

CHAPTER 15.

AN ACT TO CREATE A CHARTER FOR ELIZABETH CITY,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of Elizabeth City and all amend-Charter repealed.
ments thereof be and the same are hereby repealed: *Provided*, Proviso: present officers continued.
however, that the members of the present board of aldermen,
mayor, chief of police, city clerk, treasurer and all the appointive
officers, except such as may be removed for cause or otherwise,
shall continue to serve until their present term expires or their
successors are elected and qualified.

CORPORATE LIMITS.

SEC. 2. The corporate limits of Elizabeth City shall be bounded Corporate limits.
as follows: Beginning at a point on Pasquotank River at the
southern mouth of Knobb's Creek; thence up the center of said
creek to a bend in the same at a point immediately opposite an
angle of Road Street near Knobb's Creek Bridge; thence a west
course a straight line from the angle in Knobb's Creek to the
angle in Road Street near the Norfolk and Southern Railroad;
thence northerly along the Norfolk Road to the center of the Nor-
folk and Southern Railroad track; thence southerly and westerly
along the center of the said railroad track to where the same
crosses the end of Main Street; thence southerly and easterly
along Main Street to the center of the road that leads by "Bax-
ter's Ice Plant"; thence southerly and westerly along the road
passing Baxter's Ice Plant to the west end of Church Street or
West End Avenue; thence easterly along the south side of Church
Street, extended, to the east side of Selden Street; thence southerly
along the east side of Selden Street and the southerly projection
of same to Elbringhaus Street; thence a straight line in a southerly
course to Body Road at the north line of the Alex. Wadsworth
farm; thence easterly along the north line of the Wadsworth
farm to the Pear Tree Road; thence easterly along the Pear
Tree Road and Euclid Avenue to the corner of C Street; thence
easterly along the south side of C Street to Factory Avenue;
thence easterly on a line three hundred feet southerly of Park
Avenue and parallel with the same to a point opposite the south-
ern projection of Raleigh Street; thence northerly to the cor-
ner of Park Avenue and Raleigh Street; thence northerly along
Raleigh Street to Pasquotank River; thence a continuation north-
erly to the line of Raleigh Street to the northeast shore of Pasquo-
tank River; thence westerly binding the northeast shore of Pas-
quotank River to a point on the north side of Goat Island to suit
a position on a line due south from the southern mouth of Knobb's
Creek; thence north along the said line to the southern mouth of
Knobb's Creek on the Pasquotank River, the place of beginning.

NUMBER OF WARDS—FIRST WARD BOUNDARIES.

Seven wards.

SEC. 3. That said city shall be divided into seven (7) wards, to be known respectively as the First, Second, Third, Fourth, Fifth, Sixth and Seventh Wards. The First Ward shall be bounded as follows: Beginning on Pasquotank River at the mouth of Knobb's Creek; thence up said creek and binding the city limits to Road Street; thence to Norfolk and Southern Railroad; thence westerly binding the city limits along the Norfolk and Southern Railroad to Bell Street; thence easterly along Bell Street to a branch of Poindexter Creek; thence southerly down said branch to Burgess or Pleasant Street; thence easterly along Pleasant or Burgess Street to Pasquotank River; thence northerly along said river to the place of beginning.

First ward.

SECOND WARD BOUNDARY.

Second ward.

The Second Ward shall be bounded as follows: Beginning at the corner of Parsonage and Poplar Streets; thence northerly along Poplar Street to the center of Poindexter Creek Swamp, the line of the First Ward; thence northerly along the line of the First Ward to Bell Street; thence westerly along Bell Street to the Norfolk and Southern Railroad; thence westerly along the Norfolk and Southern Railroad to Parsonage Street; thence along Parsonage Street easterly to the place of beginning.

THIRD WARD BOUNDARY.

Third ward.

The Third Ward shall be bounded as follows: Beginning on Pasquotank River at the eastern end of Burgess or Pleasant Street; thence westerly along said Burgess or Pleasant Street to Road Street; thence westerly still along said street to the center of Poindexter Creek Swamp; thence southerly along the boundary line of the Second Ward to the corner of Poplar and Parsonage Streets; thence westerly along Parsonage Street to the Norfolk and Southern Railroad; thence binding the city limits on the Norfolk and Southern Railroad westerly to Main Street; thence easterly along Main Street to Elm Street; thence northerly along Elm Street to Cherry Street; thence easterly along Cherry Street to Harney Street; thence a direct straight line to the center of Matthews Street at Dyer Street; thence easterly along Matthews Street to Pasquotank River; thence northerly along Pasquotank River to the place of beginning.

FOURTH WARD BOUNDARY.

Fourth ward.

