NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 480
HOUSE BILL 1064

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF GRIFTON.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Grifton is hereby revised and consolidated as follows:

"CHARTER OF THE TOWN OF GRIFTON.

"Chapter I.

"Incorporation and Corporate Powers.

"Section 1-1. Incorporation and corporate powers. The inhabitants of the Town of Grifton shall continue to be a body corporate and politic under the name of the 'Town of Grifton'. Under that name they shall have all the powers, duties, rights, privileges, and immunities conferred and imposed on cities by the general law of North Carolina and by this Charter.

"Chapter II.

"Corporate Boundaries.

"Sec. 2-1. Town boundaries. Until modified in accordance with law, the boundaries of the Town of Grifton are as follows:

Beginning at a point in the centerline of the main line of the Seaboard Coastline Railroad on the southern side of Contentnea Creek in Lenoir County, said point being S 37-30 W along the centerline of the main line of the Seaboard Coastline Railroad 384 feet from the southern edge of the steel draw on said railroad bridge; thence from this beginning S 55-15 E 636 feet to a point; thence N 80-00 E 2545 feet to a point; thence along a line N 30 E 80 feet to the south bank of Contentnea Creek and continuing along the south bank 2060 feet in a South-southeasterly direction to a point on the southern line of the right of way of the transmission line to the Voice of America installation; thence N 23 E, crossing Creek Road at a point 635 feet northwest of the western end of the bridge over Mill Branch, and continuing in the direction of N 23 E 3000 feet, more or less, to a point in the center line of the Grifton-Vanceboro Highway, N. C. Hwy. 118, where a ditch crosses said highway; thence with the centerline of said ditch N 37 E 880 feet to a point in the centerline of said ditch; thence N 31 W 495 feet to the southern right of way line of Wall Street, previously called "The Culture Road"; thence with the southern right of way of said road N 62 E 675 feet to a point; thence continuing with the right of way of said road N 62-12 E 802 feet to a point; thence N 71 E 855 feet to a point; thence crossing said road and with the eastern property line of Meadow Green Subdivision, Section 3 as recorded in Map Book 20 at pages 178 and 178-A in the Pitt

County Registry N 11-48 W 837.7 feet to a point in a ditch; thence with the said ditch S 79-26 W 30 feet; thence with the Eastern line of Meadowgreen Development property and the Western line of M. B. Hodges land N 14-11 W 818.6 feet to a point in the southern right of way line of N.C.S.R. 1907; thence with the right of way line of N.C.S.R. 1907 N 81-39 E 1672 feet to a point where the southern right of way line of N.C.S.R. 1907 and the Eastern property line of Brassie Drive (if extended) intersect; thence with the Eastern property line of said Brassie Drive N 8-36 W 359.1 feet to the corner of lots 36 and 35, Addition no. 5 of the Country Club Hills Subdivision; thence N 4-04 E 150 feet to the front corner of lots 34 and 35 in the aforesaid Subdivision; thence N 15-07 E 120 feet to the front corner of lots 33 and 34; thence N 25-47 E 110 feet to the westernmost corner of Lot 98; thence S 62-48 E 184.7 feet to the southernmost corner of Lot 98; thence with the Eastern line of Addition 2 and the Western line of Addition 3 N 27-12 E 1700.0 feet to the Westernmost corner of Lot 99, 5th Addition; thence S 62-48 E 228.1 feet to a point in the Eastern property line of East Fairlane Drive; thence with the Eastern property line of East Fairlane Drive N 27-12 E 160.0 feet to the Southwest corner of Lot 14; thence N 82-12 E 182.0 feet to the rear corner of Lots 14 and 15 at Poplar Branch; thence up Poplar Branch N 12-12 E 217.7 feet to the Easternmost corner of County Club Hills Subdivision; thence with the Northern line of County Club Hills Subdivision N 85-48 W 1720 feet to the Northwesternmost corner of the aforesaid Subdivision; thence with the Western line of Addition 1 and the Eastern line of the Grifton Golf and Country Club, Inc. property the following courses- S 20-12 W 528.3 feet; S 24-12 W 759.0 feet; S 35-42 W 528.0 feet; S 47-52 W 29.0 feet; S 1-48 E 55.0 feet; S 41-12 W 50.0 feet; S 7-42 W 81.0 feet; S 30-33 E 27.0 feet to the Northeastern corner of Lot 12, Addition 4; thence S 72-17 W 666.9 feet to the rear corner of Lots 17 and 26; thence N 17-43 W 131.5 feet to a point in a ditch, the rear corner of lots 18 and 26; thence with the ditch and Mrs. Eleanor Gowers' line S 46-39 W 574.9 feet; thence S 43-39 W 265.0 feet to the rear corner of Lots 50 and 51; thence leaving said ditch S 57-03 W 1806.22 feet to a point; thence N 35-07 W 844 feet to a point in the centerline of the Seaboard Coastline Railroad; thence with the centerline of said railroad in a southwesterly direction 940 feet to a point in said centerline; thence N 47 W 1577.6 feet to a point in the eastern right of way line of the Grifton-Greenville Highway, N.C.S.R. 1939; thence with the right of way line of said N.C.S.R. 1939 N 21-36 E 1012 feet; thence N 14-19 E 590 feet to a point in the right of way of the aforesaid Highway; thence crossing said Highway and with the property lines of Forest Acres Subdivision as follows: (1) S 85-35 W 2705.5 feet to a point; (2) S 13-16 W 222.72 feet to a point; (3) S 36-26 W 221.84 feet to a point; (4) S 23-23 E 533.52 feet to a point; (5) N 86-35 E 211.1 feet to a point, a corner of the Harper property; hence with the Harper line S 7-25 E 634.0 feet to a point; thence S 10-38 E 389.25 feet to a point, a corner of the Koon property; thence with the Koon line S 3-25 E 150 feet to a point in the common line between the A. L. Patrick Estate and the McCotter Heirs property; thence with the common line between the Patrick Estate and the McCotter Heirs property S 86-35 W 668 feet to a point where said line is intersected by the southern line of a thirty foot wide road right of way that is 180 feet south of and parallel to the southern line of Queen Street; thence with the southern line of this thirty foot wide road S 43-15 E 1180

