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## COVER



With commencement exercises just around the corner what could be more appropriate for POPULAR GOVERNMENT'S May cover photo than a campus scene? Many's the Carolina grad who will recognize this familiar view of the University of North Carolina's Louis R. Wilson Library as seen from one of the many shaded campus walks.

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# THE CLEARINGHOUSE

## Municipal Administration Graduation Held

Graduation exercises for the fourth annual class in Municipal Administration were held at the Institute of Government on April 19, 1958. Thirty-one officials from throughout the State received certificates. In honor of the graduating class, a special seminar on the financing of rapidly-growing cities was held on April 18-19. Former graduates of the course and other officials from cities over the State were invited to this special seminar.

Each year the North Carolina League of Municipalities presents the George C. Franklin Award to the member of the class who has made the most distinguished record. William H. Batchelor, assistant city engineer, Rocky Mount, was named winner of the Award for the 1957-58 class.

In addition to Batchelor, other members of the class were: James Westbrook Bowen, city clerk, Washington; Alvin R. Butler, city manager, Wadesboro; Leon C. Cheek, Jr., city engineer, Charlotte; Clyde R. Cook, chief of police, Jacksonville; W. Thompson Cox, director of public works, Gastonia; Charles Stephen Frost, air pollution control engineer, Charlotte; Bruce Sloan Gay, minimum housing inspector, Raleigh; Walter Gardner, water and sewer superintendent and sanitary engineer, Gastonia; Douglas Heilig, assistant director of public works, Spencer; Thomas S. Henry, superintendent of public works, Cherryville; Melvin Holmes, special student, Franklinton; James E. Hulse, Jr., town manager, Ahoskie; Eugene Thornton Jones, town manager, Louisburg; Francis M. Luther, treasurer and tax collector, Salisbury; William H. McCormick, Jr., administrative assistant, building and grounds, Greensboro; Dale Johnson Mills, city engineer, Albemarle; Charles E. Morrison, clerk-treasurer, Raeford; James B. Nowell, Jr., administrative assistant to county manager, Forsyth County; Thomas Zack Osborne, assistant director of public works, Greensboro; Charles Thomas Richardson, police sergeant, Winston-Salem; Lott T. Rogers, town manager, Monroe; Robert Lee Shuford, Jr., office manager, Thomasville; Ralph McKinley Sisk, personnel direc-



Graduates of Fourth Annual Municipal Administration Class.

tor and purchasing agent, Statesville; John William Smith, assistant chief engineer, Raleigh; Wilbur Randolph Stafford, building inspector, Statesville; Howard Stewart, assistant to town manager, Chapel Hill; William T. Vanderford, town clerk, Cornelius; Dan' L. Walker, town manager, Beaufort; Laster Cardos Williams, assistant fire chief, Winston-Salem; John L. Zang, finance officer, Jacksonville.

## District Meeting

Almost 300 county officials from 72 counties attended the 1958 district meetings for commissioners, accountants, and attorneys, held by the Institute of Government in late March and early April. Meetings were held in Hertford, Vance, Guilford, Catawba, Buncombe, Jackson, Montgomery, Wayne, Jones, and Bladen counties.

Hertford led the list of counties in number of county officials attending; 11 officials were present. Catawba and Jones were represented by eight officials; Duplin, Guilford, Wayne, and Yancey were represented by seven officials each; and Bladen, Buncombe, Iredell, and Pasquotank each had six officials present. Cabarrus, Johnston, Montgomery, Union, Vance and Wilkes each had five officials present.

The total attendance included over 180 county commissioners, 40 county accountants, and 25 county attorneys.

The main topic for discussion was the authority of county commissioners in determining the number and salary of employees in the various county departments. The financial relationships between the boards of commissioners and the various other boards and elective officials were also discussed.

Representatives of the State Highway Commission attended the meetings too, and discussed the relationships between county commissioners and the Highway Department in making decisions concerning the paving and maintenance of secondary roads.

Alex McMahan, Assistant Director of the Institute of Government, was in charge of the meetings.

## Annual School For County Accountants

The annual school for county accountants was held by the Institute of Government from April 22 to April 24. Over 40 county accountants and employees in accountants' offices attended, with 35 counties represented.

Mr. H. G. Jones, State Archivist in the Department of Archives and History, discussed the destruction of county records, with particular reference to the records of the county accountants. Mr. W. E. Easterling, Secretary of the Local Government Commission, described the standard program of audit procedure for counties, and Mr.

Hugh L. Ross, Guilford County Accountant, described the processes of selecting an independent auditor, determining the scope of the audit, and fixing the compensation. Mr. Paul A. Johnston, Director of Administration for the State of North Carolina addressed a dinner meeting on April 22, and described the new techniques in budgeting for State government.

One full session was set aside for a discussion of the various formulas for the allocation of state funds to the counties. Mr. R. Eugene Brown, Director of Public Assistance in the State Board of Public Welfare, discussed the welfare formula. Dr. John H. Hamilton, Assistant State Health Director, and Mr. I. A. McCary, Administrative Officer of the State Board of Health, discussed the health formula. Mr. R. W. Shoffner, Assistant Director of the Agricultural Extension Service, discussed the farm and home demonstration formula. And Mr. W. F. Henderson, Executive Secretary of the Medical Care Commission, discussed the formula used by that commission for the allocation of funds for hospital construction.

Mr. Donald B. Hayman, Assistant Director of the Institute of Government, described retirement systems for county employees. Mr. J. C. Ellis, Nash County Accountant, and Mr. Allen Lee Harrell, Edgecombe County Accountant, presided over small group sessions which gave attention to the organization of county accountants' offices.

Alex McMahan, Assistant Director of the Institute of Government, was in charge of the program.

Mr. J. D. Potter, Carteret County Accountant and President of the North Carolina Association of County Accountants, discussed a number of matters concerning the financing of county activities.

## News Topics

**Newport's** new 100,000 - gallon water tank has gone into service. It replaces an old 50,000-gallon wooden tank that firemen now plan to convert to a training tower for the use of the county fire schools. The new pastel green tank cost \$28,835 and was erected in record time.

The Pleasant Hill Fire Department, recently organized, brings to seven the number of rural fire companies in **Wilkes County**. Five of the seven

have been organized since January 1 of this year.

**Yadkinville** town commissioners have voted to build a combination town hall and fire department building on land they have purchased from the county. They authorized funds up to \$14,000 to purchase materials for the construction, which will include four rooms and an assembly hall to seat 200 persons, with the lower part of the building to provide space for five vehicles of the fire department, an office for the fire chief, storage room and rest room.