Fourth Ward shall be bounded as follows: Beginning at the corner of Road and Matthews Streets; thence westerly along Matthews Street to Dyer Street; thence binding the line of the

Third Ward a straight line to the center of Cherry Street at Harney Street; thence westerly along Cherry Street to Elm Street; thence southerly along Elm Street to Main Street; thence westerly along Main Street to the road that leads past Baxter's ice plant; thence southerly along the city limits to Church Street; thence easterly along Church Street to Pearce Street; thence southerly along Pearce Street to the first lane south of and parallel with Church Street; thence easterly along said lane to African Street; thence a direct straight line easterly to Canal Bridge on Road Street; thence along Road Street northerly to Matthews Street to the place of beginning.

FIFTH WARD BOUNDARY.

Fifth Ward shall be bounded as follows: Beginning on Pasquotank River on Matthews Street; thence westerly along Matthews Street to Road Street; thence southerly along Road Street to Canal Bridge; thence along Tiber Creek Canal easterly to Pasquotank River; thence northerly along Pasquotank River to place of beginning.

SIXTH WARD BOUNDARY.

Sixth Ward shall be bounded as follows: Beginning at Canal Bridge on Road Street; thence westerly a direct straight line to the center of a lane on African Street, the line of the Fourth Ward; thence westerly along the said lane to Pearce Street; thence northerly along Pearce Street to Church Street; thence westerly along Church Street to Selden Street; thence southerly along Selden Street and the city limits to Ehringhaus Street; thence a straight line in a southerly course to Body Road at the north line of Wadsworth Farm at the city limits; thence easterly along the city limits to the Pear Tree Road; thence northerly along the Pear Tree Road and the city limits to Martin Street; thence northerly along Martin Street to Tiber Creek Canal; thence westerly along Tiber Creek Canal to the place of beginning.

SEVENTH WARD BOUNDARY.

Seventh Ward shall be bounded as follows: Beginning on Pasquotank River at the mouth of Tiber Creek Canal; thence westerly up Tiber Creek Canal to Martin Street; thence southerly along Martin Street to Euclid Avenue; thence binding the city limits and Euclid Avenue to C Street; thence easterly along C Street to Factory Avenue; thence easterly, binding the city limits, to a point opposite the southern projection of Raleigh Street at the city limits; thence northerly along Raleigh Street and the city limits to Pasquotank River; thence westerly along Pasquotank River to the place of beginning.

FIRST ELECTION—WHEN HELD.

Town elections.	SEC. 4. The first election for the corporation of Elizabeth City shall be held on the second Monday in April, one thousand nine hundred and five (1905), and there shall be held successive elections in said town biennially thereafter. At said election there shall be elected by the qualified voters of the said corporation of Elizabeth City a mayor, a chief of police, a treasurer, a clerk and seven aldermen, all of whom shall hold their office for two years, and shall be installed in office on the first Monday in May following the election. The said aldermen shall be elected, one from each of the seven wards of Elizabeth City, and shall be a resident of the ward for which he is elected at the time he is elected. The board of aldermen shall have power to order a new
Town officers.	registration of voters at any time they deem it necessary. Notice of said election shall be given at least four weeks preceding the same, and the polling places shall be designated by the board of aldermen and ballot boxes provided by them.
Term.	
Aldermen elected by wards.	
Registration.	
Notice of election.	

QUALIFICATION OF VOTERS.

Voters.	SEC. 5. Every male person who is now or may hereafter be qualified to vote under the Constitution of North Carolina and as now amended and under the laws of North Carolina, chapter eighty-nine, Public Laws of one thousand nine hundred and one, shall be a qualified voter of said ward.
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REGISTRATION BOOKS—WHEN OPENED.

Registration.	SEC. 6. The registrars in their respective wards shall open their books for the purpose of registering such persons as apply for registration one week prior to any election, and keep same open until sunset Saturday preceding the election.
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OATH TO BE ADMINISTERED BY REGISTRAR.

Registration oath.	SEC. 7. The oath to be administered by the said registrar in the different wards shall be the same as now prescribed by and for the general elections in the State of North Carolina.
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OATH OF REGISTRAR.

Registrar to qualify.	SEC. 8. Before entering upon the discharge of his duties each registrar shall make oath before some one authorized by the laws of North Carolina to administer oaths that he will faithfully and impartially perform the duties of his office. A certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration.
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CHALLENGES—WHEN AND BY WHOM HEARD.

SEC. 9. The registrars and pollholders shall meet at the polling Challenge day.
places in their respective wards on the Saturday before the elec-
tion to hear and determine challenges made by any person regis-
tered in said ward. But before they proceed to determine the
rights of any person to vote they may require proof of notice to
the party challenged, which may be signed by any voters in the
city, but must be served by the chief of police or any police officer
of the county authorized to execute civil process.

