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H. B. 1431
S. B. 867

An Act to Repeal Certain Chapters of the Laws of North Carolina in Regard to the Charter of the Town of Mount Airy, and to Grant a New Charter in Lieu Thereof.
The General Assembly of North Carolina do enact:

Section 1. That Chapter 36 of the Laws of 1885, Chapter 62 of the Laws of 1887, Chapter 193 of the Laws of 1889, Chapter 304 of the Laws of 1891, Chapter 267 of the Laws of 1899, and Chapter 404 of the Laws of 1903 are hereby repealed and the following sections substituted in lieu thereof:

Section 1. That the inhabitants of the town of Mount Airy shall be and continue as they have heretofore been, a body politic and corporate and in the name of the town of Mount Airy shall have perpetual succession, may use a common seal, may have the right to sue and be sued, contract and be contracted with, to purchase hold and convey real and personal property for the purpose of government of said town,, its welfare and improvement and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belongs to the present corporation of the town of Mount Airy and shall also be liable for all debts, claims, obligations and duties which now exist against the town of Mount Airy,

Section 2. That the corporate boundary lines of the town of Mount Airy shall be as follows, to-wit: Beginning on the north bank of Lovill's Creek where the lands of M. D. Armfield and R. R. Galloway join, running down the creek with its meanders by the Needmore ford to the ford on Rockford road; thence a degree line to the Worth ford in the Ararat river; thence up the river as it meanders to the mouth of branch passing by Galloway's tan yard; thence to the forks of the road above Galloway's old house and thence to the beginning, together with the following amendments and changes:

(B) That the corporate limits be so changed as to include the territory embraced within the following boundaries; Beginning at the corporation line at the forks of Fancy and Ward's gap road and running west with Fancy Ga $\frac{1}{2}$ road to NW corner of Pinkston lot; thence a straight line to NE corner of Pace's lot; thence West with Pace's line passing his corner and continuing same direction to corporation line; thence with said line to the beginning;

(C) Also to include the following additional territory; Beginning at a reference stone planted on the present corporation line and about 300 feet below the old tan yard and running North 4 degrees the same course with the West edge of a new street, about 1200 feet in all to an angle in said new street; thence crossing said new street and running North 53 $\frac{1}{4}$ degrees East 445 feet to twin poplars on the Galloway and Moore line; thence following said line North 53 $\frac{1}{2}$ degrees west about 750 feet to the west side of Main street; thence continuing with said street 72 $\frac{1}{2}$ degrees west 855 feet, south 82 degrees W. about 644 feet to Lebanon street; thence continuing said course with said old Galloway and Moore line 754 feet to J. C. Council's NW corner; thence following the old hillside ditch and branch as it meanders passing near the city system to the center of the right of way of the southern railway, Virginia grade; thence with said right of way to the present corporate line and thence with said corporate line as it now stands to the beginning. (Magnetic meridian of one thousand nine hundred and three for the old Galloway line).

(D) That the western boundary of the town of Mount Airy be amended as follows; The water race of canal as now owned by Mrs. A. E. Sides beginning where said race leaves Loville's creek, thence following the North edge of said road going southward passing the present flouring mill of Mrs. A. E. Sides to Loville's creek, shall be and the same is the western limits of the Town of Mount Airy as described and no other change in the said limits as now located.

Section 3. That the present Mayor of the town of Mount Airy shall hold office until successor is elected and qualified and the present members of the Board of Commissioners shall be and constitute the Board of Commissioners of the town of Mount Airy until the expiration of their terms of office and their successors are elected and qualified and as such will have the same power and authority conferred upon them by law and such additional authority as may be conferred upon the Board of Commissioners of the town of Mount Airy by this charter.

Section 4. That all bonds of other indebtedness for which the town of Mount Airy is liable are hereby declared to be the valid indebtedness of the town of Mount Airy, notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same or the insuing thereof or the purposes or use of the fund arising therefrom and said indebtedness shall be paid as provided by the contract in existence and in regard thereto.

Section 5. The officers of the town of Mount Airy shall consist of a Mayor and five commissioners to be elected by ballot on the first Monday in May each two years, also a Chief of Police, Secretary and Treasurer and Tax Collector to be chosen by the Board of Commissioners immediately after its organization to hold such office at the pleasure of the Board.

Section 6. There shall be two wards in the town of Mount Airy in each of which ward there shall be elected two town Commissioners and one town Commissioner shall be voted for and elected by both wards by a popular vote; that the territory embraced in the ward 1 and in ward 2 shall be and continue to be ward 1 and ward 2 and that the voting precinct in ward 1 shall be at the town Hall and the voting precinct in ward 2 shall be Fulton Garage.

Section 7. That on the first Monday in May one thousand nine hundred and twenty-five and viennially thereafter there shall be elected a Mayor who shall be a resident of the town of Mount Airy and entitled to vote in the municipal election of said town and there shall be elected five commissioners; two commissioners from ward 1 and two commissioners from ward 2 and one commissioner at large who shall be residents of the town of Mount Airy and entitled to vote in the municipal election of said Town.

