The authority granted by this section is in addition to and not in derogation of
25 any other authority granted to the City by general law. The City may exercise any
26 authority granted to it by any other section of this Charter or by local act or general law
27 in furtherance of an urban development project.

28 "Section 9.4 **Incubator Facilities.** The Board may establish one or more incubator
29 facilities within the City. For purposes of this section, the term 'incubator facility' shall
30 mean a building or group of buildings that provides space and support services for small
31 business concerns that are beginning operation. The Board may purchase or lease any
32 real or personal property for incubator facility purposes and may lease or sublease any
33 such property or any other real or personal property owned by the City. The Board may
34 make grants or loans to any such corporation from funds lawfully available for such
35 purpose subject to any rules, regulations, restrictions, and conditions that the Board
36 deems to be in the public interest. The City may exercise any authority granted to it by
37 any other section of this Charter or by local act or general law in furtherance of an
38 incubator facility project.

39 "ARTICLE X. EXTENSION OF LIMITS.

40 "Section 10.1. **Annexation of Noncontiguous Areas.** G. S. 160A-58.1(b)(5) shall
41 not apply to the City.

42 "ARTICLE XI. LAND USE.

1 "Section 11.1. **Planning Board and Zoning Board of Adjustment.** The
2 membership and method of appointing the members of the City Planning Board and the
3 City Zoning Board of Adjustment shall continue as provided in S.L. 2001-101.

4 "Section 11.2. **Reservation of Recreation Areas.** In adopting any subdivision
5 control ordinance pursuant to the provisions of this Charter or G.S. 160A-372, the
6 Board is authorized to provide for the dedication or reservation of recreation areas
7 serving residents of the immediate neighborhood within the subdivision, or to provide
8 for the payment in lieu thereof of such sum of money as the Board may determine to be
9 the equivalent in value of such recreation area. The Board may use any moneys received
10 in lieu of dedicated recreation areas for acquiring recreation areas beyond the
11 boundaries of the immediate subdivision but within the neighborhood wherein the
12 subdivision lies.

13 Section 11.3. **Trees and Shrubs.** In order to preserve and enhance one of the most
14 valuable natural resources of the community and to protect the safety and welfare of its
15 citizens, the City may adopt ordinances to regulate the planting, removal, and
16 preservation of trees and shrubs on public and private property within the municipal
17 boundaries and within its area of extraterritorial planning jurisdiction. Any ordinance
18 adopted pursuant to this section shall exclude property to be developed for single-family
19 or duplex residential uses and shall exclude normal forestry activities conducted
20 pursuant to a forestry management plan prepared or approved by a registered forester.
21 Prior to adopting an ordinance under this section, a public hearing shall be held before
22 the Board. Notice of the hearing shall be given once a week for two successive calendar
23 weeks in a newspaper having general circulation in the area. The notice shall be
24 published the first time not less than 10 days nor more than 25 days before the date
25 fixed for the hearing.

26 "ARTICLE XII WATER AND SEWER.

27 "Section 12.1. **Operation Outside Corporate Limits.** In addition to any authority
28 granted by general law, the City is authorized to acquire, construct, establish, enlarge,
29 improve, maintain, own, operate, contract for the operation of, protect, and regulate
30 water and sewer utilities outside the corporate limits of the City as the Board may deem
31 appropriate, including the area encompassing the territory located within the
32 Commonwealth of Virginia that lies between the northern boundary of Surry County,
33 North Carolina, and the southern right-of-way line of the Blue Ridge Parkway.

34 "Section 12.2. **Utility Bill Collection Procedures.** Whenever water or sewer
35 utilities are provided by the City under authority of general law or this Charter, and the
36 person legally responsible for payment of the rents, rates, fees, or charges for the service
37 fails to pay the rents, rates, fees, or charges for more than 60 days after they became
38 delinquent, the City may treat the amount due as if it were a tax due to the City and may
39 proceed to collect the amount due through the use of levy on tangible personal property
40 under G.S. 105-366 and G.S. 105-367.

41 "Section 12.3. **Dedication of Certain Water and Sewer Lines.** If any person, firm,
42 or corporation connects any privately owned water or sewer lines to City-owned or
43 operated lines without first dedicating, giving, granting, conveying, or otherwise
44 contracting with respect to the lines, the act of connection shall be deemed a dedication,

1 gift, grant, and conveyance of the lines to the City. The City may accept the lines or
2 may reject them and order the lines disconnected.