The city of **Southport** has launched a program of improvement of boat launching facilities. A contract for pile driving on the city's new ramp has been let, and other construction will be performed by city employees. Also included in the improvement program is repair to the city dock.

It is costing **Asheville** \$145,000 to repair damage to city streets and public and private water lines as a result of the winter's storms. More than \$20,000 has already been spent in overtime pay to city employees during the battle to keep the streets free of snow and ice.

The **Dobson** town board of commissioners has placed an order for a 1958 Ford fire truck. The specifications are for a 600-gallon booster tank, two electric wind reels with 200 feet of high pressure hose, and one Waterous, three-phase centrifugal pump; the pump is rated at 750 gallons per minute at 500 pounds pressure.

The **Fayetteville** city council has organized an urban redevelopment commission to work with the council and the city planning board in studying substandard housing areas to determine how they may be converted into standard neighborhoods. Inferior dwellings, utilities, parks and community facilities will be considered.

Construction has begun on a three-deck parking building to accommodate 150 cars in the heart of downtown **Raleigh**.

The city of **Lexington** will soon have a new aerial ladder fire truck—the first of this type to be purchased

there—and the \$49,985 purchase should go a long way toward lowering insurance rates paid by the local citizens. . . **Raleigh** has also approved the purchase of a new fire truck, a 100-foot, tractor-drawn, aerial ladder truck described by Fire Chief Jack Keeter as "one of the best trucks of its kind in the South."

**Statesville** voters gave approval recently to a \$750,000 bond issue for improvement and expansion of the city's water and sewer facilities. The present water facilities have a capacity of three million gallons, this will be increased by a million and a half gallons. . . **Winston-Salem** aldermen set May 6 as the date for a \$4,500,000 bond election; the bonds will be used for improving water and sewer facilities, street improvement, and financing the extended recreation program.

Voters in **Parkton** recently approved a \$100,000 sewage bond issue by a count of 200 to 1, with 92% of the registration casting ballots. A federal grant of \$22,500 was contingent on approval of the bond issue which will install a sewerage system and disposal plant. The town has already installed a water system and has purchased a fire truck for rural and urban use.

A number of towns and cities in this state have authorized surveys of their present sewerage systems with a view to improvement and/or increasing present facilities. Among those municipalities making such studies are **Zebulon, Roxboro, North Wilkesboro, Southport, and Kernersville**.

Police Chief **Stanley Crisp** of Lenoir has been appointed North Carolina field secretary for the National Police Officers Association of America. He was notified of the commission as the highest state officer of the NPOAA by Frank J. Schire, president of the association.

**William G. Head** has accepted the position as the new city manager of Carolina Beach.

**Jesse Starling**, retired businessman and chief of the volunteer fire department, has been named as Jackson-ville's first permanent fire chief.

# *A Study of 1,100 Drivers Involved in Fatal Accidents In North Carolina*

by B. J. Campbell

*Research Associate of the Institute of Government*

## **Acknowledgements**

This paper reports the results of an investigation undertaken at the request of the North Carolina Department of Motor Vehicles. Thanks are due to the Commissioner and members of the department, particularly Mr. Elton R. Peele and Mr. Wallace N. Hyde, for their suggestions and for making personnel available to expedite the study.

Thanks are also due to Dr. Eugene Long of the Psychology Department of the University of North Carolina and Drs. John Kelton and John Mellinger, former members of the department for their assistance in the design of this study.

Finally, thanks are due to the Institute of Government staff personnel who carried out the extensive computations, particularly Mrs. Frances Campbell who supervised the work, Mrs. Mary Miller, Mr. David Mundy, and Mr. John Horton.

## **Introduction**

When faced with statistics describing traffic deaths in the thousands, it is easy for one to forget that *most* drivers have neither been involved in a reported accident nor have they been convicted for a moving traffic violation. To disregard this fact may lead to difficulties in interpreting certain kinds of studies. For example, a number of informal, unpublished studies have been conducted which dealt with the prior record of drivers involved in, responsible for, or contributing to fatal accidents. In most of the studies, it was reported that only a fraction of the drivers had records showing accidents and/or violations prior to the fatal accident.

It would be easy to interpret such results as meaning that drivers who become involved in fatal accidents are no worse than the average driver.

The results of these studies would appear in a much different light, however, if a comparison group of typical drivers had been included. It may be true that only a small part of the drivers involved in fatal accidents had any prior record, but this "small" per cent is more meaningful when compared with the *even smaller* per cent of randomly selected drivers with a prior record.

In an attempt to examine further the driver involved in a fatal accident, the Institute of Government and the North Carolina Department of Motor Vehicles carried out this study. This involved obtaining from the Department's files the names of all drivers involved in fatal accidents in 1955. Of these, 1109 had valid N. C. licenses, and therefore Master Record folders in Raleigh. To match these drivers 1109 folders were selected randomly from the 2,000,000 in the files. Information in the 2218 folders was coded and then transferred to punched cards. The punched cards were analyzed by machine, thus furnishing the data reported in this study.

## **Purpose**

The purpose of this study is to compare drivers involved in fatal accidents with drivers selected at random. The comparison is made with respect to information recorded at the time the driver was licensed and with respect to the accident and violation record the driver built up in the years following licensing. The reason for using these measures becomes obvious upon reviewing an implicit assumption of driver licensing programs.

It is assumed that the tendency to have accidents is often heralded by deficiencies in driving skill and by failure to obey the motor vehicle laws. Thus, on the assumption that deficiencies in driving skill indicate a tendency to have accidents, driver license examinations are required in order to screen out applicants whose driving does not meet the standards. On the further assumption that drivers who violate the law are likely to cause (or be involved in) accidents, driver improvement programs take action toward the persistent violator.

If the preceding assumptions are valid, it would be predicted that drivers who become involved in fatal accidents (as a group) would have indicated this tendency by: (1) poorer than average performance on the license examinations; and (2) more than the average number of violations of the motor vehicle laws. The "average" against which the drivers involved in fatal accidents are compared is a group of drivers selected at random. This study is designed to test the two hypotheses stated above.

## *Defining and Selecting the Samples*

Two sample groups were employed in this study.

1. The Accident Group consists of 1109 North Carolina licensed drivers who were involved in fatal accidents in the state during 1955.

2. The Random Group consists of 1109 North Carolina licensed drivers selected at random from the Master Driver File in Raleigh, North Carolina.