Section 8. That the Board of Commissioners of the town of Mount Airy shall order said election or any special election, select registrars of voters for each ward, give due notice of same and in all manner conduct said election according to the laws of the State of North Carolina.

Section 9. That the registrars so appointed shall be furnished by said Board of Commissioners with registration books and such registrars shall open their books at such places in the town of Mount Airy as may be designated by said Commissioners and shall register therein the names of all persons applying for registration who are entitled to register and vote in the ward or precinct for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters and designated on the registration books opposite the name of each person registering, the place of his birth, age, residence and all things required by law; provided that a new registration shall not be biennially held unless the board of Commissioners shall determine the same as necessary and by due advertisement give notice of the same and all facts pertaining to same as required by law. Such registration books shall be kept open as required by the general law and such registrars shall be qualified and conduct such registration according to the general laws of the state of North Carolina and such person applying for registration shall qualify himself or herself according to the general law of North Carolina.

Section 10. Board of Commissioners of the town of Mount Airy shall for each regular or special election held by the town of Mount Airy appoint two judges of election who shall be of different political parties for each of the several voting precincts of the town of Mount Airy to open the polls and superintend the same and make due return thereof to the Mayor of the town of Mount Airy and conduct said election in all respects according to the laws of the State of North Carolina.

Section 11. That the Board of Commissioners shall receive the returns of the registrars and judges of election at the Town Hall in the town of Mount Airy at 10 o'clock a.m. on Tuesday following such general election and in case of special election at 10 o'clock a.m. on the succeeding day after such special election, at which time said returns shall be canvassed and the person receiving the majority of the votes so cast for Mayor shall be declared elected and the two commissioners in each ward receiving the majority of votes so cast shall be declared elected and the commissioner at large receiving the majority of votes cast in said election shall be declared elected and such persons so declared elected shall be forthwith notified by the Mayor and Board of Commissioners of the town of Mount Airy and inducted into office immediately after said notification, by taking the oath now prescribed by law for commissioners for the town and for Mayors.

Section 12. That if any person who shall be elected Mayor shall refuse to be qualified or there is any vacancy in the office after election and qualification by reason of resignation or otherwise or if the Mayor be temporarily absent from town or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to be Mayor pro-tempore or to fill the unexpired term and likewise in case of a commissioner refusing to qualify or in case of resignation or inability to act, the remaining commissioners shall select some suitable person within the town of Mount Airy.

Section 13. That immediately after induction into office the Mayor and Board of Commissioners shall succeed to and have all the rights, powers, and duties now provided by law for such Board of Commissioners as well as those conferred on them by the provisions of this charter and shall hold office until their successors are elected and qualified.

Section 14. That the commissioners shall form a board and a majority of them shall be competent to perform the duties prescribed for the commissioners. They shall fix stated days of meetings which shall be as often as once every calendar month. Special meetings of the Board of Commissioners may be held on the call of the Mayor or of a majority of the commissioners. Members of the Board shall be given notice of special meetings.

Section 15. The mayor shall preside at all meetings of the town commissioners and vote in no case except in equal vote between said commissioners, when he shall give the casting vote. He shall, subject to the specific duties or powers imposed on other persons or officers under this charter, or authorized or prescribed under its provisions, have supervision of all the town's affairs shall acquaint himself with the necessities of the town, inspect the streets and other public places and public premises, supervise and keep up with its finances, its general income and disbursements, including bond issues, and shall make report to the Board of Commissioners of the general and financial condition of the town, and shall recommend in his report such matters as he may think to the interest and advantage of the town; keep his office in some convenient place designated by the Board of Commissioners, keep the seal of the town and preside at all meetings of the Board of Commissioners, except as otherwise provided. In addition to the above, the Mayor shall have all other duties powers, privileges and rights as may be now or hereafter prescribed.

Section 16. That the Mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a Justice of the Peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the Board of Commissioners, to impose penalties upon any adjudged violations thereof. to fine, and imprison either in the guard house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town; Provided, that in all cases any person dissatisfied with his judgment may appeal to the

Superior Court of Surry County, upon recognizance with security for his appearance at the next term thereof.

Section 17. That the Mayor may issue his precept upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to the Chief of Police of the town or to such other officers to whom a Justice of the Peace may direct his precept.

Section 18. That every violation of the town ordinance shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars, or imprisonment not more than thirty days.

Section 19. That the Mayor shall have the power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or as may hereafter be provided by law.

Section 20. That the Mayor shall have and it shall be his duty to exercise all the jurisdiction, powers and duties given a Justice of the peace in Chapter 82, Consolidated Statutes, entitled Crimes and Punishments.

Section 21. That the Board of Commissioners of the town of Mount Airy are hereby authorized to fix the salary of the Mayor of the town of Mount Airy at a sum not to exceed One Thousand (\$1000.00) dollars and also fix salaries of the Commissioners.

