

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 1247  
SENATE BILL 918

AN ACT TO MAKE CERTAIN TECHNICAL AND SUBSTANTIVE CHANGES IN  
CHAPTERS 160 AND 160A OF THE GENERAL STATUTES, RELATING TO CITIES  
AND TOWNS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 160A-64(a) is amended by striking out of the third line thereof the words "publication in and".

**Sec. 2.** G.S. 160A-68, as rewritten by Chapter 168 of the Session Laws of 1979, is amended by adding at the end thereof a new subsection (c) reading as follows:

"(c) All local acts or provisions of city charters which prescribe a particular meeting day or date for the organizational meeting of a council are hereby repealed."

**Sec. 3.** G.S. 160A-69 is amended by adding at the end thereof a new sentence reading as follows:

"In a city where the mayor is elected by the council from among its membership, and the city charter makes no provision as to the right of the mayor to vote, he shall have the right to vote as a council member on all matters before the council, but shall have no right to break a tie vote in which he participated."

**Sec. 4.** G.S. 160A-70 is amended by adding at the end thereof a new sentence reading as follows:

"In the event both the mayor and the mayor pro tempore are absent from a meeting, the council may elect from its members a temporary chairman to preside in such absence."

**Sec. 5.** G.S. 160A-71 is amended as follows:

(a) by rewriting the catch line or caption to read as follows:

"Regular and special meetings; recessed and adjourned meetings; procedure."

(b) by designating the first, second, fourth, and fifth sentences of subsection (b) as (b) (1);

(c) by designating the third sentence of (b) as (2);

(d) by adding to subsection (b) a new paragraph (3) reading as follows:

"(3) During any regular meeting, or any duly called special meeting, the council may call or schedule a special meeting, provided that the motion or resolution calling or scheduling any such special meeting shall specify the time, place and purpose or purposes of such meeting and shall be adopted during an open session."

(e) by redesignating subsection (c) as (d) and inserting a new subsection (c) reading as follows:

"(c) Any regular or duly called special meeting may be recessed to reconvene at a time and place certain, or may be adjourned to reconvene at a time and place certain, by the council."

**Sec. 6.** G.S. 160 A-74 is amended by inserting in the first line thereof between the word "council" and the comma the words "plus the mayor".

**Sec. 7.** G.S. 160A-75 is amended by striking out of the second sentence of the second paragraph the words "members of the council" and inserting in lieu thereof the words and punctuation "actual membership of the council, excluding vacant seats".

**Sec. 8.** G.S. 160A-77(b) is amended by renumbering paragraphs (5) and (6) as (6) and (7), respectively, and by inserting a new paragraph (5) reading as follows:

"(5) Restricting or regulating traffic at certain times on certain streets, or to certain types, weights or sizes of vehicles;"

**Sec. 9.** G.S. 160A-77 is amended by redesignating subsection (c) as (d) and inserting a new subsection (c) reading as follows:

"(c) The council may provide that the classes of ordinances described in paragraphs (2) through (7) of subsection (b) above, and ordinances establishing rates for utility or other public enterprise services, or ordinances establishing fees of any nature, shall be codified by entry upon official lists or schedules of the regulations established by such ordinances, or schedules of such rates or fees, to be maintained in the office of the city clerk."

**Sec. 10.** G.S. 160A-79(b) is amended by adding a new paragraph (4) reading as follows:

"(4) Copies of any official lists or schedules maintained in accordance with G.S. 160A-77 and certified under seal by the city clerk as having been adopted by the council and maintained in accordance with its directions (the clerk's certificate need not be authenticated)."

**Sec. 11.** G.S. 160A-102 is amended by striking out of the fifth line of the third paragraph, the words "not less than 30 days before the last day on which voters may register to vote in the special election" and by inserting in lieu thereof the words "in accordance with G.S. 163-287".

**Sec. 12.** G.S. 160A-104 is amended by striking out of the 13th, 14th and 15th lines thereof the words "not less than 30 days before the last day on which voters may register to vote in the special election" and by inserting in lieu thereof the words "in accordance with G.S. 163-287".

**Sec. 13.** G.S. 160A-103 is amended by inserting in the second sentence thereof, between the word "signatures" and the word "or" the words "and residence addresses".