Notice to party
challenged.

NAMES OF PERSONS NOT ENTITLED TO BE ERASED.

SEC. 10. Whenever it is decided that a party registered is not
entitled to vote, the registrar shall erase his name from the book.
writing the date of the erasure and the cause thereof. In case the
pollholders cannot agree the registrars shall cast the deciding
vote.

Name erased if
challenge sus-
tained.

Vote of registrars.

REGISTRARS AND POLLHOLDERS TO MEET AND OPEN POLLS.

SEC. 11. On the morning of the election the registrars and poll-
holders of each ward shall [meet] at the polling places of their
respective wards, and after being duly sworn shall proceed to open
the polls at six o'clock and thirty minutes A. M. and receive the
votes, depositing the same in the boxes prepared for that purpose.
The polls shall be closed at six-thirty P. M.

Hours of election.

NAMES CHECKED OFF AS VOTED.

SEC. 12. The registrar shall check off the name of each man as
he votes, and the pollholders shall keep a list of those who vote.

Checks and poll-
books.

VOTES—HOW COUNTED.

SEC. 13. Immediately upon closing the polls the pollholders and
registrars shall proceed to count the votes cast for all the officers
voted for, in the presence of such voters as may desire to attend,
and make two certificates thereof, one of which to be returned to
the chief of police and the other to the clerk, to be turned over by
them to the board of aldermen, who shall canvass the votes. Who-
ever shall receive the greatest number of votes in said town for
mayor shall be declared elected mayor for the term of two years;
whoever shall receive the greatest number of votes in said town
for the chief of police shall be declared elected chief of police for
two years; whoever shall receive the greatest number of votes in
said town for clerk shall be declared elected clerk for the term of
two years; whoever shall receive the greatest number of votes in
said town for treasurer shall be declared elected treasurer for the
term of two years; whoever shall receive the greatest number of

Count returns of
votes.

Aldermen to can-
vass returns.

votes in the First Ward for alderman shall be declared elected alderman from the First Ward for two years; whoever shall receive in the Second Ward the greatest number of votes in said ward for alderman shall be declared elected as alderman from the Second Ward for two years; whoever shall receive in the Third Ward the greatest number of votes for alderman shall be declared elected as alderman from the Third Ward for two years; whoever shall receive in the Fourth Ward the greatest number of votes for alderman shall be declared elected as alderman from the Fourth Ward for two years; whoever shall receive in the Fifth Ward the greatest number of votes for alderman shall be declared elected as alderman from the Fifth Ward for two years; whoever shall receive in the Sixth Ward the greatest number of votes for alderman in said ward shall be declared elected as alderman from the sixth ward for two years; whoever shall receive in the Seventh Ward the greatest number of votes for alderman in said ward shall be declared elected as alderman from the Seventh Ward for two years.

FRAUDULENT VOTERS.

Law governing elections.

SEC. 14. The votes shall be counted and canvassed by the said pollholders and registrars of election according to the Laws of North Carolina, chapter eighty-nine (89), Public Laws of one thousand nine hundred and one (1901), and there shall be two ballots and two boxes at each polling place; there shall be one ballot to contain the name of the alderman for the ward in which he is elected, which shall be deposited in one box, and there shall be another ballot to contain the names of mayor, clerk, chief of police and treasurer, which shall be deposited in the other box; and the said ballots may be printed or written on white paper with or without device.

Ballots and boxes.

CERTIFICATE—WHEN AND WHERE TO BE FILED.

Registration and poll-books filed.

SEC. 15. The certificates to the clerk, the book of registration and the list kept by the pollholders and registrars shall be filed with the clerk of the board of aldermen within three days after the election, and the clerk shall notify the aldermen, mayor, chief of police, clerk and treasurer-elect of the election within five days thereafter.

Clerk to notify officers-elect.

FAILURE OF CLERK OR COMMISSIONERS TO PERFORM DUTIES.

Sheriff to act in default of city officers.

SEC. 16. Should the present board of aldermen or the clerk fail to perform the duties imposed on them in any of the preceding sections within five days from the time when same ought to have been done, the Sheriff of Pasquotank County is hereby directed and empowered to make the appointments and perform the acts imposed upon said aldermen and clerk.

OATH OF ALDERMEN—FILLING VACANCIES.

SEC. 17. On the first Monday in May, one thousand nine hundred and five (1905), the aldermen-elect, after having taken and subscribed an oath or affirmation before some justice of the peace for said county to support the Constitution of the United States and the Constitution of North Carolina and to perform faithfully the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation), subscribed as aforesaid and attested by some justice, shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize by electing one of their members chairman, who shall act as mayor in case of vacancy, absence or sickness of the mayor. They shall proceed to fill vacancies caused by death or failure to elect in any ward, whether by virtue of tie or on a certificate of fraud, and shall fill any and all vacancies in any office, elective or appointive, which may occur during their term of office: *Provided, however,* that the said board of aldermen shall appoint such person or persons to fill such vacancy or vacancies as a majority of the qualified voters from the said ward or wards wherein such vacancy or vacancies occur shall recommend.