Section 22. The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Commissioners and preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successors and generally perform such other duties as may be prescribed by the Commissioners and this charter and as Treasurer before entering on his duties shall take an oath to the faithful discharge of his duty, shall give bond in such sum and with such conditions as the Board of Commissioners shall prescribe. He shall make out annually a transcript of the receipts and disbursements on account of the city and at least quarterly for the general inspection of the citizens and cause the same to be printed quarterly and at the end of the fiscal year in some newspaper published in the town of Mount Airy, It. shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the Treasury and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly directed to him by the Board of Commissioners. He shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him and shall submit said account to the board of Commissioners monthly. On expiration of his term of office he shall deliver to his successor all the moneys, securities and other property intrusted to him for safe keeping or otherwise and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as City Treasurer. That all orders drawn on the Treasurer shall be signed by the Mayor and shall state the purpose of which the money is applied and the Treasurer shall specify said purpose in his account and also the sources whence are derived the moneys received by him.

Section 23. That the Secretary to the Board of Commissioners and Treasurer of the town of Mount Airy may be held by one person whose compensation shall be fixed by the Board of Commissioners of the Town of Mount Airy.

Section 24. That the Board of Commissioners at their first meeting shall elect a Tax Collector who shall also be an assistant to the Secretary of said town and who shall be vested with the same power, authorities and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given to Sheriffs of the counties and subject to the same fine and penalties for the failure and neglect of duty. The Board of Commissioners at the meeting before the last regular meeting in each fiscal year shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and city Treasurer and to audit and settle the accounts of the tax collector as such and as assistant to the Secretary of the Town of Mount Airy,

The accounts so audited to be reported to the Board of Commissioners and when approved by them shall be recorded in the minutes of said Board and shall be prima facie evidence of their correctness and impeachable only for fraud or specified error; that the Tax Collector as such and as assistant to the Secretary shall render to the Board of Commissioners at each regular monthly meeting a true transcript of his actions as such which shall be passed upon by the Board of Commissioners and ordered filed, if correct, with the Treasurer.

Section 25. That said Tax Collector and assistant to the Secretary shall take an oath to the faithful discharge of his duty and shall give bond in such sum and with such conditions as the Board of Commissioners shall prescribe.

Section 26. That the Board of Commissioners shall have power to appoint a police force to consist of a Chief of Police and such number of policemen as the good government may require, the policemen to hold office at the pleasure of the Board and the Board may prescribe badges and uniforms for the members of the police force and may employ detectives. In times of emergency the Mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen. The members of the police force shall give bond in such sum as the Board of Commissioners may prescribe for the faithful discharge of the duties imposed by law and the ordinance of the town and to faithfully account for all money that may come into their hands from fines, penalties or other sources. The Chief of Police shall have the supervision and control of the police force; may suspend any policeman for five days; shall report to the Mayor any dereliction of duty on the part of any member of the Police Force; shall see that the laws and ordinances of the town are enforced and do such other things as may be required of him by the Board. Chief of Police and each policeman shall have the power vested in Sheriffs and Constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by any authorized officer and in execution thereof shall have the same powers as Sheriffs and Constables. They shall take an oath before the Mayor for the faithful performance of the duty required by law and the ordinances. They shall have the power to take bail for appearance of defendants or other persons charged with the violation of town ordinances or other offenses in the manner and to the extent that such power is vested in Sheriffs and in case any person or persons shall forfeit such bail the officer before whom such warrant or process shall be returnable, may issue a scire facias and enter judgement final against the defaulting person and his sureties. They shall have the power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay final cost, upon failure to pay same or in case of an escape; the members of the police force of the town of Mount Airy shall be lawful officers to serve all civil processes that may be directed to them from any court under the same regulations and penalties as are or may be prescribed by law in reference to Sheriffs or Constables.

Section 27. The Mayor may at any time upon charges preferred or upon finding the Chief or any member of the police force guilty of misconduct, suspend such members from service until the House of Commissioners shall convene and take action in the matter and upon hearing the proof in the case the Board may discharge or restore such members and the pay of such members so suspended shall cease from the time of suspension to the time of restoration to service. any violation of the regulations or orders of any superior shall be good cause for dismissal.

Section 28. That in order to raise a fund for the necessary expense of the government of the town, the Commissioners shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits of the town including money on hand, solvent credits and upon all other subjects taxed by the general Assembly, ad valorem, a tax on every One Hundred (\$100.00) dollars valuation of property to meet all the ordinary and current liabilities of the town which shall not be construed to include taxes for or interest upon any bonded indebtedness; on all taxable polls a tax on the poll of every resident of the town on the first day of May of each year or who may have been so resident within sixty days next preceding that day as a bona fide citizen and said tax so levied shall constitute a lien on all the property of the

property of the person owing such tax, and the town shall have all rights and powers for the collection of same as are now provided by law governing the levy and collection of taxes by the Board of County Commissioners; that the Board of Commissioners in addition to the powers of taxation already granted in this charter shall be and are hereby empowered to levy and collect such taxes as necessary to pay interest on bonded indebtedness, sinking fund, schools, and all lawful purposes and also a privileged license tax on all trades, professions, agencies, businesses, exhibitions, circus parades and all other parades, manufacturere, hotels, restaurants, eating houses, owners of dogs or any other subjects authorize by the General Assembly to be licensed, within the limits of the town of Mount Airy, the amount of which tax when fixed to be collected by the Tax Collector and if it be not paid on demand the same may be recovered by suit or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same or otherwise dealt with in accordance to law.

