

NORTH CAROLINA GENERAL ASSEMBLY  
1967 SESSION

CHAPTER 911  
SENATE BILL 657

AN ACT TO CONTINUE THE INCORPORATION OF THE CITY OF JACKSONVILLE AND TO CODIFY, AMEND AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF JACKSONVILLE, AND TO REPEAL CERTAIN ACTS AND PORTIONS OF CERTAIN ACTS CONSTITUTING A PART OF ITS PRESENT CHARTER.

The General Assembly of North Carolina do enact:

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

**"THE CHARTER OF THE CITY OF JACKSONVILLE**  
**ARTICLE 1. ORGANIZATION AND POWERS.**

Sec. 1-1. Incorporation; Powers Generally. The City of Jacksonville, as presently incorporated by Chapter 280 of the Private Laws of 1891, as amended, shall continue to be a body politic and corporate, and henceforth the corporation shall continue to bear the name and style of the 'City of Jacksonville' and under such name and style is hereby vested with all the powers and privileges given to municipalities by the general law and by this Act, and by ordinances duly enacted, and those other powers which are inherent to municipalities, and under such name and style the city may have a common seal and alter and renew the same at pleasure, is hereby vested with all the property and rights of property which now belong to the corporation, and by this name, among other things and not by way of limitation, may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed, conveyed to, or otherwise acquired by it, and may from time to time, sell, dispose of and invest the same, as shall be deemed advisable by the proper authorities of the corporation and as shall be in conformity with the provisions of this charter, and under such name and style shall have the power to contract or be contracted with and to sue and be sued.

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated herein or implied hereby, or those appropriate to the exercise of such powers, the City of Jacksonville shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate.

Sec. 1-2. Corporate Boundaries. The corporate boundaries of the City of Jacksonville shall be as they exist at the time of the effective date of this Act and shall be set out on a map entitled 'City of Jacksonville, Corporate Boundaries,' which map

shall delineate the corporate boundaries, shall be kept up to date with a description of such corporate boundaries and shall be on file in the office of the city manager.

Sec. 1-3. Filing Claims Against City – Generally. No action shall be instituted or maintained against the city upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the council of said city and said council shall have declined to pay or settle the same as presented, or for 10 days after such presentation shall have failed to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation prescribed by law from commencing to run at the time which the claim accrued or demand arose, or in any manner interfere with its running.

Sec. 1-4. Same – Method. No action for wrongful death, personal injuries or property damages against said city of any character whatever shall be instituted against said city unless, within three months after the happening or infliction of the death, injury or damage complained of, the complainant, his executors or administrators, shall have given notice in writing to the council of such death, injury or damage, stating in such notice the date and place of happening or infliction of the same, the manner of such infliction, the character of the injury or damages, and the amount of damages claimed therefor, but this shall not prevent any statute of limitation prescribed by law from commencing to run at the time of the happening of such death or infliction of such injury or damages or in any manner interfere with its running.

## ARTICLE II. MAYOR AND COUNCIL.

Sec. 2-1. Composition. The officers of said city shall consist of a mayor and four councilmen to be elected at large by the qualified voters of said city biennially on the Tuesday following the first Monday in May in each of the odd-numbered years.

Sec. 2-2. Duties, Authority, Etc., of the Mayor. The mayor shall be the chief executive officer of the city, and shall preside over the city council. He shall be responsible for enforcing the laws of the city and shall have power to appoint special policemen for any special occasion, and to call upon the local military, under an order of the governor of the State, for the suppression of any riot or public disturbance, and shall have the power to appoint special firemen in case of an emergency. In addition to these duties he shall be vested with the powers generally inherent in the office of mayor and such other powers as may be prescribed by law or ordinance.