Aldermen to qualify.

Organization.

Vacancies.

Proviso: recommendations to fill vacancy.

SEC. 18. After said board may have been organized they may proceed to the election of a city attorney, street commissioner, chief of fire department, health officer and as many policemen as they deem necessary, who shall hold office during the term of the board of aldermen appointing them: *Provided, however,* they shall be subject to removal at any time by the board for misconduct or other causes, upon charges preferred by any member of the board and heard before and sustained by a majority of the board.

Officers to be elected by aldermen.

Proviso: officers removable for cause.

POWER TO MAKE ORDINANCES.

SEC. 19. The Board of Aldermen of Elizabeth City shall have power to make and provide such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power by all needful ordinances to secure order, health, quiet and safety within the city limits and for one mile beyond: to establish one or more markets and to require the sale of such articles therein as they may deem proper; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath, suppress and remove nuisances, control and regulate keeping powder in the city; to regulate the speed of riding and driving on the public streets; to keep or require to be kept the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owners of the adjacent

Ordinances.

Inspection of
markets.

lots who may refuse to do the same on five days' notice from the mayor of the town, and shall regulate building and building material within specified limits. They shall also have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicles and issue license for same. The board of aldermen shall have the authority to appoint an inspector of meats, fish, oysters, vegetables and milk, and to pay said inspector such a salary as they may deem necessary, not to exceed one hundred dollars per annum.

POWER TO FILL VACANCIES.

Power to fill va-
cancies and elect
officers.

SEC. 20. The board of aldermen shall have power to fill any vacancies in the board that may occur during their term of office, and also to appoint all officers they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office. That any vacancies in any of the offices of said town from any cause, death, disability, removal from office or otherwise, shall be filled by the board of aldermen.

QUARANTINE AGAINST DISEASE.

Quarantine.

SEC. 21. The board of aldermen may take such means as they deem effectual to prevent the entrance into the town of any infectious or contagious disease; may stop, detain and examine for the purpose every train, conveyance or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to the hospitals; may remove from town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious disease or which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease, and may levy a sanitary tax as hereinafter specified. With the view of preserving the health of the city, a health officer may be appointed when deemed necessary.

Hospitals.

Health officer.

EXPENSE OF REMOVAL—JUDGMENT AGAINST INFECTED PERSONS.

Expense of re-
moval to hospital.

SEC. 22. That in the case any person be removed to the hospital the board of aldermen may obtain before any justice of the peace a judgment against such person for the expense of his or her removal, support, nursing and medical attendance, and, in case of death, against his or her legal representative, and, in that event, burial expenses also, if the city incur that expense.

LAYING OUT AND OPENING STREETS.

SEC. 23. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the city whenever by them deemed necessary, and shall have power at any time to widen, change or extend or discontinue any street or streets or any part thereof within the corporate limits of the city, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. In case the owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accept and make report they shall pay or tender to the said land-owner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said board of aldermen and their successors. If the land-owner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right to appeal or suit *de novo* for damages against the corporation for the value of the land taken.

Powers as to streets.

Procedure for condemnation of land.

Appeal.

LEVYING OF TAXES FOR GENERAL PURPOSES.

SEC. 24. The board of aldermen shall have power to annually impose, levy and collect a tax for general corporation purposes (not exceeding seventy-five cents on one hundred dollars assessed valuation as made by and accepted by the County Commissioners of Pasquotank County) upon all real and personal estate within the corporate limits of said city, and may levy a tax equal to the State tax upon all other subjects of taxation taxed by the General Assembly for public purposes, and may levy upon every person, firm or corporation who issues or sells to any person, firm or corporation or merchant any trading stamps to be redeemed by the person, firm or corporation issuing or selling same an annual tax of not more than five hundred dollars; and may levy upon every merchant, dealer or tradesman who receives trading stamps from any person, firm or corporation, or who issues, delivers or sells to customers or other persons any trading stamps to be redeemed by the person, firm or corporation issuing, delivering or selling the same, or by any other person, an annual tax of not more than five hundred dollars (\$500); and any person receiving trading stamps and having same redeemed for any article as a present, gift or otherwise shall be subject to a tax of such an amount as may be levied or assessed, not exceeding twenty dollars (\$20), and furthermore enact an ordinance to punish such use them, making same a misdemeanor, and that the punishment shall not exceed a fine of fifty dollars (\$50) or imprisonment for thirty (30) days.