Section. 29. That the Tax Collector, on or before the third Monday in April of each and every year, may make advertisement in some newspaper, notifying all persons who own or have control of taxable property in the town on the first day of May to return to him on or before the last day of May a list of their taxable property in said town.

Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the Treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I*, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of the Town, according to my best knowledge, information and belief; so help me, God." and from the returns so made the Tax Collector shall within thirty days after the expiration of the time for taking said list make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax list made out by law for the collection of State taxes; and the said Tax Collector is authorized and empowered, in making up the tax roll of the town of Mount Airy, to use the tax assessment of the County of Surry applicable to th town of Mount Airy, and may copy same in making up said tax roll as far as same is necessary, which assessments may be revised, corrected or amended by the Board of Alderman.

Section 30. That the Tax Collector shall, within thirty days from the return of the tax list, make out a list of all taxable polls and owners of taxable property in said town who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has failed shall for such failure pay double the tax assessed on any subject for which he is liable to be taxed. The Board of Commissioners shall have the power given them to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Surry, applicable to the town of Mount Airy, on all subjects embraced in both lists; and the Board of Commissioners shall have the power to appoint one list taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years or oftener if necessary the real estate so listed for taxation.

Section 31, That as soon as the Tax Collector shall have furnished the assessment rolls, as provided, and the same shall have been issued by the Board of Commissioners shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the Tax Collector, who shall collect the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the Treasurer. After the first day of April in each year there shall be added one percentum additional tax on the taxes remaining unpaid in the hands of the Collector, and two percentum after May the first which shall be collected and accounted for as other taxes. The town tax collector, shall, by virtue of his office, be vested with all power and authority within the town of Mount Airy as is now vested in sheriffs.

Section 32. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for the collection, the Collector shall proceed forthwith to collect the same

by distress and public sale, after advertisement for the space of ten days in some newspaper published in the town of Mount Airy, if the property to be sold be personalty, and of thirty days if the property be realty.

Section 33. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of March, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the Collector, he shall report the fact to the Commissioner together with a particular description of the real estate, and thereupon the Commissioner shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Section 34. That the Collector shall return an account of his proceedings to the Commissione, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the Board and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the town treasury subjected to the demand of the owner.

Section 35. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty per centum on the amount of taxes and expenses, and the Treasurer shall refund to him without interest, the proceeds, less double the amount of Taxes.

Section 36. That if the estate sold as aforesaid shall not be rendered within the time specified, the town shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the town, that the taxes were due, or that any other matter required to be done before the sale was done, shall be prima facie evidence of the correctness thereof.

Section 37. That all moneys arising from taxes, donation or other sources shall be paid to the Treasurer and appropriated under orders of the Board of Commissioners as provided in this charter.

Section 38. The Board of Commissioners shall have the power to enact ordinance in such form as they may deem advisable, as follows: For the protection of the waterworks and water supply of the town of Mount Airy; to grant to any person, firm or corporation a franchise and right to own control and operate, for a term of years or otherwise, telephone telegraph, lighting or heating systems, or any other business engaged in public service to contract as to compensation for franchises, and to control, regulate and tax the same; to prevent vagrancy, and any person not engaged in any lawful occupation and who spends his time in gambling or loafing about the streets, without visible means of support, shall be considered a vagrant; to regulate and conduct all elections, to prevent interference with the officers thereof, and to preserve order thereat; to prescribe rules and regulations for the government and duties of police officers; to prohibit all trades, occupations or acts which are nuisances; to define and condemn nuisances and provide for the abatement or removal of same; to grant permits for the construction of buildings and other structures and to prohibit the construction of any building or structure which in the judgment of the Board of Commissioners may be a nuisance, or of injury to adjacent property, or to the general public; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the town of Mount Airy, with the right to declare the same a nuisance or unsafe, and cause their demolition or removal; to provide for the leveling, filling in and drainage of all ponds, sunken lots or other places in which water stands and stagnates, and to recover from the owner or occupant the expenses of doing the same, which expense shall be a lien upon the lots so improved and enforced as liens for taxes; to prevent dogs, hogs, cattle and other livestock from roaming at large in the town, and to regulate or prohibit the keeping of hog-pens within the town limits; to define and establish the fire limits and prevent the location of wooden or other buildings within said fire limits and in any part of the town where they may increase the danger of fire; to regulate and prescribe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish and appoint a fire chief and prescribe the duties and powers thereof; to prohibit the collection or existence in, on or about any storehouse, warehouse, residence or any private