Sec. 2-3. Power and Organization. All the legislative powers of the city shall be vested in the mayor and city council. The city council elected as provided in Section 2-1 shall meet at 12:00 noon on Wednesday after the first Monday of May following each election, and the mayor and members of the city council whose terms of office then begin shall severally make oath before the city clerk or other person authorized to administer oaths to perform faithfully the duties of their respective offices. The city council shall thereupon be organized and by the choice from its members shall select a mayor pro tempore, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death or refusal to serve of the mayor or one or more of the members; provided, that at least three of the persons so elected are present and make oath as

aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Sec. 2-4. Vacancies – Generally. If for any cause there should be a vacancy in the office of mayor or councilman, the city council shall fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.

Sec. 2-5. Same – Failure or Refusal to Qualify. Any person elected mayor or councilman of the city who fails or refuses to qualify as such mayor or councilman for 30 days following his election, shall, at the option of the council, forfeit his office and thereupon the same shall be declared vacated.

Sec. 2-6. Meetings Regulated. The city council shall fix suitable times for its regular meetings. The mayor, the mayor pro tempore of the city council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

Sec. 2-7. Quorum and Conduct of Business. A majority of the members of the city council shall constitute a quorum. In determining whether a quorum is present at any meeting the mayor shall be counted as a member of the city council. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor pro tempore of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen.

Three affirmative votes, which may include the vote of the mayor, shall be necessary to adopt any ordinance, or any resolution or motion having the effect of an ordinance. All other matters to be voted upon shall be decided by a majority vote of those present and voting.

Sec. 2-8. Election of Mayor and Council – Generally. At a regular election to be held in the city on the first Tuesday following the first Monday in May, following the effective date of this Act, and biennially thereafter, there shall be elected a mayor and four councilmen, all of whom shall reside within the city and shall be elected by the electors of the city at large. The four candidates receiving the highest number of votes for the offices of councilmen shall be declared elected as councilmen, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected mayor. The mayor and councilmen elected at the May, 1967, election, and biennially thereafter, shall serve for terms of two years each and until their successors are elected and qualified.

Sec. 2-9. Same – Procedure for Filing; Fees. Any person desiring to become a candidate for election as mayor or councilman shall file, not later than 5:00 p.m. four weeks prior to any municipal election, a statement with the city clerk in substantially the following form:

I, \_\_\_\_\_, hereby give notice that I reside in the City of Jacksonville, North Carolina, and am a registered voter in said city; that I am a candidate for election to the office of \_\_\_\_\_, to be voted upon at the regular election to be held on the \_\_\_\_\_ day of May, 19\_\_\_\_\_, and request that my name be placed on the official ballot for election to such office.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

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(Witness)

At the time of filing his notice of candidacy, the candidate shall pay to the city clerk, to be turned over to the city treasurer, the sum of fifteen dollars (\$15.00) if a candidate for city council and the sum of twenty dollars (\$20.00) if a candidate for mayor, to be credited to the general fund of the city.

Sec. 2-10. Same – Void Ballots. At all elections for city councilmen, those electors voting in such election shall vote for the total number of councilmen to be elected, and the failure of any elector to do so shall void his or her ballot and the same shall not be counted.

Sec. 2-11. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding twenty-four hundred dollars (\$2400.00) a year, and he shall receive no other compensation from the city. The council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members, including the mayor pro tempore, not exceeding twelve hundred dollars (\$1200.00) a year for each member and fifteen hundred dollars (\$1500.00) for the mayor pro tempore.

### ARTICLE III. FORM OF GOVERNMENT.

Sec. 3-1. 'Plan D' – Adopted; Exceptions. The government of the city shall be the council-manager form of government known as Plan D as set out in Chapter 160 of the General Statutes of North Carolina except as otherwise provided in this Act.

### ARTICLE IV. CITY MANAGER

Sec. 4-1. Appointment. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

Sec. 4-2. Power and Duties. The city manager shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, and keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city.

Sec. 4-3. Appointment and Removal of Officers. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

Sec. 4-4. Control of Officers and Employees. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

#### ARTICLE V. TAXATION AND FINANCE.

Sec. 5-1. Due Date for Taxes. That all taxes levied by said city council, except license or privilege taxes, shall be due and payable to the city on the first day of October of each year.