Tax on trading stamps.

Tax on persons using trading stamps.

Power to make use misdemeanor.

SPECIFIC OR LICENSE TAX.

License taxes.

SEC. 25. That in addition to subjects liable for taxation for State purposes, the aldermen shall have power to levy and collect a specified or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or peddlers vending or offering to vend in the town; each electric light company; each telephone company; each street railroad company; each express company; each telegraph company; each broker or banker, dealer in patent right, commission merchant and commercial broker; each junk dealer; each distiller of fruit or grain; each livery-stable keeper; every non-resident huckster or trader or agent of such who buys produce for sale in other markets; each rectifier or compounder of spirituous liquors; each gift enterprise or lottery; each dray, each omnibus, each circus, each traveling theatrical company, each person or company making any exhibit or show for compensation, each billiard table and pool table, each ten-pin alley used by the public, each oil tank in said town of two hundred (200) gallons or over; on each butcher doing business in said town, which said tax on each butcher shall not be less than sixty (\$60) nor more than one hundred dollars (\$100) per annum; each skating-rink.

SALE OF SPIRITUOUS LIQUORS.

Liquor license tax.

SEC. 26. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer or any other spirituous liquors, vinous or malt liquors by a less measure or in less quantity than three (3) gallons within the corporate limits without having first obtained a license therefor from the board of aldermen: *Provided, also*, that the board of aldermen shall have a right to levy a license tax upon all persons selling by retail any ciders, malt extracts, bitters or other beverages; said tax not to exceed five hundred dollars (\$500) annually.

DOGS, CATTLE AND SHEEP RUNNING AT LARGE.

Animals running at large.

SEC. 27. That the aldermen shall have the power to declare all horses, cattle, dogs and sheep running at large on the streets within the corporate limits of the town a nuisance and sell same; and the aldermen may at their option impose a fine of ten dollars (\$10) upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated in such a way as seems to said aldermen best.

ABATEMENT OF NUISANCES.

Power to abate and prevent nuisances.

SEC. 28. That the board of aldermen may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same, or the owner or tenant of the

ground wherever the same may be. They may also prevent the establishment of, and regulate if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy business, trade or employment.

TAXES FOR FIRE ENGINES, ETC.

SEC. 29. In addition to the tax hereinbefore permitted to be levied on real and personal property within the corporate limits of the city, the aldermen are hereby empowered to levy a tax not to exceed seven (7) cents on the one hundred dollars (\$100) assessed valuation of said real and personal property for the purpose of defraying the necessary expense of keeping the fire engine and extinguishing apparatus in good condition and repair, and of defraying the expense of the fire department. The chief of the fire department shall have supervision of the fire department and shall make a report of the expenses, of the fires extinguished, estimated amount saved, labors and general services of the fire department; the loss of property estimated, and such other statements as may be proper; said report to be made every month to the board of aldermen.

Fire protection tax.
Chief of fire department.
Reports.

PRESENCE OF FIRE CHIEF AT FIRE.

SEC. 30. The fire chief shall be present at each fire and have control of the fire department, and if he deem it necessary to check the progress of any fire he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for the damages caused thereby. But should the fire chief be absent, then the foreman of the Fire Company No. 1 shall be vested with powers herein conferred on the fire chief; and should the foreman of Fire Company No. 1 be absent, the mayor shall be vested with powers herein conferred on fire chief. The fire chief shall be vested with powers to lay hose across any street, railroad track or through any buildings to check any fires.

Powers in stopping fires.

SEC. 31. The chief of the fire department shall use his best endeavors to have the engine at each fire, and for that purpose he may use such means and aid as he deems best. And the board of aldermen are hereby authorized and permitted to make appropriations from the amount collected from the special tax mentioned in section twenty-nine, to be disbursed and used as they direct.

Fire engine at fires.

COMPENSATION OF FIRE CHIEF.

SEC. 32. The board of aldermen may allow the fire chief not to exceed one hundred dollars (\$100) per annum for his services, and the duties of the chief shall be what the State law provides. In addition to that, his duties shall be to see that all fire apparatus belonging to the corporation shall be kept in first-class order for

Salary of fire chief.
Duties.
Further duties.

Chief to report
unsafe buildings.

Summons to
owner.

Building removed
at cost of owner.

immediate service at all times; that all hydrants shall be inspected twice a year. It shall be the duty of the chief of the fire department to communicate in writing to the board of aldermen when a building, occupied or unoccupied, store, dwelling or warehouse within the corporate limits is a menace to property or in a dangerous or unsafe condition, and the said board of aldermen shall have the right and authority to summons the owner or agent of said building to appear before them and show cause why said building should not be removed; and should said owner or agent fail or refuse to repair or remove said building as ordered by said board of aldermen, then the said board of aldermen shall have the authority to declare said building a nuisance and order it to be removed or torn down, as they deem best; same to be done at the expense of the owner.