premises of inflammable or combustible matter or material; require the owner of such premises to remove or destroy same, and provide rules for the removal or destruction of such inflammable or combustible matter; and for purposes herein set forth to authorize an examination and inspection of all stores, warehouses, residences or any private premises; to establish, regulate and control the markets or market buildings, to fix the location of any market building, prescribe the time and manner and place within the town wherein marketable articles, such as meats, perishable vegetables, fish, game, and all other kinds of perishable food or diet shall be bought or sold; to appoint keepers of markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers; and of those doing a temporary business; to establish, regulate and control cemeteries; to provide for manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting and keeping the same in condition; to provide suitable grounds for the enlargement, extension or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of said town not within said cemeteries and provide for the punishment of persons violating the rules and regulations concerning the cemetery; to provide for the establishment, organization, equipment and government of fire companies, fire commissioners and fire alarm system, and to adopt rules for the conduct, regulations and terms of office thereof; to regulate the erection, placing and maintenance of all telephone, telegraph, and other electric wires and to prohibit the same from being strung overhead in a public street, and to compel the owners and operators of telephone telegraph or electric wires to put same under ground; to prohibit or control the firing of firearms, firecrackers, torpedoes or other explosive materials and to govern the sale thereof; to control and regulate the speed of all horses or other animals, automobiles, buggies, carriages, wagons or other vehicles on the streets; to regulate the speed of railroad engines and trains within the corporate limits, or the stopping of engines or cars in the streets or crossings of the town; to specify the manner in which all stovepipes and flues and electric wires shall be put in buildings, and to control and regulate the arrangement and operation thereof; to control and regulate the place and manner in which powder and other explosives and inflammable substances may be kept and sold, and the place and manner in which commercial fertilizers are stored; to provide for the sanitary condition and keeping of all lots, cellars, houses, water-closets, privies, lavatories, stable styers and other places of like character, to provide for the examination and sanitation thereof. and for that purpose ordinances may be passed authorizing sanitary officers or policemen to enter the premises suspected of being in bad condition and have the same cleaned at the expense of the owner, or abate such places as nuisances and recover of the occupant or owner and expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the town or the spreading of any contagious or infectious disease therein, and, for that purpose, may stop, detain and examine every person coming from places believed to be infected with such disease; to establish and maintain quarantines against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the town or within three miles thereof, and may cause any person in the town suspected to be infected with such disease and whose stay in the town may endanger public health to be removed to the hospital or other place that the Mayor may select; to prevent from coming into the town any secondhand clothing, bedding or furniture; to remove from the town or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and propagate disease; to abate all nuisances which may be injurious to public health. may vaccinate or otherwise subject to medical treatment all persons having small pox or other contagious or infectious disease; to recover, by proper action against those who may cause the same, all costs and expenses of the moving and treating people having or suspected of having contagious or infectious diseases; shall have power, by force, to remove all persons from the town or to carry them to hospitals or other places selected by the Mayor or Board of Commissioners and detain them therein; to prohibit the carrying on of any disorderly house or house of ill-fame, or gambling house or house where games of chance are being carried on or where liquors are sold; to provide for the inspection and examination thereof, and for that purpose, may enter upon said premises and make arrest of any person or persons violating the ordinances of the town in reference thereto; to prohibit the

construction of cellars under sidewalks or the making of entrances into sidewalks, and to make rules and fix specifications for the construction of all cellars under sidewalks or entrances into sidewalks; to regulate the control motion picture shows, and all exhibitions or places of public amusements, and all exhibitions or performances given therein; provide a Board of Censors who shall have power to inspect and view all public places of amusement or exhibitions given therein, and prohibit such as, in their judgment, are immoral or against public interest, and any violation of an order of the Board of Censors shall be unlawful, and every day an exhibition is permitted after an order of the Board of Censors prohibiting it shall constitute a separate offense. On behalf of the general welfare of the town of Mount Airy, and for the good order and government thereof, the Board of Commissioners may in addition to the foregoing powers, pass or ordain any resolution or ordinance, and enforce the same by proper punishment or penalty, which it may consider wise or proper, not inconsistent with the Constitution and laws of the State.

Section 39. That any person or persons violating any ordinance of the Town of Mount Airy shall forfeit and pay a penalty of Fifty Dollars, and in addition there to shall be deemed guilty of a misdemeanor and unless the punishment thereof is otherwise specifically prescribed, shall, upon conviction, be fined Fifty Dollars or imprisoned thirty days; that the Mayor or Judge of Recorder's Court have the right to lessen the fine, penalty or the term of imprisonment imposed for the violation of any ordinance of the town of Mount Airy.

Section 40. That for the purpose of improving streets and sidewalks, purchasing establishing, equipping, extending or maintaining water works, sewerage, gas plants, electric light or power plant, public schools hospital or hospitals, of or for any public improvement, or to fund or pay any bonded debt now existing, on or before the date when same shall fall due, or to fund, liquidate or otherwise provide for any floating indebtedness of said town now existing or hereafter created, the Board of Commissioners is hereby authorized and empowered to create a public debt and issue bonds therefor, under the following provisions; According to the general law of the State of North Carolina, applying to municipal corporations, provided that the Board of Commissioners shall have the power and authority out of the general taxation to contract and pay all necessary expenses whether in the subjects enumerated in this section or not.