3 "Section 12.4. **Special Assessments.** In exercising the authority granted under
4 Article 16 of Chapter 160A of the General Statutes to extend and operate public
5 enterprises outside the corporate limits, the City may specially assess all or part of the
6 costs of installing, constructing, reconstructing, extending, building, or improving water
7 supply and distribution systems or sewage collection and disposal systems outside the
8 corporate limits of the city against property benefited from the systems. However, no
9 special assessment shall be levied unless and until a valid petition for the improvements
10 has been submitted to the City by the owners of the affected property. To be valid, the
11 petition must be signed by at least a majority in number of the owners of property to be
12 assessed, who must represent at least a majority of all of the lineal feet of frontage of the
13 lands abutting the water or sewer improvement. Except as herein provided, special
14 assessments levied pursuant to this section shall be levied and collected in the same way
15 and under the same authority and procedures as special assessments levied and collected
16 by the City upon property within the corporate limits. The effect of levying assessments
17 under this section shall for all purposes be the same as if the assessments were levied
18 under authority of Article 10 of Chapter 160A of the General Statutes.

19 "ARTICLE XIII. STREETS AND SIDEWALKS.

20 "Section 13.1. **Assessments for Street Improvements.** In addition to any authority
21 that is now or may hereafter be granted by general law for making street improvements,
22 the Board is authorized to order to be made or to make street improvements according
23 to the standards and specifications of the City and to assess the total costs or a portion
24 thereof against abutting property owners in accordance with the provisions of this
25 Article.

26 "Section 13.2. **When Petition Unnecessary.** The Board may order street
27 improvements and assess the total costs or a portion thereof, exclusive of the costs
28 incurred at street intersections, against the abutting property owners according to one or
29 more of the assessment bases set forth in Article 10 of Chapter 160A of the General
30 Statutes, without the necessity of a petition, upon a finding by the Board of one of the
31 following:

32 (a) The street or part thereof is unsafe for vehicular traffic and it is in the public
33 interest to make the improvement.

34 (b) It is in the public interest to connect two streets or portions of a street already
35 improved.

36 (c) It is in the public interest to widen a street, or part thereof, that is already
37 improved. However, assessments for widening any street or portion of a street without
38 petition shall be limited to the cost of widening and otherwise improving the street in
39 accordance with the street classification and improvement standards established by the
40 City's thoroughfare or major street plan for the particular street or part thereof to be
41 widened and improved under the authority granted by this Article.

42 "Section 13.3. **Street Improvement Defined.** 'Street improvement' shall include
43 grading, regrading, surfacing, resurfacing, widening, paving, and repaving streets, the

1 acquisition of rights-of-way, and the construction or reconstruction of curbs, gutters and
2 street drainage facilities.

3 "Section 13.4. **Sidewalk Improvements.** In addition to any authority that is now or
4 may hereafter be granted by general law for making sidewalk improvements, the Board
5 is authorized to order to be made or to make sidewalk improvements or repairs
6 according to the standards and specifications of the City, and to assess the total costs or
7 a portion thereof, against abutting property owners according to one or more of the
8 assessment bases set forth in Article 10 of Chapter 160A of the General Statutes.
9 However, the Board may order the cost of sidewalk improvements made only on one
10 side of a street to be assessed against property owners abutting both sides of the street.

11 "Section 13.5. **Assessment Procedure.** In ordering street or sidewalk improvements
12 without a petition and assessing the cost thereof under authority of this Article, the
13 Board shall comply with the procedure provided in Article 10 of Chapter 160A of the
14 General Statutes, except those provisions relating to the petition of property owners and
15 the sufficiency thereof.

16 "Section 13.6. **Effect of Assessments.** The effect of the act of levying assessments
17 under authority of this Article shall for all purposes be the same as if the assessments
18 were levied under authority of Article 10 of Chapter 160A of the General Statutes.

19 "ARTICLE XIV. FIREFIGHTERS' SUPPLEMENTARY PENSION FUND.