The Accident Group includes most of the drivers involved in fatal accidents in North Carolina in 1955. Missing are approximately 200 drivers whose records were unavailable (out-of-state drivers, unlicensed drivers, etc.). The Random Group was selected by drawing one case from each of some 1100 file drawers in which driver records are filed alphabetically. The file clerks were instructed to select the cases from various parts of the drawers. There are no chauffeur license holders in either group.

This study used "involvement" in a fatal accident as the criterion for membership in the Accident Group. By virtue of using this criterion rather than a more rigid one such as "responsible for" or "contributing to" the fatal accident, it is likely that some "good" drivers are in the Accident Group. No doubt the groups would have been more distinctly different if a more rigid selection procedure had been used for membership

in the Accident Group; however, availability of records dictated the present criterion, and since the results were significant in many respects, it can be assumed that a more rigidly selected sample would have yielded even more significant results.

*Information on which the Groups were Compared*

The two groups were compared with respect to scores on 45 different items of information. These items include such personal data as age, sex, etc. as well as information about the number of previous accidents and violations. In addition, the groups were compared with respect to driver license examination scores such as the rules test, the road sign test, and the "behind-the-wheel" road test. The total road test performance was broken down into individual maneuvers such as the quick stop, parallel parking, use of the clutch, etc.

*Results:*

Although the two groups were compared on the basis of 45 measures as mentioned, only the measures in which there is a significant difference will be reported. The following seven statements describe the ways in which the two groups differed significantly.

1. Drivers in the Accident Group were younger than drivers in the Random Group.
2. There were fewer women in the Accident Group than in the Random Group.
3. The Accident Group had a lower score on the "behind-the-wheel" road test than the Random Group.
4. The Accident Group received lower ratings on parallel parking than the Random Group.
5. The Accident Group received lower ratings on left turn signals than the Random Group.
6. The Accident Group had significantly more violations *before the fatal accident* than the Random Group.
7. A greater percentage of the Accident Group had prior accidents than the Random Group.

The immediately outstanding feature of the results is that only seven measures out of 47 showed significant differences between groups. This is a small proportion and might be interpreted as meaning that the Accident Group was not different from the Random Group. There are, however, several significant findings that should be considered.

Basically, the results show that

there are measures on which the Accident Group and the Random Group score differently. The Accident Group had a lower average score on the road test than did the Random Group. The driving record of the Accident Group was significantly worse (even before the fatal accident) than the Random Group. The two groups do not, however, differ significantly on most of the individual road test maneuvers. The important findings are reported in more detail in the following passages.

1. It was found that drivers in the Accident Group averaged almost two years younger than drivers in the Random Group. This difference is consistent with previous findings which state that younger drivers are involved in more than their share of accidents.

2. The comparison of color of hair was included as a check because there is no reason to assume that color of hair is related to accidents. It would, therefore, be predicted that the various colors of hair would appear in the same proportion in both groups. This was found to be true. Such information could be valuable in giving an indication of an inadequacy in the sample. If differences occurred when there was no reason to expect their occurrence, one might be suspicious that the sample was defective. Since no such differences occurred, there is no evidence that the samples are biased.

3. There were significantly fewer females in the Accident Group than in the Random Group. This is consistent with previous findings showing that women have proportionately fewer accidents than men.

4. The percentage of each race in the Accident and Random Groups was measured. There were no significant differences according to race. The incidence of drivers of various racial origins was virtually the same in the Random Group as in the Accident Group.

5. In most of the individual road test maneuvers, the two groups did not differ significantly in the average rating they received. There are, however, a few important exceptions. In the case of parallel parking, the Accident Group was rated lower than the Random Group. The difference was not large, but it was significant and reliable. Moreover, it was found that the drivers in the Accident Group were rated significantly lower on the left turn signal the second and the third time the maneuver was given. There

were no significant differences on the first left turn signal or on right turn signals.

6. The Accident Group was rated significantly lower than the Random Group on the total score of the road test. The difference was not large (only about one point), but it was reliable and significant.

7. In the Accident Group, the number of violations *prior to the fatal accident* was compared with the number of violations in the Random Group. The Accident Group showed 50% more violations than the Random Group.

8. The percentage of drivers in the Accident Group with prior accidents was significantly higher than the corresponding percentage in the Random Group.

*Discussion:*

The results of this study give cause for both satisfaction and concern. A certain amount of satisfaction is justified because the study is consistent with the belief that the traditional approaches to driver licensing and driver improvement are valid. At the same time, there is cause for considerable concern since the study indicates that the methods used in these programs are probably realizing only a fraction of their potential.

The reason that some satisfaction is justified is that the study shows certain clear-cut differences between the two groups. The Accident Group had a much worse violation record than the Random Group. Also, the total road test performance of the Accident Group was significantly poorer than that of the Random Group. The importance of these findings is underscored by the fact that the differences are based on information gathered *before* the fatal accident happened. This indicates that "symptoms" of a future accident were shown before the accident occurred. Through the refinement and expansion of license examinations, the detection of potentially dangerous drivers can be made more efficient. This will enable state motor vehicle agencies to be more effective in taking action toward drivers who are likely to become involved in serious accidents.

The cause for concern about the programs is seen when the differences between groups are examined further. Although the Accident Group scored consistently lower than the Random Group on the road test, the *extent* of their poorer performance averaged

only one point. Of course, a difference of one point is so small that a given driver license examiner could not predict in advance whether a particular applicant would end up as a typical driver or would end up involved in a fatal accident. The *existence* of the difference indicates that the road test has validity, but the size of the difference is so small as to be of little practical value. Development of the test can, however, increase the size of the difference to a point that the test will have very much practical value.

The smallness of some of the differences found in this study has a number of causes, and these causes bear brief discussion. Taking the total road test score as an example, the first cause of small differences between the groups is the relatively low reliability of the test. A second factor is the restricted range of scores. All of the scores were in the passing category (since the study dealt with licensed drivers only), and the average number of points deducted was only five for the Random Group and six for the Accident Group. Small point deductions are common for applicants who pass the test, because most failures of the road test are the result of single, hazardous or illegal acts. Relatively few drivers receive a low score as result of a repetition of moderately unskillful acts.

The differences between groups with respect to previous violations (convictions) indicate that those in the Accident Group did not drive as well as the average driver (typified by the Random Group) even before the occurrence of the fatal accident. Such results are consistent with the policy of aiming state driver improvement and enforcement programs at the persistent violator.