Section 41. That for the purpose of paying off, taking up and cancelling the coupons and bonds issued by the town of Mount Airy as the same shall become due and to provide a sinking fund, it shall be the duty of the Board of Commissioners and they are hereby empowered to levy and collect sufficient special tax each and every year upon all subjects of taxation, which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina which taxes so collected shall at all times be kept separate and distinct.

Section 42. The Board of Commissioners is hereby authorized to establish and maintain a department of public health, appoint a Health Officer who may be the county Health Officer and such officers and employees as may be required, prescribe their duties and powers fix their compensation and adopt rules and regulations for the government of said department; likewise may adopt ordinances for sanitary purposes for the prevention of disease or spreading of contagious disease with all powers for the enforcement thereof.

Section 42. The Board of Commissioners is hereby authorized to create the office of Auditor or to employ an expert accountant to audit the books of account of the various departments of the town receiving and disbursing funds for the town, to prescribe the duties and fix the compensation of such auditor or expert accountant.

Section 43. The Board of Commissioners shall continue to provide for the establishment, continuance, maintenance and support of a system of public schools as provided for in the special or private acts, establishing a system of schools for the town of Mount Airy. And for this purpose shall annually appropriate a certain part of the taxes of the town. Said schools shall be devoted to education of the young by High School or Graded System and shall be open to all bona fide residents of the town of Mount Airy, above the ages of six, but persons living beyond the limits of the corporation may attend the schools upon the payment of tuition fees and under such regulations and rules as may be prescribed by the Board of School Commissioners of the town of Mount Airy and the said Board of Commissioners shall conform their actions to the bill creating a School Committee for the town of Mount Airy and such

law shall be and become a part of this charter.

Section 44. That the Board of Commissioners shall have power and authority to establish and construct and at all times maintain in the town of Mount Airy a system of water works, electric lights and power plant and sewerage system and for the purpose of supplying the said town, its inhabitants and others near thereto with water, electric lights and motive power and sewerage for all public and private uses and purposes for which they may be desired, may charge, demand and collect reasonable rates for the use of privilege of water of electric lights and motive power and sewerage; that the said town of Mount Airy shall have power to contract for and buy and own any water power outside of the limits of the said town and may sell, receive and collect reasonable charges from parties outside of the town of Mount Airy for the use of said water power and electric light, motive power and sewerage as may be agreed on, provided that all times the town and its inhabitants shall first be fully supplied with water and lights, motive power and sewerage and for the purpose of carrying into effect this power and use the town of Mount Airy shall have the power and authority to borrow money to make, negotiate and dispose of its promissory notes, bills, bonds, with or without coupon interest notes attached to mortgage its property and tax franchises to secure the payment thereof.

(b) That the said corporation shall have power at all times to lay off, build and construct, maintain and repair, tap and remove all necessary pipes, mains, conductors, standpipes, hydrants and fixtures and appurtenances in, upon, through, and over any and all roads, streets, and avenues, lanes alleys and bridges within said town of Mount Airy, and vicinity, and also full power to dig any and all kinds of wells, artesian or otherwise, that may be desired for getting water supply or establishing electric light and motive power and sewerage. Provided however that the said town of Mount Airy shall at its own expense and cost repair and replace and return all streets, roads, lanes, alleys and avenues so used by it, and leave them in as good condition as was before its use. Said town of Mount Airy, its officers, agents and servants may enter upon the land of any person or corporation for the above purposes, and may contract for and purchase the same; in case the owner of the land and the commissioners of the town cannot agree as to the price and damage done thereon, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder of the town, and in case the owner of the land refused to choose one arbitrator, then the mayor of the town shall select one for him and in case the town chosen as aforesaid cannot agree, they shall select an umpire, who shall also be a citizen and freeholder of the town, and who, together as a board, go upon the lands condemned, examine and ascertain the damage sustained, take into consideration the peculiar or special benefits accruing to such owner, if any, and the award of such arbitrators, or a majority of them, shall be conclusive of the rights of the parties, and shall vest in the town the right to use the land and franchises for the purpose specified, and all damages and awards found shall be paid as other town liabilities by taxation; Provided, always, that either party may appeal to the Superior Court in the county of Surry North Carolina; Provided, that the power and authority hereby granted shall extend to and be affectual to and in the county of Surry except when the land owner shall refuse to select an arbitrator, then the Clerk of the Superior Court of Surry County shall appoint one, who may be a citizen outside of the town; Provided, further that the town of Mount Airy shall have power and authority to maintain, keep and repair as heretofore named in this section all roads, right of ways, egress and ingress from the said town to the water power or water supply and sewerage system, and shall have power to place, build and maintain all necessary poles, stakes, monuments and construction for the purposes as in heretofore named. And in the event of an appeal by the property owner of the town may pay in said amount to the use of the said property owners into the office of the Clerk of the Superior Court of Surry County and upon that event may proceed to use said lands for said purpose.