20 "Section 14.1. **Continuation of Fund.** The Mount Airy Firefighters' Supplementary
21 Pension Fund shall continue as authorized in Chapter 302 of the 1967 Session Laws, as
22 amended by Chapter 12 of the 1969 Session Laws, Chapter 121 of the 1973 Session
23 Laws, Chapter 165 of the 1995 Session Laws, S.L. 2000-22, and any subsequent acts of
24 the General Assembly.

25 "ARTICLE XV. REGULATORY JURISDICTION.

26 "Section 15.1. **Speed Limits.** The Board may authorize the Chief of Police to
27 establish speed limits pursuant to G.S. 20-141.

28 "Section 15.2. **Solicitation and Peddling.** The City may exercise the authority
29 contained in G.S. 160A-178 and G.S. 160A-179 within its area of extraterritorial
30 planning jurisdiction.

31 "Section 15.3. **Drainage.** The Board may forbid any obstruction or stopping on any
32 natural drainway within the City or diverting the water therefrom and may require land
33 owners desiring to construct or install pipes or culverts to carry water or other drainage
34 off their land to construct and install the pipes or culverts according to plans and
35 specifications adopted or approved by the Board.

36 "ARTICLE XVI. TOURISM DEVELOPMENT AUTHORITY.

37 "Section 16.1. **Occupancy Tax Authorized.** The Mount Airy Tourism Development
38 Authority shall continue as authorized in S.L. 1997-410, as amended by S.L. 2001-7,
39 and any subsequent acts of the General Assembly."

40 **SECTION 2.** The purpose of this act is to revise the Charter of the City of
41 Mount Airy and to consolidate certain acts concerning the property, affairs, and
42 government of the City. It is intended to continue without interruption those provisions
43 of prior acts that are expressly consolidated into this act so that all rights and liabilities
44 that have accrued are preserved and may be enforced.

1 **SECTION 3.** This act does not repeal or affect any acts concerning the
2 property, affairs, or government of public schools or any acts validating official actions,
3 proceedings, contracts, or obligations of any kind.

4 **SECTION 4.** The following acts, or portions of acts, having served the
5 purposes for which they were enacted, or having been consolidated into this act, are
6 expressly repealed:

7 Chapter 160 of the 1925 Private Laws, except for Section 1 and Section 4.

8 Chapter 27 of the 1927 Private Laws.

9 Chapter 89 of the 1927 Private Laws.

10 Chapter 191 of the 1937 Private Laws.

11 Chapter 35 of the 1939 Private Laws.

12 Chapter 710 of the 1943 Session Laws, as it applies to the City of Mount Airy.

13 Chapter 932 of the 1945 Session Laws, as it applies to the City of Mount Airy.

14 Chapter 244 of the 1949 Session Laws.

15 Chapter 709 of the 1949 Session Laws.

16 Chapter 1072 of the 1957 Session Laws.

17 Chapter 734 of the 1959 Session Laws.

18 Chapter 1005 of the 1961 Session Laws.

19 Chapter 120 of the 1963 Session Laws.

20 Chapter 285 of the 1963 Session Laws.

21 Chapter 521 of the 1963 Session Laws.

22 Chapter 630 of the 1963 Session Laws.

23 Chapter 652 of the 1963 Session Laws.

24 Chapter 46 of the 1969 Session Laws.

25 Chapter 291 of the 1969 Session Laws.

26 Chapter 426 of the 1971 Session Laws, except for Section 6.

27 Chapter 485 of the 1973 Session Laws, as it applies to the City of Mount Airy.

28 Chapter 75 of the 1977 Session Laws.

29 Chapter 416 of the 1989 Session Laws.

30 Chapter 793 of the 1991 Session Laws, as it applies to the City of Mount Airy.

31 Chapter 26 of the 1993 Session Laws.

32 Chapter 30 of the 1995 Session Laws.

33 S.L. 1999-232.

34 S.L. 1999-325.

35 **SECTION 5.** The Mayor and Commissioners serving on the date of
36 ratification of this act shall serve until the expiration of their terms or until their
37 successors are elected and qualified.

38 **SECTION 6.** No provision in this act is intended, nor shall be construed, to
39 affect in any way, any rights or interests, whether public or private:

- 40 (1) Now vested or accrued, in whole or in part, the validity of which might
41 be sustained or preserved by reference to any provision of law repealed
42 by this act.