The differences between groups with respect to certain road test maneuvers indicate that those in the Accident Group were inferior to the typical driver in certain driving practices. The parallel parking maneuver showed a difference that approached statistical significance. It is possible that this maneuver is useful because it tests the applicant's performance in coordinating steering, braking, shifting, use of the clutch, and judgment of small distances.

The next finding is that the Accident Group was rated significantly lower on giving left turn signals. This outcome raises some interesting speculation. Ordinarily on a road test, the

applicant is required to make at least three left turns. At each of these he is, of course, expected to give a hand signal. The rating of the two groups is almost identical for the first signal, but the Random Group showed improvement on the next two signals, whereas the Accident Group became worse. As a result, the Random Group is significantly better on the latter two measures. The results might be interpreted as showing that the Accident Group was careful to signal at first, but became more careless about it as the test progressed. It must be pointed out, however, that such differences did not appear on right turn signals.

Most of the individual maneuvers on the test did not show any significant differences between groups. Nevertheless, the test as a whole (the sum of the individual maneuvers) *did* show significant differences. Thus, some maneuvers, non-significant by themselves, must have contributed to the overall significance of the road test.

#### *Limitations of the Study:*

This study must, of course, be interpreted in the light of its limitations. Some of the obvious limitations are listed as follows:

1. This study was carried out on groups selected "after the fact," in that the groups were selected after the fatal accidents occurred. Eventually, research in this field will have to include carefully controlled systematic experimentation. Such experimentation will be considerably more expensive than the present type of study which was carried out on a negligible budget. While "after the fact" research may be valuable, it is no substitute for more elaborately controlled experimentation.

2. The samples in this study are relatively small. Despite the fact that more than 1000 drivers were included in each group, the combined samples constituted only about one-tenth of one per cent of the licensed drivers in North Carolina. When major research projects are undertaken, samples numbering in the tens of thousands should not seem unreasonable. This is particularly true in the case of research concerning accidents because of the low occurrence rate of accidents within the sample and because of the extreme heterogeneity of the population from which the sample is drawn.

3. The third limitation is one which seems to be inherent in studies of

this sort. The study is limited to licensed drivers. The least skillful drivers are not included in the study because they are not licensed. In conducting research, it is desirable to select widely differing groups and compare their performances. It appears, however, that driver license research must be carried out without the research advantage of the "bad" group.

#### *Conclusions:*

This study has shown that in some significant respects the 1109 North Carolina drivers involved in fatal accidents in 1955 differed from the 1109 North Carolina drivers selected at random as a control group.

1. Drivers involved in fatal accidents had worse than average driving records prior to their fatal accidents.

2. Drivers involved in fatal accidents performed somewhat worse than average in some phases of the original licensing procedure.

3. The data suggest rejection of the idea that drivers who become involved in fatal accidents are typical drivers who show no advance "symptoms" of the kind of driving that might eventuate in a fatal accident.

#### *Recommendations:*

When a driver becomes involved in a serious accident (or even a less serious one), he is in a sense an example of an "error" in the driver licensing process. The fallibility of driver licensing and driver improvement procedures is demonstrated when a potentially dangerous driver is licensed and then causes an accident. It must be conceded that driver licensing cannot become infallible; however, in coming years the scope of driver licensing is likely to grow tremendously. It is not unreasonable to suppose that such important but untapped variables as "attitude" and "personality" will some day be dealt with in driver licensing. Methods are available now which can lead to the refinement of driver licensing procedures to the point that "symptoms" of dangerous driving which now go unnoticed could be used as a basis for issuance and withdrawal of the driver license.

If driver licensing is to develop properly, a great deal of research will have to be carried out. The following passages suggest the need for two such programs of research.

1. Driver license examinations need  
(Continued on page 16)

# The Mooresville Story: Small Town America Fights Back

This is a play-by-play account of recent events in a small North Carolina community. The story is set down here because Mooresville's problem is a common one faced by thousands of small towns throughout the nation. What is uncommon is the fighting spirit of Mooresville people. While most communities afflicted with the "downtown disease" are sitting back and waiting, the people of Mooresville have recognized their predicament and have set out to do something about it. This article tells what they have done thus far.

By Ruth L. Mace

*Institute of Government Research Associate*

April 26, 1958

The Mooresville story could be the script for a film that would have considerable drawing power in every small town in America. Chances are we couldn't make a million on the movie, but if the scheme that culminated in an eventful mid-April day for this small North Carolina town could come to life, it would mean a great deal to the happiness and well being of a great many people—in Mooresville and all over the United States.

The TIME was April 16, 1958.

The PLACE was typical small town America, Mooresville, North Carolina, a small textile community of under 10,000 in Iredell County, less than thirty miles north of Charlotte.

The CAST included the mayor, the town board, the city manager, a room full of Mooresville people—businessmen, civic leaders and just plain everyday citizens, a sprinkling of interested observers from other cities throughout the state, and a group of nine men. Among these nine, who had come to Mooresville from Ohio, Pennsylvania, Arkansas, Illinois and Washington, D. C., were some of the nation's top land developers, commercial and industrial realtors, and investment brokers. Two of the group were full-time staff members of the Urban Land Institute in Washington, D. C., a city planner (the Institute's executive director) and an industrial land expert trained as geographer (secretary of the Institute's Industrial Council).

The ACTION took place in the

courtroom of Mooresville's handsome new Municipal Building, an eye-catching testimonial to the drive and progressiveness of Mooresville's citizens and city administration.

\* \* \*

Let us pick up the meeting in mid-course. Charles E. Joern, Illinois land developer and shopping center promoter, is speaking. "...The Mooresville Plan must work, because if it works here it will help rebuild America. Here you have a shop-worn community—business is off, stores are seedy, townspeople are looking to Charlotte and elsewhere to fill their shopping needs—but you propose to make your business district worthy of being shopped in. If you can bring back the economic vitality of your downtown, you can restore the business health of all of Mooresville, and more. You can show the way to other small towns all over the country who are located in the shadow of large metropolitan cities, and whose business life is being sapped by their neighboring big brothers. You can show small town America that it can fight back."

Now for the FLASH-BACK: What is the Mooresville Plan? How did it get started? How far along the way has it come?