feet to the eastern line of the A. L. Patrick Estate; thence S 59-22 W 2660 feet to the northern bank of Contentnea Creek; thence across Contentnea Creek S 68 W 988 feet to a point in a ditch in Lenoir County; thence S 8 W 572 feet with the line of said ditch to a point that is 250 feet from the centerline of the Grifton-Hugo Highway, N.C.S.R. 1704; thence S 62-30 E 730 feet to a point in the centerline of the Grifton-Kinston Highway where a ditch meets said Highway; thence with the line of said ditch S 32-30 E 580 feet to a point in said ditch; thence S 53-00 E 1420 feet to a point in the centerline of the main line of the Seaboard Coastline Railroad; thence N 37-30 E 488 feet to the point of beginning.

"Chapter III.

"Governing Body.

"Sec. 3-1. Structure of governing body. The governing body of the Town of Grifton shall continue to be the board of commissioners, consisting of five members, and the mayor.

"Sec. 3-2. Manner of election of governing body. The qualified voters of the entire town shall elect the members of the board and the mayor.

"Sec. 3-3. Term of office. Members of the board and the mayor shall be elected to four-year terms. In 1975 and quadrennially thereafter, three members of the board shall be elected. In 1977 and quadrennially thereafter, two members of the board and the mayor shall be elected. Newly elected board members shall fill the seats of those board members whose terms are then expiring.

"Chapter IV.

"Elections.

"Sec. 4-1. Conduct of town elections. Town elections shall be on a nonpartisan basis and the results determined by plurality, as provided by G.S. 163-292.

"Chapter V.

"Administration.

"Sec. 5-1. Town to operate under mayor-council plan. The Town of Grifton shall operate under a mayor-council plan. The board of commissioners shall appoint and discharge all town employees, shall designate department heads, and shall prescribe by ordinance their duties and authority to suspend employees assigned to their department. The board may confer on the mayor and/or one or more of its members authority to make interim suspensions or assignments. Otherwise the administration of the town shall be performed as provided by law or the direction of the board of commissioners.

"Sec. 5-2. Appointments to boards and commissions. The mayor shall, with the advice and consent of the board of commissioners, make appointments to and removals from boards or commissions authorized by general law or created by the board of commissioners.

"Chapter VI.

"Police.

"Sec. 6-1. Jurisdiction extended. The jurisdiction of the police force of the town is hereby extended to include all territory outside and within one and one-half miles of the corporate limits, and all members of the police force shall have within such territory all

rights, power, and authority invested in law-enforcement officers by statute or common law.

"Chapter VII.

"Street and Sidewalk Improvements.

"Sec. 7-1. Improvements defined. The term 'improvement' as used herein includes grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of rights-of-way, and construction and reconstruction of sidewalks, curbs, gutters, streets, and street-drainage facilities.

"Sec. 7-2. When petition unnecessary. The board of commissioners may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property without the necessity of a petition upon the finding by the board as a fact that:

(a) Such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or

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

(c) It is in the public interest to widen a street, or part thereof, that is already improved. However, assessments for widening any street or portion of street without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved.