Sec. 5-2. Taxing Powers – Generally. The city shall have the power and the city council shall, annually, levy taxes that will raise sufficient funds for the operation and management of the affairs of the city, and shall levy and collect the same in accordance with the provisions of the general laws of the State; and the city shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may be granted the city; provided, that all poll and property taxable within the city shall be listed and valued and all property assessed as provided in the general laws of the State, and the city may levy and collect such privilege and license taxes as may now or hereafter be provided by law or city ordinance.

The city shall have the power to levy, collect and enforce special assessments for improvements in accordance with the general laws of the State. The city council shall have authority to determine the amount and applicability of assessment exemptions for corner lots; provided, that exemptions for corner lots shall apply to only one side of each such lot and the amount of the exemption shall not exceed seventy-five per cent (75%) of the frontage of that side. If the corner formed by two intersecting streets is rounded into a curve or is foreshortened for the purpose of providing sight distance or for any other purpose of construction, the frontage for assessment purposes shall be calculated to the midpoint of the curve or foreshortened corner.

Sec. 5-3. Same – Liens Created. The ad valorem taxes levied by the city shall constitute a lien upon the personal and real property, as provided by the general laws of the State. The city shall perfect and enforce such liens upon personal and real property under the provisions and procedure which may be outlined and provided for in the general laws of the State.

Sec. 5-4. Preparation of Assessment Lists, Etc. It shall be the duty of the city tax collector to make a full and complete list of all taxable property and all polls subject to taxation in the city as returned by the assessors of the county.

#### ARTICLE VI. CITY OFFICERS AND EMPLOYEES.

Sec. 6-1. Enumeration – Generally. The city shall have a city clerk, a city tax collector, a city treasurer, and such other officers as the city council may deem necessary to the proper and efficient conduct of the affairs of the city.

Sec. 6-2. City Attorney. There shall be employed by the city council an attorney or a firm of attorneys to act as city attorney, who shall serve at the pleasure of the city council and receive such compensation as shall be fixed by the city council. Nothing in this charter shall prevent the city council from employing additional attorneys for extra or special work and paying for such services an amount to be determined by the city council.

Sec. 6-3. Bonds. Bonds may be required of such officers and employees of the city as the city council may determine or as may be required by State law. When bonds are required, the city shall pay the expense thereof.

Sec. 6-4. Police Jurisdiction. (a) The jurisdiction of the police force is hereby extended to include all territory outside and within one mile of the corporate limits, and all members of the police force shall have within such territory all rights, power and authority as they have within the corporate limits.

(b) The jurisdiction of the police force is hereby extended to include all city-owned property and facilities whether located within or outside the corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, power and authority as they have within the corporate limits. Such jurisdiction is also hereby extended to include all quasi-public property situated within and constituting streets, alleys and parking areas in privately owned shopping centers and other privately owned property operated for public convenience.

#### ARTICLE VII. PUBLIC IMPROVEMENTS.

Sec. 7-1. Condemnation. The city is vested with all power and authority granted municipalities under the general laws of the State with respect to the acquisition and condemnation of property, property rights, interests, privileges or easements for public use, and provided, that, in the exercise thereof whenever the city agrees with the State Highway Commission to acquire rights of way for one or more street construction or improvement projects forming a part of the State Highway System, the city shall be vested with the same authority to acquire such property, property rights and interest, and to follow the same procedures as is granted to the Highway Commission in Chapter 136 of the General Statutes of North Carolina.

The governing body is authorized to acquire land, property, rights of way, water rights, privileges or easements, either within or outside the city, necessary for the purpose of opening, establishing, building, widening, extending, enlarging, maintaining or operating water, electric lights, power, gas, sewage, drainage systems or other public utilities. If the governing body is unable to agree with the owners for the purchase of the property, property rights or interests herein authorized, condemnation of the same for such public use may be made in the same manner, and under the same procedure, as is granted to the State Highway Commission in Chapter 136 of the General Statutes of North Carolina.