## WHAT IS THE MOORESVILLE PLAN?

The Mooresville Plan is a proposed cure for the "downtown disease" which has afflicted Mooresville and many other towns—small and large—in North Carolina and throughout the

nation. In the first article of this series (*Popular Government*, February, 1958), the "downtown disease" was described in some detail. Parking troubles, traffic congestion, and a general down-at-the-heel look are among its most obvious symptoms. A falling-off in retail sales, vacant stores and offices, decreasing property values and tax delinquency may be other unpleasant manifestations. Surprisingly, this general description of the central business district malady fits almost every American city, though the actual conditions and the industry of the problem vary widely from city to city. The situation in Mooresville may be more aggravated than that of its neighboring cities, but it shares in common with other North Carolina small towns the impact of competition for the hometown shopper's dollars. With widespread automobile ownership and good roads it is easy for Mooresville people to shop in Salisbury, Kannapolis, or Statesville. Of course, nearby Charlotte—with its wide selection of quality merchandise, often offered at lower prices because of volume turnover—is the mammoth competitor.

In the competition for the hometown customer the Mooresville business district has one asset which could secure its future. Automobiles and good roads notwithstanding, Mooresville shops are close to home. If these shops can be made more convenient and enjoyable to shop in, if merchants can expand their offerings to include a wider variety of goods, attractively



displayed, effectively promoted and competitively priced—if these things can be done, Mooresville people and their neighbors within a ten mile radius will increasingly shop at home.

A hard look at the facts will easily convince even the most avid supporter of the Mooresville Plan that whatever is done Charlotte will remain a formidable competitor. But this fact was recognized every step of the way in the conception and development of the Plan. The consultants put it this way: "The main reality in Mooresville's business life is the booming city of Charlotte." In undertaking the program of renewing downtown Mooresville, the Plan's backers saw their town as an intrinsic part of the mushrooming Charlotte metropolitan area, and realistically chose to re-shape its business district in the form of an outlying regional-type shopping center.

The proposal for the physical improvement of Mooresville's central business district, which has been labeled the "Mooresville Plan," is aimed to fill only part of the total need—but a vital part—that of building convenience and attractiveness into a revitalized downtown. This is the way the proposal was set forth in the consultants' report to the town board of commissioners.

"How can convenience be improved? By improving accessibility. A motorist is not a shopper until he becomes a pedestrian. Make it easy for the motorist to become a pedestrian. Provide adequate off-street parking in the business district.

"After the motorist becomes a pedestrian, make it easy, enjoyable, attractive, and safe for him to become a shopper. How can this be done? Sheltered, tree-lined pedestrian ways, readily accessible to parking areas, separated from vehicular traffic; and attractive stores and display areas. Make those changes which will give the old Business District the characteristics of a new modern regional shopping and service center."

To accomplish this proposal, the following specific program was outlined.

1. That the four block central portion of the present business district be redesigned as a single large block.
2. That through traffic eventually be routed around the new super-block.
3. That shoppers' cars and service vehicles be directed into off-street parking and loading facilities.
4. That a central mall eventually

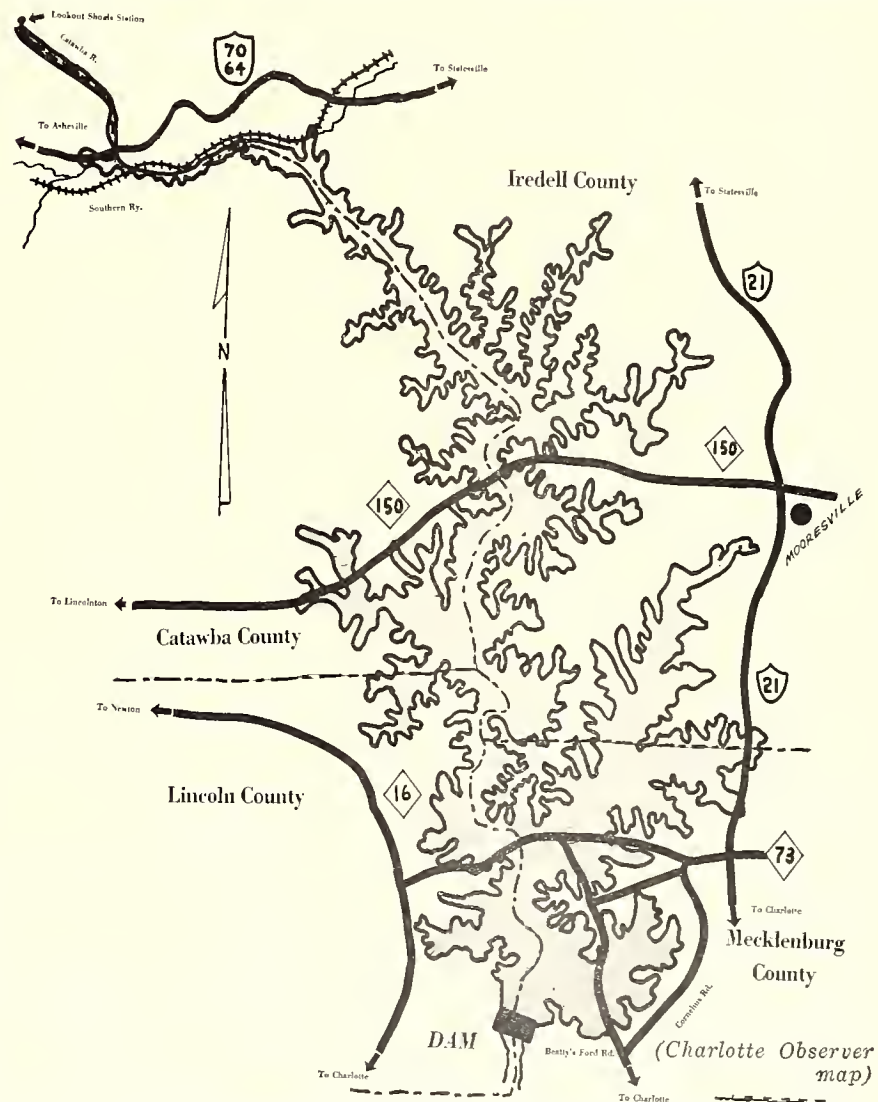
replace a portion of Main Street, uniting the new super-block, and providing for safe, attractive and efficient pedestrian circulation. The mall will be parklike, with planted islands of trees and flowering shrubs. It will be reserved for pedestrians and prohibited to all except emergency vehicles. For the convenience of shoppers, pedestrian walks will connect parking areas with the mall and other store frontages. It is anticipated that new stores, and perhaps some of the old stores, facing a street or the mall on one side and a parking area in the rear, will utilize double fronts in their construction or remodeling.