PERSONS COMPELLED TO WORK OUT TAXES—POWER TO ENFORCE LABOR.

Street work for
non-payment of
fines.

SEC. 33. The board of aldermen shall have the power to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax or fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and said aldermen shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may adopt.

SALARY OF THE BOARD OF ALDERMEN.

Salary of aldermen. SEC. 34. Each member of the board of aldermen shall receive a salary of two dollars (\$2) for every regular meeting that he attends.

WHO TO PRESIDE OVER THE MEETING OF THE BOARD.

Mayor to preside
at meetings of
aldermen.

Duties of mayor.

Powers and
authority of mayor.

SEC. 35. The mayor who shall have been elected in April, one thousand nine hundred and five (1905), and his successors in office, shall preside at the meetings of the board of aldermen: *Provided*, in no case shall said mayor or presiding officer be allowed to vote except it be a tie vote. It shall be the duty of the mayor to communicate in writing whenever it shall be deemed expedient a general statement of the situation and condition of the city in relation to its government and improvement. Second, to recommend to the board the adoption by the board of aldermen all such measures connected with the police, security, health and cleanliness of the city as he may deem expedient. Third, to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced. He shall have power and authority over the police force. He shall have a general supervision of the street commissioner, with

authority to direct his work, and shall recommend to the board of aldermen purchase of such material and apparatus as may be required by said street commissioner for his work. He shall countersign all city orders. He shall be paid a salary of six hundred dollars (\$600) per annum from the general funds of the city. No one shall be eligible to the office of mayor who is a justice of the peace, and the mayor shall not have the authority granted to a justice of the peace under the laws of North Carolina. The mayor of said city is hereby constituted an inferior court for the trial of criminal cases and violation of city ordinances, and as such shall, within the corporate limits of said city, have all powers, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon ordinances and regulations of the city, to enforce penalties by issuing executions upon adjudged violations thereof, and to execute the laws and regulations made by the board of aldermen. The mayor shall further be a special court within the corporate limits of the city, to cause the arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the city, and if the accused be found guilty he shall be fined at the discretion of the mayor not exceeding the amount in the ordinance or ordinances so violated, or, at the discretion of the mayor, such offender may be imprisoned not more than thirty (30) days in the county jail or city prison. If the accused is dissatisfied with the judgment of the mayor he may appeal in a like manner as prescribed for appeals from judgments of a justice of the peace.

ISSUANCE OF PRECEPTS BY THE MAYOR.

SEC. 36. That the mayor may issue his precepts to the chief of police or any policeman, who may execute the same anywhere in Pasquotank County, or such other officers to whom a justice of the peace may issue and direct his precepts. An endorsement by the mayor of the names and witnesses upon warrant or summons shall be the authority for the officer to execute same. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.

TREASURER—BOND. COMPENSATION. DUTIES.

SEC. 37. The treasurer shall give bond, payable to the corporation of Elizabeth City, in the sum to be fixed by the board of aldermen, with sureties to be approved by said board. For his services he shall be paid a sum in the amount of two hundred and fifty dollars (\$250) per annum. He shall disburse no funds except on orders signed by the clerk of the board of aldermen and countersigned by the mayor. He shall make a report of the

funds coming into his hands at the end of the term, and for failure to do so he shall be fined two hundred and twenty-five dollars (\$225), to be recovered by suit in the superior court, for which his bond shall be responsible.

Accounts.

SEC. 38. He shall keep his accounts so that the tax levied and collected for each fund shall be separate, and shall pay out of each separate fund only such amounts as are due the same, and when proceeds are paid over to him by an officer of the corporation they shall be credited to the fund for which the tax is levied to raise revenue for the same. He shall report to the board of aldermen at each regular meeting in every month the balance he has due each fund in his hands, showing the amount due each fund by the tax levy and the amount paid into each fund and the amount paid out on account of same.

DUTIES OF CLERK—COLLECTION OF MONEY TAXES.

Duties of clerk.