(c) That the commissioners of the town of Mount Airy are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources and conduit of said water supply, and any and all persons who shall want only, maliciously or negligently interfere with the sources of water supply of said town, or shall place in the water used by the said town before distribution, or while in pipes, mains, reservoirs, aqueducts or wells, any poisonous or unwholesome materials or matter calculated to render unwholesome materials or matter calculated to render same, shall be guilty of

a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days. Provided, the provisions of this section shall have power and authority in Surry County wherever the lines reach; and provided, further, that the mayor of the town shall have jurisdiction over offenses and violations of ordinances committed within the reach of said lines to the same extent and in like manner as he now has within the corporate limits.

(D) Any person who shall wilfully, wantonly, maliciously or negligently tap, remove, obstruct, injure deface or destroy any main, pipe, fire plug, wire, pole, hydrant, tank, stand-pipe, well reservoir, aqueduct pump machiner, fixtures, structures or building of any kind belonging to said town and use by it for the purpose aforesaid, or shall leave open, or tamper with shall be convicted and be fined fifty dollars, or imprisoned not exceeding thirty days and such person or persons shall forfeit and pay to the town of Mount Airy, to be sued for recovered for in an action of debt, the damages so sustained, and should the person committing such injury be a minor his father or mother or his guardian shall be liable for the said damage.

Section 45. That for the proper management of the systems of water supplies, electric lights and power plant and sewerage system a commission, to be known as the "Water and Light Commission" us hereby established, which said commission shall consist of three members, to be elected by the board of commissioners for the terms of three years each, except that at the first election under this section the terms shall be for one, two and three years; and in case of any vacancy, except by expiration of the term, the board shall elect some person to fill out the unexpired term; and the said commission shall organize by electing one of its members as chairman whose term as chairman shall be one year.

(B) That the said commission shall have entire supervision and control of the maintenance, improvement and management of the said systems, and shall fix such uniform rates for water and lights and sewerage as they think best; Provided, that any person may appeal from its decision as to rates to the board of commissioners, and the decision of the board shall be final.

(C) The said commission shall keep these funds in the hands of the treasurer of the town, but in an account separate from the other town funds; that such funds shall be paid out only by the order of the said commission, and at the end of each quarter the said commission shall report to the board of commissioners its receipts and an itemized schedule of its disbursements, and shall recommend to the board such an amount as may be safely turned over to the general fund of the town. After hearing the said report and recommendation, the board of commissioners shall decide what sum shall be turned over to the general fund.

(D) The said commission shall elect all officers agents and employees necessary to the conduct of said systems and fix their remunerations; but the board of commissioners shall decide which of the said officers, agents and employees shall give bond and the amount thereof.

(E) The board of commissioners may, if it sees fit, allow a remuneration to the members of the said commission; but such remuneration shall last only last only until the new board of commissioners is elected and qualified.

Section 46. That the net revenue from said waterworks, electric lights and power plants and sewerage shall be used and applied, so far as may be necessary, to the payment of the interest on any bonds which have been issued or may be issued under the provisions of this act, also to the principal of said bonds when they become due; Provided, that any net revenue of the said waterworks, electric lights and power plants not needed from time to time for the payment of such interest and principal may be used by said town for any corporate purpose, if there has been no failure to pay the principal and interest of said bonds as the same become due.

In case the said revenues of the said waterworks, electric lights and power plants shall for any reason not be sufficient to pay the interest on said bonds and to pay the principal of said bonds when such interest and principal become due, the town of Mount Airy is hereby authorized and required, in addition to all other taxes, to levy and collect in the manner and at the time prescribed for the collection of the general town taxes, an ad valorem special tax on all the taxable real and personal property in said town and a proportionate tax on all the taxable polls in said town, sufficient, together with any such net revenues from the waterworks, electric lights and power plants, to provide for the payment of the interest on such bonds when it becomes due, and also to provide for the payment of the principal of such bonds when the principal becomes due; and such taxes shall be applied to the

said purposes and no other.