**Sec. 14.** G.S. 160A-104 is amended by inserting in the second sentence thereof, between the word "signatures" and the word "of the words" the words "and residence addresses".

**Sec. 15.** G.S. 160A-103 is amended by striking out of the last sentence thereof the words "ordinance following its adoption" and by inserting in lieu thereof the words "notice of adoption of the ordinance".

**Sec. 16.** G.S. 160A-155 is amended as follows:

(a) by changing the period at the end of the first sentence to a comma and inserting immediately following such comma the words and punctuation "and all other city employees; provided, the council may delegate to any administrative official or department head the power to appoint, suspend, and remove city employees assigned to his department."

(b) by striking out of the second sentence the words "shall appoint, suspend, and remove all city employees assigned to his department, and".

**Sec. 17.** G.S. 160A-158 is amended by changing the period at the end of the first sentence to a semicolon, by striking out the second sentence, and by inserting in lieu of the second sentence the words and punctuation "provided, that in cities having a population of less than 5,000 according to the most recent official federal census, the mayor and any member of the council shall be eligible for appointment by the council as department head or other employee, and may receive reasonable compensation for such employment, notwithstanding any other provision of law."

**Sec. 18.** G.S. 160A-162(a) is amended by changing the period at the end of the first sentence to a semicolon and inserting immediately after such semicolon the following: "any

compensation or pay plan may include provisions for payments to employees on account of sickness or disability."

**Sec. 19.** G.S. 160A-162(b) is amended as follows:

(a) by striking out of the first line thereof the words "life insurance and health insurance" and inserting in lieu thereof the words "life, health, and any other forms of insurance".

(b) by striking out of the second line thereof the words "as a part of their compensation" and inserting in lieu thereof the words "and their dependents".

**Sec. 20.** G.S. 160A-193 is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the words and punctuation "or public safety."

**Sec. 21.** G.S. 160A-209(e) is amended by striking out of the second paragraph thereof the fourth and fifth sentences and by inserting in lieu thereof the following sentence:

"A notice of the referendum shall be published in accordance with G.S. 163-287."

**Sec. 22.** G.S. 160A-210 is repealed.

**Sec. 23.** G.S. 160A-248(b) is amended by rewriting the last sentence to read as follows:

"For purposes of appointing an appraiser, the owner shall be deemed to be the holder of an equity of redemption under a mortgage or the grantor under a deed of trust; if there is no mortgage or deed of trust, then the owner shall be deemed to be the life tenant; and in the event there is no life tenant, then the owner shall be deemed to be the holder of legal title to the property."

**Sec. 24.** G.S. 160A-267 is amended by striking out of the third sentence thereof the word "The" and by inserting in lieu thereof the words "A notice summarizing the contents of the".

**Sec. 25.** G.S. 160A-269 is amended by striking out of the fifth sentence thereof the words "for cash".

**Sec. 26.** G.S. 160A-272 is amended by striking out the second sentence thereof.

**Sec. 27.** Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-272.1 reading as follows:

"§ **160A-272.1. Lease of utility or enterprise property.** — Subject to G.S. 160A-321, a city-owned utility or public service enterprise, or part thereof, may be leased."

**Sec. 28.** G.S. 160A-282 is amended by designating present subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting a new subsection(a) reading as follows:

"(a) A city may by ordinance provide for the organization of an auxiliary police department made up of volunteer members."

**Sec. 29.** G.S. 160A-312 is amended by striking out of the second and third lines thereof the words "and operate" and inserting in lieu thereof the words and punctuation "operate, and contract for the operation of".

**Sec. 30.** G.S. 160A-349.3 is amended by changing the period at the end to a semicolon and by adding, immediately following such semicolon, the following:

"provided, that the governing body of the town or city may at any time by resolution direct that title to such property shall pass to and vest in the town or city itself, and in such event it shall be the duty of the board and its officers to execute all necessary documents to effect such transfer and vesting."

**Sec. 31.** G.S. 160A-349.7 is amended by striking out of line 9 the words "a sufficient appropriation" and by inserting in lieu thereof the words "such appropriation as it deems proper".