### HOW DID THE MOORESVILLE PLAN GET STARTED?

Whether or not the Mooresville Plan comes to life, the fact that it was proposed has put Mooresville on the map. Articles about the plan have appeared in magazines with nationwide circulation, such as the *American*

*City* and the *National Municipal Review*. The proposal has captured the interest of business and civic leaders all over the country. And part of this interest is due to the wonder that this little, heretofore unknown part of the world is thinking loud and big and bold. How did the plan get started in Mooresville?

That the Mooresville townspeople adopted the Council-Manager form of government, providing for "an expert in city hall," is an important part of the reason why the plan was conceived in this particular location. The present day city manager, generally trained in a university graduate school of public administration, brings with him to his job not only a familiarity with administrative techniques but a knowledge of accumulated experience in a wide variety of problems that cities and city governments must face and the solutions that have been found to these problems. Put together the practical experience of a good manager with academic training, designed to



Cowan's Ford Lake—could be an important reality at Mooresville's doorstep by 1965.

help him see the relationship among a wide variety of problems, and you have a combination that can contribute not only to efficient city management but to the well being of the community as a whole. Such has been the experience of Mooresville since its first manager, Bob Peck, came to town in 1950.

The story of the Mooresville Plan begins when the present manager took office in September 1955. Ridley Nichol came to Mooresville equipped with a Master's degree in public administration from the University of Pennsylvania and working experience as assistant to the manager of Norfolk, Virginia, and as manager of Marple Township, Pennsylvania, a fast growing community in the Philadelphia area.

It soon became apparent to the town's new manager that there was trouble downtown. In the business area, source of almost one-quarter of the town's property tax receipts, tax delinquency was so widespread that a considerable portion of Manager Nichol's time each week was spent visiting local merchants in an effort to collect the money due the city. As he made his rounds, he stopped to talk and listen. Everywhere he heard the statement, "Business is bad in Mooresville;" and the question, "Why is business not going well with us? Our neighbors, Charlotte, Statesville, Salisbury and Kannapolis seem to be doing all right." At the same time the merchants association and the chamber of commerce were concerned with the inadequacy of parking in the business district. They were trying, without much success, to work out a scheme for developing off-street parking facilities.

Manager Nichol observed these symptoms of what we have been calling the "downtown disease." At the back of his mind was the comment of one of his professors at the University of Pennsylvania and a noted political scientist, to the effect that "The only solution to downtown's ills is to remove vehicular traffic from this congested shopping area." He thought also of the widely publicized Gruen plan for Fort Worth, Texas, which calls for rerouting traffic around the shopping area, distributing parking and service around its periphery, making the main street a pedestrian mall, and enlivening the whole area with carefully executed variety, detail and color. Could not the Fort Worth plan be cut down in scale and adapted to bring renewed vitality to ailing Mooresville? He put

this question to the town's traffic and planning consultant in late 1956 and they began a series of conversations on the possibility.

Early in 1957 the merchants association and the chamber of commerce, stymied in their attempts to secure the necessary land, admitted defeat on their parking efforts and submitted resolutions to the town board requesting that steps be taken by the town officials to procure parking facilities for the business district. In April the town board held public hearings on "going into the parking business" and took positive action. After listening to the recommendations of its planning and traffic consultant with reference to the parking needs of the business district, the board unanimously resolved to secure the needed land, by negotiation or through condemnation if necessary, and to develop off-street parking facilities for the business district.

It was clear from this action that the town board of commissioners was vitally interested in the welfare of downtown Mooresville. With this as mandate, the city manager, together with planning and architectural consultants, moved forward to develop a concrete proposal for a comprehensive approach to solving the difficulties of the business district. By summer of 1957 the proposed plan for revitalizing downtown Mooresville was in the hands of the board of commissioners and the town's merchants. So much for how the Plan came to Mooresville. Now—

#### HOW FAR HAS THE PLAN COME?

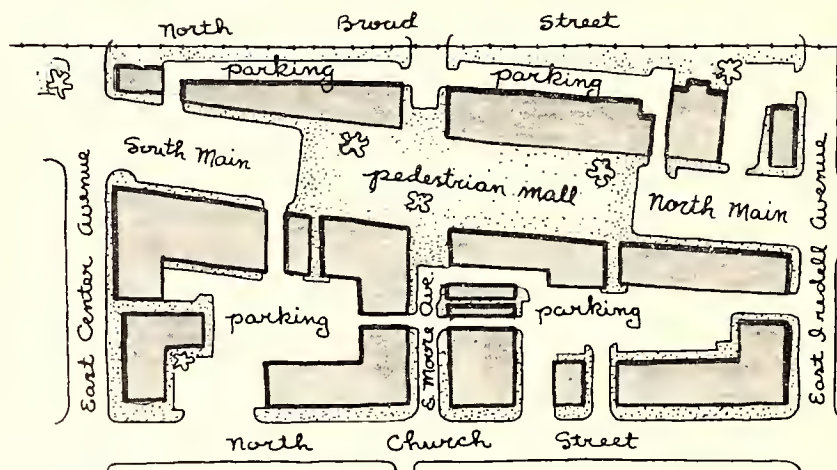
The Plan turned over to the Mooresville town board late last summer met with a favorable response from its members. Some of them were immediately enthusiastic. The town's mayor, Dr. Boyce A. Brawley, endorsed

the startling proposal from the outset and has been pushing for it actively ever since. A feature article about the plan which appeared in the *Charlotte Observer* late in September reports his initial comment, "This fits in exactly with my idea. We don't want Mooresville to be the biggest town in North Carolina but we want it to be the best." These were the first public words that Mayor Brawley spoke in behalf of the Plan. But this was only the beginning. In the weeks that followed he carried the Plan and story of what it might accomplish to the town's civic groups and leaders. A representative sample of what he had to say is quoted from the *Mooresville Tribune* of December 12, 1957, which reported on his talk before the town Rotary Club. On the question of adopting the Mooresville Plan as a stimulant to business he said,

"Manufacturers have to keep pace with their competitors by constantly improving their products, and we have to keep pace with neighboring towns by improving our own. We have the product to do that right here in the Mooresville Plan.

"When people ask, what is wrong with Mooresville, the answer is 'nothing.' Mooresville is made up of individuals and the trouble is with the people themselves rather than the town. Mooresville has the potential to become the finest town in the world. However, before this can happen this potential must be taken off the shelf and put to work.

"The biggest draw-back to this happening is the mental attitude of the people. We go to work the same way every day, but we see nothing really. We are blind mentally. Any change that breaks up the stagnated conditions in the community is looked upon by too many people as too revolutionary. Piedmont North Carolina is undergoing an industrial revolution. Mooresville is right in the middle of the Piedmont and what is happening here? Nothing.