Section 46-a. That the town of Mount Airy shall have entire and exclusive ownership and control over all the streets, sidewalks, drainways, culverts, sewer and drainage systems within its corporate limits or of those which may be established outside the corporate limits in connection with either of the above named systems; and for the purpose of constructing, maintenance, repair and operation thereof the town, through any of its officers, shall have the right to enter upon any and all private premises, with or without the consent of the owner, The town of Mount Airy shall have the control and supervision of all street crossings where railroad tracts intersect or cross its streets, whether such crossing now exist or hereafter may exist by reason of the extension or construction of new streets in the town or by reason of the extension or construction of new railroads or street railways. The said town shall have the power to require such railroad company or street railway company, at its own expense to construct, maintain and repair all such crossings at grade, over or under its streets as aforesaid. Provided, that when streets are opened or extended for the development of new property or suburbs. owned by land companies or individuals, and such streets are over, under or across any railway or other public service company's tracks, the cost of such crossing shall be apportioned by the Board of Commissioners between the parties in interest. The town may, of its own motion, or upon complaint filed with the Board of Commissioners, cause all obstructions above, across or under its streets, which upon investigation by the Commission may be found dangerous or unsafe to the public using said streets, to be removed. If, upon investigation by the Board of Commissioners, the obstruction complained of, above, across or under the street, shall be found dangerous or unsafe for the public using the street, then the Board of Commissioners shall make and enter an order upon its minutes directing the railroad company or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty days. Any railroad company, corporation or other person failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of Fifty Dollars for each day such obstruction shall be allowed to remain after the notice of removal shall have expired which penalty shall be recovered by suit on the part of the town in the proper court. The said Board of Commissioners shall have the power to compel all owners of property abutting on streets when in are laid a sewer or water system to connect such property therewith, under rules and specifications as to the character of the connection as the Board of Commissioners may adopt, and if any such connection is not made in the time as provided for the or by the said Board, it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land and collected as provided for the collection of unpaid taxes. The Board of Commissioners shall have the power to forbid any obstruction or stopping of any natural drainway with said town or diverting the water therefrom; and if the owner of land on any natural drainway, desiring to improve said property, wishes to lay pipe or construct a culvert or aqueduct to carry water or other drainage off or over said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the Board and not otherwise.

Section 47. That the said Board of Commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, and if it shall be necessary, in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right-of-way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes. and in addition thereto said Board of Commissioners shall have the power and authority to compel citizens living along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage, and on default of the owner to make such connection the town can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the town, either by erecting waterworks or by contracting with other persons or corporations, and make all such other public improvements as the health of the citizens and the safety of the property may require; and the Board of Commissioners shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewer lines, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.

Section 48. That the board of Commissioners may acquire, by gift or grant, lands or easements thereon or right-of-way over the same, or the right of use of springs, branches or water courses for the purpose of erecting or maintaining waterworks or conducting the water to the town.

Section 49. That the Board of Commissioners shall have power to purchase, construct and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others and may widen or reduce the width of streets now established, or change any grades the Board of Commissioners may deem advisable, and without liability on the party of the town to any abutting owner, and may establish parks for pleasure grounds of the citizens of the town and pass ordinances for the protection of shade trees.

Section. 50. That all streets hereafter opened or constructed for the use of the public within the limits as then existing, shall be not less than thirty feet in width and shall conform in location to the streets of the town already constructed or as may be platted and mapped under the direction of the Board of Commissioners.

Section 51. That whenever any streets of the town has been graded and curbed in whole or in part, including the sidewalks, the owner or owners of the land abutting on the said street or part thereof, shall when the Board of Commissioners deem it necessary, pave, repave, or repair said street to the extent of one-half of the street adjoining their respective property, with such material (except sand or cinders) and in such manner as the Board of Commissioners shall prescribe and direct. Provided, however, that the Board of Commissioners, in order to secure uniformity in the work, may after giving ten days notice to the owner that said paving, repaving and repairing is to be made, have all the work provided for herein done by the town or by contract and charge the actual cost of such work to the owner or owners of the abutting property, in the proportion aforesaid, that is, one-half to owners on each side street; that said charges shall be a lien on said property of the abutting owners and collected as herein provided for the collection of taxes; that in the discretion of the Board of Commissioners, payment of said cost and charges may be made in not exceeding ten annual installments, bearing interest from the date of the completion of the work, at a legal rate of interest, per annum. Provided, also, that the said town shall, out of its general fund, pay for the remainder of said improvements including all intersections of streets so improved. Provided, that the paving provided for in this section shall not apply to that part of the territory of the town of Mount Airy lying without the fire limits, as the same is defined at the time of said proposed improvement, unless on a petition requested said proposed paving, signed by the owners of a majority of the frontage of said street proposed to be paved is presented to the filed with the Board of Commissioners.

Section 52. That whenever the Board of Commissioners shall desire to construct, pave or repave any sidewalk of any street in the town it shall, through the City Treasurer, notify the owner or owners of the land fronting on said street of the time and place when said desired im-

provements will be considered, and if said Board shall determine, by resolution, to make said improvement, according to certain specifications as to material and character of said paving adopted by it. the said owner or owners shall begin the construction thereof within ten days after notice is proposed.

Section 53. That the said Board may in its discretion, divide any charge against any owner of land or company for the paving or improvement of such walks or streets in such manner that the same may be paid in annual installments from the commencement of such work, with interest thereon at six legal per centum per annum from the date of such commencement.

Section 54. That all the ordinance existing at this time are hereby declared valid ordinances of the town of Mount Airy unless same are in conflict with the provisions of this charter.

Section 55. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Section 56. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 6th day of March, 1925.

J. Elmer Long,
President of the Senate.
Edgar W. Pharr,
Speaker of the House of Representatives.

Charter -

Town of Mount Airy

found among papers of S. P. Cadell
given to NW - May 1983