**Sec. 32.** G.S. 160A-349.11 is amended as follows:

(a) by striking out of line 4 the word "budget" and inserting in lieu thereof the words "budget request";

(b) by striking out of line 5 the words "shall make an appropriation necessary" and inserting in lieu thereof the words "may make an appropriation".

**Sec. 33.** Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-349.14 reading as follows:

"§ 160A-349.14. **Exercise of powers subject to approval.** — The board may not act to acquire or sell land pursuant to G.S. 160A-349.9, G.S. 160A-349.10, or G.S. 160A-349.13 unless such action was approved in advance by the governing body of the town or city."

**Sec. 34.** Chapter 160A of the General Statutes is amended by inserting therein a new section 160A-349.15 reading as follows:

"§ 160A-349.15. **Termination.** — The governing body of the town or city shall have the authority to terminate the existence of the board at any time. In the event of such termination, all property and assets of the board shall automatically become the property of the town or city and the town or city shall succeed to all rights, obligations and liabilities of the board. Further, in the event of such termination, it shall be the duty of the board and its officers to execute all necessary documents to effect the transfer of property and assets to the town or city."

**Sec. 35.** G.S. 160A-361 is amended by inserting in the second paragraph thereof, between the word "include" and the word "one" the punctuation and words ", but shall not be limited to,".

**Sec. 36.** G.S. 160A-364, as the same appears in the 1977 Supplement to Volume 3D of the General Statutes, is amended by striking out of the fifth line thereof the figure "15" and inserting in lieu thereof the figure "10".

**Sec. 37.** G.S. 160A-388(e) is amended by striking out of the fourth line thereof the word "Article" and by inserting in lieu thereof the word "Part".

**Sec. 38.** G.S. 160A-445, as it appears in the 1977 Supplement to 1975 Replacement Volume 3D of the General Statutes, is amended as follows:

(a) by inserting at the end of the third line thereof, following the word "If the words "the identities of any owners or";

(b) by inserting in the seventh line thereof, between the word "the" and the word "persons" the words "unknown owners or other".

**Sec. 39.** Chapter 160A of the General Statutes is amended by inserting two new sections, designated as G.S. 160A-458 and 160A-458.1, and reading as follows:

"§ 160A-458. **Erosion and sedimentation control.** — Any city may enact and enforce erosion and sedimentation control ordinances as authorized by Article 4 of Chapter 113A of the General Statutes, and in such enactment and enforcement shall comply with all applicable provisions of Article 4.

"§ 160A-458.1. **Floodway regulations.** — Any city may enact and enforce flood way regulation ordinances as authorized by Part 6 of Article 21 of Chapter 143 of the General Statutes, and in such enactment and enforcement shall comply with all applicable provisions of Part 6."

**Sec. 40.** The title of Part 8 of Article 19 of Chapter 160A of the General Statutes is rewritten to read "Miscellaneous Powers."

**Sec. 41.** G.S. 160A-490 is amended by striking out the first sentence and inserting in lieu thereof the following:

"G.S. 153A-436 shall apply to cities."

**Sec. 42.** G.S. 160-478 is amended by striking out the last paragraph in its entirety.

**Sec. 43.** G.S. 160-495 is rewritten to read as follows:

"Termination of authority. The city council shall have the authority to terminate the existence of the authority at any time. In the event of such termination, all property and assets of the authority shall automatically become the property of the city and the city shall succeed to all rights, obligations and liabilities of the authority."

**Sec. 44.** Article 38 of Chapter 160 of the General Statutes is redesignated as Article 24 of Chapter 160A of the General Statutes, and its respective sections, G.S. 160-475 through 160-484, 160-490 through 160-492, and 160-494 through 160-496, are redesignated as G.S. 160A-550 through G.S. 160A-565, respectively.

**Sec. 45.** Article 38A of Chapter 160 of the General Statutes, as it appears in the 1977 Supplement to Volume 3D of the General Statutes, is redesignated as Article 25 of Chapter 160A of the General Statutes, and its respective sections, G.S. 160-496.1 through 160-496.14 are redesignated as G.S. 160A-575 through 160A-588, respectively.

**Sec. 46.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of June, 1980.