

Upon motion by Councilman Rose, seconded by Councilman Maness, the Council voted unanimously to approve a request by County Commissioner J. McN. Gillis that Boy Scout Troop #722, be permitted to sell Christmas Trees at the Miniature Golf Course on Raeford Road and that City's license fee be waived.

Upon motion by Councilman Maness, seconded by Councilman Rhodes, the Council voted unanimously to follow the recommendation of the Mayor's Committee, headed by Councilman Rose, the Planning Board and Public Works Commission to adopt the following as the city's policy regarding extensions of sewer and water lines outside the city limits.

#### CITY OF FAYETTEVILLE

##### PROPOSED POLICY ON EXTENSIONS OF SEWER AND WATER LINES OUTSIDE THE CITY LIMITS

- SECTION 1) Any person owning or controlling land or a proposed subdivision of land outside the City Limits of Fayetteville may formally apply to the Public Works Commission of the City to allow extension of sewer or water lines, or both, to and into such land or subdivision.
- SECTION 2) Such application shall be in writing and shall be in such form, shall have attached such exhibits, which for proposed subdivisions shall include at least a location map, the subdivision layout on topographic maps, details of proposed improvements, and proposed deed restrictions, and shall meet such other requirements as the Public Works Commission may, from time to time, describe.
- SECTION 3) If such land or subdivision is contiguous to the City Limits so that, under current law, it could be annexed to the City by petition, no such extension of sewer or water lines shall be made or contracted to be made until such annexation is accomplished or secured to be accomplished.
- SECTION 4) If such land or subdivision is not so contiguous, such extension of sewer or water lines, or both may be made pursuant to the following procedure:
- A) Upon the filing of such formal application, the Public Works Commission shall at their next regular meeting reject or accept the application for consideration and if they accept the application for consideration they shall forward the application with such comments they wish to make along with a copy of the current policies of the Public Works Commission concerning such extensions to the Planning Department and the City Engineer. The Planning Director and the City Engineer shall study the proposed application and make such recommendations as they think appropriate which shall be submitted to the Planning Board at their next regular meeting.
  - B) During a period of thirty (30) days following such filing, the Public Works Commission, the Planning Board, and the City Engineer, in cooperation with each other and with the applicant, shall seek to reach agreement among the applicant, the Planning Board, the City Engineer and the Public Works Commission, on the highest practicable standards of design and development of all phases and features of any proposed subdivision.
  - C) Not more than 35 days from the filing of such

Upon motion by Councilman Rose, seconded by Councilman Maness, the Council voted unanimously to waive the minimum 40' street right-of-way requirement and to accept a 30' street right-of-way for Jones Street and authorized the installation of a sanitary sewer main in Jones Street by Public Works Commission upon payment of ten tapping fees by the residents of Jones Street and Public Works Commission.

Upon a motion by Councilman Plummer, seconded by Councilman Rhodes, the Council voted unanimously to authorize Public Works Commission to extend water service into the Holiday Park Subdivision, which is outside the city limits, as recommended by the Planning Board.

Upon motion by Councilman Rhodes, seconded by Councilman Rose, the Council voted unanimously to advertise a public hearing on December 11, 1961 to rezone a tract of land off Eastern Boulevard on Minor Street from R-5 Residential District to C-1 Local Business District.

Upon motion by Councilman Rhodes, seconded by Councilman Plummer, the Council voted unanimously final plat approved for Tallywood Subdivision, Section IV, subject to City Engineer and Public Works Commission approval.

Upon motion by Councilman Plummer, seconded by Councilman Maness, the Council voted unanimously to advertise a public hearing on November 27, 1961 to annex two tracts off Cliffdale Road to the City.

Upon motion by Councilman Rhodes, seconded by Councilman Plummer, the Council voted unanimously to adopt the new city code. The ordinance is as follows:

#### ADOPTING ORDINANCE

No. 1961-4

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA: ESTABLISHING THE SAME: PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED: PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES: AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA:

Section 1. That this ordinance, consisting of Chapters 1 through 32, each inclusive, is hereby adopted and enacted as "The Code of the City of Fayetteville, North Carolina," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Council prior to November 16, 1960, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. That all provisions of such Code shall be in full force and effect sixty days from the date this ordinance becomes a law and all ordinances of a general and permanent nature of the City of Fayetteville, North Carolina, enacted on final passage prior to November 16, 1960, and not in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided.

Section 3. That the repeal provided for in Section 2 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligations assumed by the City; nor shall such repeal affect the administrative ordinances or resolutions of the City Council not in conflict or inconsistent with the provisions of such Code; nor shall such repeal affect any right or franchise granted by any ordinance or resolution of the City Council to any person, firm or corporation; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the City; nor shall such repeal affect the annual appropriation ordinance; nor shall such repeal affect any ordinance levying or imposing taxes; nor shall such repeal affect any amendment to the zoning map on file in the office of the City Clerk; nor shall such repeal affect any ordinance establishing and prescribing the street grades of any street in the City; nor shall such repeal affect any ordinance providing for local improvements and assessing taxes therefor; nor shall such repeal affect any ordinance dedicating or accepting any plat or subdivision in the City; nor shall such repeal affect any ordinance or resolution extending the boundaries of the City; nor shall such repeal affect any ordinance providing for the acquisition of lands for use as public parks; nor shall such repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

Section 4. That any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the City Council to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of the City of Fayetteville, North Carolina," shall be understood and intended to include such additions and amendments.