"Sec. 7-3. Sidewalks; assessment of costs. In addition to any authority that is now or may hereafter be granted by general law to the town for making sidewalk improvements, the board of commissioners may make or order to be made sidewalk improvements or repairs without petition according to standards and specifications of the town and assess the total cost thereof against the abutting property.

"Sec. 7-4. Assessment procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under the authority of this Chapter, the board of commissioners shall comply with the procedure provided by G.S. Chapter 160A, Article 10, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 7-5. Effect of assessments. The effect of the act of levying assessments under the authority of this Chapter shall for all purposes be the same as if the assessments were levied under authority of G.S. Chapter 160A, Article 10.

"Chapter VIII.

"Regulatory Powers.

"Sec. 8-1. Subdivisions; require installation of improvements. In connection with subdivision or platting controls, the board of commissioners may require the improvement and grading of streets and the construction and installation of street pavements, curbs, gutters, sidewalks, and water, sewer, surface-water drainage and other utility mains as a condition precedent to approval of the plat. The requirements may provide for tentative approval of the plat previous to such improvement and installation, but any such tentative approval shall not be entered on the plat. The

requirements may provide that in lieu of completion of the work and installations prior to final approval of the plat, the board may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the town the actual construction and installation of the improvements and utilities within a period specified by the board and expressed in the bond. The town is empowered to enforce the bond by all appropriate legal and equitable remedies. Requirements adopted hereunder may be applied throughout the area over which the town is authorized by law to exercise platting or subdivision controls.

"Sec. 8-2. Removal of offensive matter; charges a lien. The city council may by ordinance establish a procedure whereby city forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after 10 days' notice to do so. In such event, the cost of such cleaning, cutting, and removal shall become a lien upon the particular property and may thereafter be collected either by suit in the name of the city or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes, as provided in G.S. 160A-193.

"Sec. 8-3. Alternative condemnation procedures. In exercising the power of eminent domain for any public purpose, if negotiations for the purchase of land or rights in land are unsuccessful the town may in its discretion use the procedures of Article 2 of Chapter 40 of the General Statutes or Article 9 of Chapter 136 of the General Statutes, or the procedures of any other general law, charter or local act applicable to the town. As contained in Article 9 of Chapter 136 of the General Statutes, all reference to 'Board of Transportation' shall be deemed to mean 'Town of Grifton'; all reference to the 'Chairman of the Board of Transportation' or 'Director of Highways' shall be deemed to mean 'Mayor of the Town of Grifton'; all references to authority or persons or agencies connected therewith shall be deemed to refer to the Town of Grifton.

Provided, however, that the provisions of this section shall not apply with regard to properties owned by public service corporations as defined in G.S. 160A-243(c) unless the exercise of such power of eminent domain is either consented to by the owner of the property to be acquired by the town, or otherwise first adjudicated after notice and a hearing that such acquisition will not prevent or unreasonably impair the continued devotion to the public use of such properties and the operation by such public service corporation.

"Chapter IX.

"Claims Against the Town.

"Sec. 9-1. Presentation of claims; suit upon claims. (a) All claims or demands against the Town of Grifton arising in tort or in contract shall be presented to the board of commissioners in writing, signed by the claimant, his attorney or agent, within ninety days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within thirty days or after the expiration of twelve months from the time said claim or demand is so presented. Unless the claim or demand is so presented within ninety days after the cause of action accrues, and unless suit is brought within twelve months thereafter, any action thereon is barred.

(b) No action shall be instituted against the town on account of damages to or compensation for real property taken or used by the town for any public purpose, or for the ejectment of the town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the board of commissioners of the claims, stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening or the infliction of the injury complained of, whichever is the longest period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.

"Sec. 9-2. Settlement of claims. The board of commissioners may authorize the town attorney to settle claims against the town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars ($100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars ($500.00) and does not exceed the actual loss sustained. Settlement of a claim by the town attorney pursuant to this section shall constitute a complete release of the town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of.

"Chapter X.

"Charter Amendments.

"Sec. 10-1. Incorporation of amendments. As soon as possible after the adjournment of each General Assembly, the town attorney shall present to the board of commissioners a summary of all local and general laws relating to the property, affairs, and government of the Town of Grifton that were enacted by such General Assembly, whether or not amending in terms of this Charter. After considering the recommendations of the town attorney, the board may provide for incorporation of such laws into this Charter."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Grifton and to consolidate herein certain acts concerning the property, affairs, and government

of the town. It is intended to continue without interruption those provisions of prior acts which are consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, nor in any manner to affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Grifton;

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. The following act, having served the purpose for which enacted, and having been consolidated into this act, is hereby repealed: Chapter 812, Session Laws 1969.

No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 5. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 6. (a) All existing ordinances and resolutions of the town of Grifton, and all existing rules or regulations of departments or agencies of the Town of Grifton, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Grifton or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 9. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1975.