The "Mooresville Plan" is designed to build convenience and attractiveness into a revitalized downtown.

"In its search for new locations industry looks not only at the tax structure and the availability of utilities and labor. The men who make the decisions about such things also take a close look at the people in any area under consideration. . . . A new mental attitude on the part of the people [of this community is essential]."

On the morning following the meeting of the board at which the Plan was presented, copies of the report were distributed to the town merchants by W. J. Haselden, executive director of the chamber of commerce. Haselden quietly handed a copy of the plan, along with a covering letter "inviting comments" to each merchant in town. "Then I kept going," he said. "I knew if I stopped to talk I'd never get through."

The reaction of the merchants was encouraging. Their thinking ran along practical dollars and cents lines. The most common question was, "How much will my share of the remodeling come to?" At least one businessman, who had thought of selling out, decided to "hang on and see what happens. . . ." A ten-man advisory committee composed of business and civic leaders was immediately formed to study the plan.

#### MODEL BRINGS PLAN TO LIFE

Hard on the heels of the public release of the Plan came an offer from the Reynolds Metals Company to build a scale model for the city showing in detail how the plan would change the face of Main Street.

By Thanksgiving the city had made its first tangible contribution to the realization of the plan, at the same time fulfilling its promise to the merchants to provide off-street parking for the business district. Two of the three lots called for in the Plan were completed and put into operation at that time at a cost to the city of approximately \$20,000.

True to its promise, Reynolds Metals presented a model of a single remodeled block to the mayor and members of the town board in mid-January of this year. Although all the local people present at the presentation had seen the original drawings and read the details of the Plan, there was unanimous agreement that the model "does more to bring the plan to life than anything else ever could." One viewer commented, "There is just as much difference in the model and the original drawings as there is in imagining what Jayne Mansfield looks like and seeing her in person!"

While all these things were going on, the wheels were being set in motion for the recent events in and



(Statesville Record and Landmark photo.)  
Max Wehrly (left), executive director of the Urban Land Institute discusses Mooresville's future with its mayor, Dr. Boyce A. Brawley.

around the courtroom of the Municipal Building. J. W. York, Raleigh land developer and president of North Carolina's largest shopping center, Cameron Village (in Raleigh), had gotten wind of the doings in Mooresville. He urged the Mooresville Plan's business backers to stop in to see him in Raleigh.

#### ENTER THE EXPERTS

On a Friday late in January four men made the trip to confer with York about the Mooresville Plan. He was impressed with the idea and said that it sounded good. But he introduced a note of caution. Perhaps Mooresville might be over-reaching itself. "Suppose we see whether the Urban Land Institute expert panel on central business districts will come down to advise you on the feasibility of this scheme." Mr. York explained that the Urban Land Institute is a non-profit organization that devotes its time to studying the problems of city land use and advising city councils and property owners about new ventures in land development. He described how the Institute is set up to advise localities. In addition to its full-time professional staff, which maintains offices in Washington, D. C., the Institute has three main panels of experts—the Central Business District Council, the Industrial Council, and

the Community Builders Council (which is concerned primarily with residential development). Mr. York, who is a member of the board of trustees of the Urban Land Institute, said that he would be attending a meeting of the trustees in New Orleans the following week. He promised to discuss the proposal with the other board members at that time.

The Mooresville businessmen were convinced and they convinced the town board. At a special meeting held on the Monday night following the Raleigh visit the board of commissioners voted to extend an invitation to the Urban Land Institute.

Several weeks later the backstage excitement began. Members of the professional staff of the Institute made their way to North Carolina to start the data collection job preliminary to the panel's up-coming visit. They stopped first in Chapel Hill to find out about Mooresville from outside and then came to Mooresville itself.

Hectic, work-filled days followed for the manager and his staff as they went about assembling the necessary information. They collected basic facts about the town and its people and land. They gathered a tremendous quantity of specific details about the shops and other enterprises in the central business district.

### TELEPHONE SURVEY

And the townspeople helped out in one of the most revealing phases of the data collection process. They conducted a telephone questionnaire on the shopping habits of the people who live in and around Mooresville. Women volunteers were assigned specific pages of the Mooresville telephone directory, and they called every tenth householder. In all they spoke to members of 333 families, and they asked 21 questions. Most of these questions were aimed at finding out where various items are regularly purchased. But several of the questions dealt with what the people wanted for Mooresville in the way of improving it as a place to live.

Not surprisingly, the responses to the questionnaire indicate that a considerable amount of shopping is done by Mooresville people in Charlotte, primarily, but also in the neighboring communities of Statesville, Salisbury, and Kannapolis. Some purchases also are made by mail order. More surprising, is how much shopping is done locally. Perhaps this finding is influenced by the fact that people may be reluctant to admit how much they shop out of town, feeling—with all the recent publicity for the Mooresville Plan—that in some way they are being disloyal to their home town. More positively, the responses to the questionnaire show up types of merchandise which may be missing from the Mooresville mart.

As the weeks went on and the information stockpiled, the impending visit of the experts grew closer. Two weeks before their arrival, a member of the Washington staff set up headquarters in Mooresville to organize the mass of data for convenient reference. The Urban Land Institute team arrived in Mooresville Sunday morning, April 13. Monday and Tuesday, from early morning to late at night, they studied the figures and facts; walked about in the town; visited stores; talked among themselves, with town officials, and with townspeople. They visited neighboring Statesville, Mooresville's chief small town competitor. The big question that they were out to answer was whether the Mooresville Plan was desirable and feasible, but they were also looking into a long list of related problems on which their advice and comment was sought.

### THE EXPERTS REPORT

On Wednesday morning, April 16, the Panel was ready to report to the town board, townspeople and guests assembled in the courtroom of the

Municipal Building. We are now at the point where this article began. A few words about the composition of the Panel are in order before we allow its members to speak for themselves.

The make-up of the Panel was somewhat different from that contemplated by Willie York when he met with Mooresville's merchants last January. It was not composed exclusively of members of the Central Business District Council. In deciding how best to approach the Mooresville proposal, the Urban Land Institute felt that in a town the size of Mooresville the central business district problem could not be considered separately from problems involving the whole community and its economic welfare. Intimately involved in the successful future of downtown Mooresville are the town's possibilities for industrial expansion and residential development. For this reason, the team was made up of experts from all three Councils, industrial and residential, as well as commercial.