1 (2) Derived from, or which might be sustained or preserved in reliance
2 upon, action heretofore taken pursuant to or within the scope of any
3 provisions of law repealed by this act.

4 **SECTION 7.** No law heretofore repealed expressly or by implication, and no
5 law granting authority that has been exhausted, shall be revived by: (i) the repeal herein
6 of any act repealing such law, or (ii) any provision of this act that disclaims an intention
7 to repeal or affect enumerated or designated laws.

8 **SECTION 8.** All existing ordinances, resolutions, and other provisions of
9 the City of Mount Airy not inconsistent with the provisions of this act shall continue in
10 effect until repealed, modified, or amended.

11 **SECTION 9.** No action or proceeding pending on the effective date of this
12 act by or against the City or any of its departments or agencies shall be abated or
13 otherwise affected by this act.

14 **SECTION 10.** Whenever a reference is made in this act to a particular
15 provision of the General Statutes and such provision is later amended, superseded, or
16 recodified, the reference shall be deemed amended to refer to the amended General
17 Statute or to the General Statute that most nearly corresponds to the statutory provision
18 that is superseded or recodified.

19 **SECTION 11.** The following described property is added to the corporate
20 limits of the City of Mount Airy:

21 TRACT ONE

22 That portion of the property described in Deed Book 319, page 670, Surry County
23 Registry containing 9.4 acres and designated as Surry County Tax Parcel Number
24 5939-09-07-7472 that is not already within the corporate limits.

25 TRACT TWO

26 The property described in Deed Book 629, page 420, Surry County Registry
27 containing approximately 0.81 acre and designated as Surry County Tax Parcel Number
28 5021-12-85-6400.

29 TRACT THREE

30 The property described in Deed Book 625, page 398, Surry County Registry
31 containing approximately 0.70 acre and designated as Surry County Tax Parcel Number
32 5929-10-45-8751.

33 **SECTION 12.** Section 1 of S.L. 1997-410 reads as rewritten:

34 "Section 1. Mount Airy Occupancy Tax. (a) Authorization and scope. The Mount
35 Airy Board of Commissioners may levy a room occupancy tax of up to ~~three percent~~
36 (3%)six percent (6%) of the gross receipts derived from the rental of any room, lodging,
37 or accommodation furnished by a hotel, motel, inn, tourist camp, or similar place within
38 the city that is subject to sales tax imposed by the State under G.S. 105-164.4(a)(3).
39 This tax is in addition to any State or local sales tax. This tax does not apply to
40 accommodations furnished by nonprofit charitable, educational, or religious
41 organizations or by nonprofit summer camps when the accommodations are furnished in
42 furtherance of their nonprofit purpose.

1 (b) Administration. A tax levied under this section shall be levied, administered,
2 collected, and repealed as provided in G.S. 160A-215. The penalties provided in G.S.
3 160A-215 apply to a tax levied under this section.

4 (c) Distribution and use of tax revenue. The City of Mount Airy shall, on a
5 quarterly basis, remit the net proceeds of the occupancy tax to the Mount Airy Tourism
6 Development Authority. The Authority shall use the funds remitted to it under this
7 subsection only to promote travel and tourism in the Mount Airy area. The following
8 definitions apply in this section:

9 (1) Net proceeds. – Gross proceeds less the cost to the city of
10 administering and collecting the tax, as determined by the finance
11 officer, not to exceed seven percent (7%) of the gross proceeds.

12 (2) Promote travel and tourism. – Advertise and market activities, develop
13 and distribute promotional materials, conduct market research, provide
14 for the maintenance of facilities developed to promote tourism, support
15 activities that attract tourists to the area, and engage in other similar
16 promotional activities that attract tourists or business travelers to the
17 area. The term also includes administration of the Mount Airy Tourism
18 Development Authority.

19 (3) Tourism-related expenditures. – Expenditures that are designed to
20 increase the use of lodging facilities in a county or to attract tourists or
21 business travelers to a county, expenditures incurred by the City in
22 collecting the tax, expenditures to construct, maintain, operate, or
23 market a convention center or other facilities, and other expenditures
24 determined by the Tourism Development Board to facilitate and
25 support tourism."

26 **SECTION 13.** Section 11 of this act becomes effective June 30, 2003. The
27 remainder of this act is effective when it becomes law.