SEC. 39. The clerk shall keep a faithful record of all proceedings of the board of aldermen; he shall keep and file all papers presented to the board, all reports made to same, and all bonds; he shall also keep an order book with stub. The orders shall be consecutively numbered and shall state on face for what the order is issued. He shall not deliver the order to the payee until countersigned by the mayor; he shall sign all licenses granted by the board of aldermen and collect the money therefor; he

To collect taxes.

shall collect all taxes levied upon real or personal property, except the huckster tax; he shall have the same power to enforce and collect taxes as the Sheriff of Pasquotank County; he shall collect all rents from the markets or other property of the city; he shall settle with the treasurer at the end of each month; he shall pay over to the city treasurer such sums as are collected by him for the account of each separate fund by the tax levy of the corporation, and take the treasurer's receipt for the same to the account of each fund for the amount due the same by the tax levied either for license or other tax and the corporation tax levied on railroad property by the board of aldermen, and shall furnish the city treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year, when he has completed the tax book, which shall not be later than August

Fine for failure to settle.

first in each and every year. On failure to settle at said times he shall be fined for each failure the sum of ten dollars (\$10). He shall give bond, payable to the corporation of Elizabeth City, with security, to be approved by the board, in a sum fixed by them. His compensation shall be fixed by the board in the amount of eight hundred and forty dollars (\$840) per annum and no other fees, which is to be paid in full for all services rendered. He shall carefully preserve all books, papers and articles committed to his care, and deliver same to his successor.

Compensation.

CHIEF OF POLICE—DUTIES, POWERS.

SEC. 40. The chief of police shall give a bond, with approved sureties, in a penal sum to be fixed by the board of aldermen and payable to the corporation of Elizabeth City, conditioned to diligently perform all duties imposed upon him by virtue of his office, and faithfully pay to the treasurer all sums of money collected or received by him to and for the use of the city, and shall hold his office for the term of two (2) years. The chief of police and other police officers shall wear a regular uniform to be adopted by the board of aldermen. The compensation of the chief of police shall be nine hundred dollars (\$900) per annum in full for all services rendered, and all fees collected by him for services rendered in any court shall be turned into the treasury of said city by him, and his bond shall be responsible for such. He shall be under the direct supervision of the mayor, subject to such rules and regulations as the board of aldermen shall adopt. He shall not be allowed to serve any civil process. He shall serve such processes as are issued to him by the police justice for the violation of the city ordinances or criminal law. That he shall perform police duty under the direction of the mayor. He shall be subject to removal as provided for in section eighteen. He shall also act as harbor-master.

Bond of chief of police.

Police to wear uniforms.

Pay of chief.

Fees to use of city.

Under supervision of mayor.

Not allowed to serve civil process.

CHIEF OF POLICE TO REPORT TO BOARD—TO PAY TO TREASURER MONTHLY.

SEC. 41. It shall be the duty of the chief of police to pay over to the city treasurer all the money that may be collected by him to and for the use of the city at least once every month, and shall communicate to the board of aldermen at their monthly meetings, in writing, a full statement of all costs, fines, taxes, fees collected and the disposition made of same.

Chief of police to settle monthly.

MAY SUMMONS PEOPLE TO ASSIST IN KEEPING ORDER.

SEC. 42. It shall be the duty of said chief of police and the policemen to preserve the peace by suppression of disturbance and the apprehension of all offenders, and the chief of police or any policeman shall have the power to summons as many persons as he may deem necessary to assist in the performance of the above duties.

Police to preserve the peace.

STREET COMMISSIONER—DUTIES OF, COMPENSATION—REMOVAL. BY WHOM—LABOR.

SEC. 43. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all of the streets, ditches, bridges, wells, pumps, drains, canals, side-

Powers of street commissioner. Duty.

walks, crossings, etc., within the city boundary, under direction of the mayor; and the board of aldermen shall direct all labor due the city from all sources to be at his disposal, the board of aldermen to furnish such material and tools, horses, carts, etc., as they may deem necessary, on requisition made by the commissioner. He shall be subject to removal as provided for in section eighteen.

CITY ATTORNEY—DUTIES OF, COMPENSATION.

Duty of city attorney.

SEC. 44. It shall be the duty of the city attorney to attend all the meetings of the board of aldermen for the purpose of giving them such legal advice as may be necessary; to represent the city in all criminal and civil actions to which the city shall be a party. It shall be his duty to advise the mayor of the city when requested so to do, and to prosecute any violation of the city ordinances before the mayor. He shall receive a salary of two hundred dollars (\$200) per annum in full for all services rendered. He shall be subject to removal as provided for in section eighteen.

Salary.

HEALTH OFFICER—DUTIES OF, COMPENSATION.

Duty of health officer.

SEC. 45. It shall be the duty of the health officer to keep a record of the vital statistics of the town; to inspect the city prison and attend professionally the city prisoners and such deserving poor as may become a charge upon the city, when directed by the mayor. He shall be under the control of the board of aldermen and shall perform such other duties as may be prescribed from time to time by said board. His salary shall be one hundred dollars (\$100) per annum in full for all services rendered: *Provided, however,* in cases of epidemic of a contagious disease the board of aldermen shall have the power to increase the salary in such a sum as they deem necessary, not to exceed fifty dollars (\$50) per month. He shall be subject to removal as provided for in section eighteen.