#### ARTICLE VIII. ELECTIONS.

Sec. 8-1. When Held. All regular elections shall be held biennially in the odd years on Tuesday after the first Monday of May. Each regular election for the city shall be held in accordance with this Act and the General Statutes of North Carolina.

Sec. 8-2. Primary Elections Prohibited. There shall be no primary elections hereafter held in the city for the nomination of mayor or members of the city council of said city.

#### ARTICLE IX. DISPOSAL OF PROPERTY.

Sec. 9-1. Disposal of Surplus Real Property. Subject to the provisions of subsection (c) of this Section, the mayor and city council shall have power, in addition to the power granted by G. S. 160-59, by their unanimous vote to dispose of any real property which the council has declared to be surplus, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of not more than two thousand dollars (\$2,000.00);

(b) without bids or advertisement, by exchange for real property of like or greater market value;

(c) no sale or exchange of real property authorized by this Section shall be ordered by the mayor and city council unless they shall have caused to be published at least once in each of the two calendar weeks immediately preceding the vote authorizing such sale in a newspaper having general circulation in the city a notice of their intention to consider such sale or exchange.

Sec. 9.2. Disposal of Surplus Personal Property. The city council shall have power, in addition to the power granted by G. S. 160-59, to sell or to direct any of its officers or employees to sell any personal property, which the council has declared to be surplus property, in the following manner:

(a) without bids or advertisement, at private sale, if the property has a market value of five hundred dollars (\$500.00) or less;

(b) to the highest bidder upon receipt of informal written bids, with only such advertisement as the council may direct, if the property has a market value of more than five hundred dollars (\$500.00) but no more than two thousand dollars (\$2,000.00); provided, all such bids received shall be recorded on the minutes of the council;

(c) to the highest bidder upon receipt of sealed bids after one week's public notice, if the property has a market value in excess of two thousand dollars (\$2,000.00); provided, all such sealed bid proposals shall be opened in public and recorded on the minutes of the council.

#### ARTICLE X. EFFECTIVE DATE, REPEAL, ETC.

Sec. 10-1. City Code to Remain in Force, Etc. All provisions of the City Code or other ordinances not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the city council.

Sec. 10-2. Effective Date of Charter; Repeal of Certain Acts, Etc. This charter shall be in full force and effect from and after the ratification of this Act.

All laws and clauses of laws relating to the city in conflict with this charter, including but not limited to Private Laws of 1891, Chapter 280, as amended, being the former charter of the city, are repealed. Said Chapter 280 of the Private Laws of 1891 is hereby superseded.

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

No such repeal shall affect any act done, or any right accruing or accrued or established, or any suit had or commenced in any case before the time when such repeal shall take effect; neither shall any rights, estate, duty or obligation possessed by or due to the city be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of the City of Jacksonville. No offense committed and no penalties or forfeitures incurred under any of the Acts or ordinances hereby repealed and before the time when such repeal shall take effect, shall be affected by the repeal, except that when any punishment, penalty or forfeiture shall have been mitigated by the provisions of this Act, such provisions may be extended and applied to any judgment to be pronounced after the repeal; provided, that no suit or prosecution pending at the time of the repeal for any offense committed, or for any penalty or forfeiture incurred under any of the Acts or ordinances hereby repealed shall be affected by such repeal; provided, further, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law.

Sec. 10-3. Severability of Charter Provisions. If any clause, sentence, paragraph, subsection, Section or any part of this charter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder of this charter, but shall be confined in its operation to the part thereof directly involved in such judgment. If any part or clause of this charter shall be declared unconstitutional and if such part so declared unconstitutional embraces subject matter controlled and provided for by any law, public or private, in effect at the time of the adoption of this Act, such pre-existing laws shall continue and remain in effect, notwithstanding any repealing clause contained herein."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed,

Sec. 3. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1967.