Salary.

Proviso: in case of epidemic.

SUITS ON BOND, IN WHOSE NAME—MONEY COLLECTED ON SUITS.

Suits on bond in name of corporation.

SEC. 46. That all suits on bonds given by any officer under this charter shall be in the name of the corporation of Elizabeth City, and money collected from said bonds shall be paid to the treasurer of the city. That all suits or actions by or against the said corporation of Elizabeth City and by the name of the corporation of Elizabeth City; the said corporation is hereby incorporated a body politic, with power to sue and defend, to hold property and do all other works which a corporation can do.

TAX TO WORK STREETS, HOW LEVIED.

SEC. 47. The Town Aldermen of Elizabeth City are hereby vested with the right to levy and collect a tax on each able-bodied male person residing within the corporate limits of Elizabeth City between the ages of twenty-one and forty-five, not exceeding the rate of one dollar and fifty cents (\$1.50), for the improvement of the public streets, alleys and parks of Elizabeth City. Any person failing or refusing to pay said tax shall be fined not exceeding five dollars (\$5): said tax to be collected by the clerk of the corporation.

Tax in lieu of road duty.

Penalty for failure to pay.

PAVING SIDEWALKS—REFUSING TO WORK. FINE—MONEY TO BE PAID.

SEC. 48. The board of aldermen shall have the power to require every owner of real estate in Elizabeth City to furnish material for paving the sidewalks in front of his or her land in the improved portion of said town with such material, either brick, stone or other durable material, and enforce such requirements by proper fines and penalties: *Provided, however,* the said board of aldermen may, in their discretion, assess against the said owner or owners of said lots only a portion of the costs of same, as in their judgment and discretion may seem just, and upon failure of such owner or owners to furnish said material the said corporation may have the same done, and the cost thereof may be assessed against the property of such delinquent and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the corporation of Elizabeth City before any justice of the peace, if under fifty dollars (\$50), for the actual cost of such material delivered at the place of paving.

Land-owners to furnish material for sidewalks.

Proviso: discretion of aldermen.

City to do work on failure of owner.

Cost assessed as taxes.

APPOINTMENT OF WOOD INSPECTORS—RATE OF WHARFAGE, ANCHORAGE.

SEC. 49. The board of aldermen shall have the right to regulate and establish rates of wharfage and prescribe the limits of the part of said town; also the power to appoint wood inspectors, whose duty shall be to inspect all fire-wood brought to the city for sale.

Wharfage rates.

Wood inspector.

SEC. 50. It shall be the duty of the harbor-master to enforce all rules and regulations which the board of aldermen may prescribe for the government of the port of Elizabeth City within its limits for the proper anchorage of vessels in the harbor, and designate the same, and he shall have the right to settle all matters of dispute between masters of the boats, vessels or steamboats as to the priority of the right to land or fasten to a wharf in said city, and to cause the same to be removed upon the demand of the owner of the wharf.

Duty of harbor-master.

FINANCE COMMITTEE, WHEN AND HOW APPOINTED, COMPENSATION.

Finance committee. Duties. SEC. 51. The board of aldermen shall appoint annually a finance committee, to be composed of three freeholders and citizens of the city, who shall examine the books, accounts, vouchers and papers of the clerk, chief of police, street commissioner, police justice and treasurer, and make an itemized report in writing to the said board at a regular monthly meeting in May, one thousand nine hundred and five, and thereafter at each monthly meeting in May of each year, which report the board of aldermen shall have published. That one member of said finance committee shall be of opposite political faith from that of the majority of the board of aldermen so appointing said committee. The said committee shall receive such compensation as the board may designate, not exceeding one hundred dollars (\$100).

Report in writing.

Report to be published.

Pay of committee.

TO TAX CIRCUSES.

Tax on circuses and shows. SEC. 52. That it shall be lawful for the board of aldermen to collect a tax for any circus or show exhibiting within one mile of the town limits of Elizabeth City, and any manager or managers of any circus or show which shall be held within one mile of the said town limits without its having first paid the town license as aforesaid shall be guilty of a misdemeanor and fined fifty dollars.

PENALTY FOR FAILURE TO PAY FINE.

Penalty for failure to pay fine. SEC. 53. Any person or persons failing or refusing to pay any fine imposed under any ordinance of the said town of Elizabeth City may be imprisoned thirty (30) days or put to work upon the public streets or alleys of said town until the aforesaid fine and costs are paid.

VITAL STATISTICS, HOW COLLECTED.

Health officer to prepare vital statistics. SEC. 54. The board of aldermen of said town shall provide for the collection of vital statistics of the town by its health officers, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

No poll tax. SEC. 55. That there shall be no poll tax levied in the corporate limits of Elizabeth City for municipal purposes.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.