Among the forty questions put to the experts by the town board and manager, two were of life and death importance to the town of Mooresville. First, the question of the feasibility of the Mooresville Plan—the big reason for calling upon the Urban Land Institute in the first place. Second, how can Mooresville best stimulate and promote its economic development? The two questions are closely related as are the answers to them. Boyd T. Barnard, Philadelphia realtor, and chairman both of the Mooresville Panel and of the Central Business District Council, put it this way.

"Unless and until something is done to make the central business district more attractive for people to come into, there is little or no use in thinking of trying to exert any influence to attract new industry to Mooresville." But there were separate and distinct answers to each of these questions and to the battery of subordinate questions that accompanied them. Let us summarize the main points that were made.

### ANSWERS TO TWO BIG QUESTIONS

*Question:* Is the Mooresville central business district worth saving, and will the Mooresville Plan do the job?

*Answer:* Yes—to both parts of the question . . . An unequivocal "yes" to the first part, and a qualified "yes" to the second. The qualifications? From U. A. Denker (Wichita investment broker): "You can expect some 'limited' increase in trade as a result of carrying through the plan." Denker was sharply critical of present mer-

chandising methods and business housekeeping. He emphasized that deficiencies in lighting, display, store comfort (only 25% of the business establishments are air conditioned), and the variety of goods offered would have to be dealt with along with physical rehabilitation of the area if the Plan is to succeed. From Willie York: "Mooresville cannot afford not to improve its business district if it wishes to hold the trade it now has." He added some specific comments with respect to the Plan's details, urging the provision of a good deal more parking space; and he suggested the developing of two small malls, rather than one large one, allowing traffic to cross the area between malls. To the question of whether construction of the mall should wait on store modernization, the answer was a decided "no." Construction should begin as soon as possible. Not stated, but surely implied, was the spur that such immediate action would apply to getting the Plan off the drawing board and on to the ground.

*Question:* How can Mooresville best stimulate and promote its economic development?

*Answer:* Both industrial and residential growth could be significant in Mooresville's future. *On industrial development*—the consensus among York, Lawrence Lang (Cleveland industrial realtor) and Earl Hollinshead (Pittsburgh realtor, engineer, and chairman of the Industrial Council) was stated about as follows: "There is nothing in Mooresville today to make the seeker of an industrial site stop and look as he drives through town. Spectacular improvement of the downtown district, such as is now contemplated, can make industrial prospects sit up and take notice. The town can build a distinctive personality of its own, with a reputation for easy living. The aggressive people of Mooresville, by really doing something to improve their community, can attract industry to their town."

Noting that Mooresville has in addition to good government, adequate municipal facilities and services, a supply of intelligent, willing and trainable labor, and good transportation facilities, most of the requisites of good living that make a town an attractive place for an industry to set up housekeeping, the experts pointed to some of the less favorable elements in the picture. Lacking are such important recreational advantages as a country club and an eighteen hole golf

(Continued on page 16)

## CRIMINAL LAW

*Criminal Law—Description of Automobile Search Warrants.* Is a search warrant which describes the automobile to be searched as being located in Mayo Township valid for the search of that automobile when the officers have followed it from Mayo Township to Madison Township and the search is to be made in Madison Township?

To: Bennet Nooe

(A.G.) Yes. G.S. 18-13 provides that "the complaint or information shall describe the place or places to be searched with sufficient particularity to identify the same. . . ." Although some question might well be raised as to whether or not the description of the automobile is sufficient as to "particularities," it is the opinion of this office that the automobile described in the complaint and by reference in the search warrant may be legally searched under the warrant even though the described automobile has been moved from Mayo to Madison Township.

*Criminal Law—Safekeeping of Personal Belongings Taken from Defendant at Time of Arrest.* A police department adopts a policy of taking away all personal articles of a defendant when he is arrested and placed in jail. Occasionally a defendant requests that he be allowed to retain his wallet and pocket money, and insists that the police have no business taking these items from his possession. Are the arresting officers subject to any personal liability as a result of such a policy?

To: William P. Mayo

(A.G.) I find no North Carolina decision on the question whether an arresting officer is authorized to take money from a person arrested at the time of his imprisonment. In general, however, as an incident of lawful arrest, an officer may search the person arrested and take from his person any property which tends to incriminate the prisoner or which would aid him in making an escape. There has been a disposition on the part of some courts that a seizure of money, jewelry and other articles of value is proper on the theory that the prisoner might therewith procure the means of effecting his escape. The better rule, however, seems to be that unless such property is connected with, or constitutes the fruits of the particular crime for which the prisoner was arrested, the officer has no right to take it from him.

It is likewise with the weight of authority that the arresting officer is

## The Attorney General Rules . . .

By M. Alexander Biggs, Jr.

Assistant Director, Institute of Government

under no duty to care for the property lawfully taken from a prisoner other than that care demanded by ordinary prudence.

*Right of Deputy Sheriff Serving on a Fee Basis to Share in the Proceeds of the Sale of Equipment Involved in the Illegal Manufacture and Transportation of Intoxicating Liquors.* Is a deputy who serves on a fee basis entitled to share in proceeds from the sale of equipment that was seized in connection with the illegal manufacture or transportation of intoxicating liquors, when such deputy participated in the seizure of the materials?

To: Jesse Hinson

(A.G.) I find that G.S. 162-7 provides that the sheriff and his deputies in certain counties are entitled to additional compensation for the seizure of such illicit distillery equipment. Your county is not included in that list. In the absence of express statutory authority, it seems very doubtful that deputies serving on a fee basis are entitled to be compensated from the proceeds of the sale of such property.

## GENERAL CONTRACTORS

*General Contractor—Inclusion of Materials Furnished by Owner as Affecting Value of Project.* G.S. 87-1 defines a general contractor as "one who for a fixed price, commission, fee or wage, undertakes to bid upon or to construct any building, highway, sewer main, grading or any improvement or structure where the cost of the undertaking is twenty thousand dollars (\$20,000.00) or more," and further provides that "anyone who shall bid upon or engage in constructing any undertakings or improvements above mentioned in the State of North Carolina costing twenty thousand dollars (\$20,000.00) or more shall be deemed and held to have engaged in the business of general contracting in the State of North Carolina." Can an unlicensed contractor properly perform services valued at an amount not to exceed eighteen thousand dollars, when a city government furnishes materials that will cost, in addition, approximately twenty-seven thousand dollars?

To: Z. Hardy Rose

(A.G.) No. In view of the language

of the statute "where the cost of the undertaking is twenty thousand dollars or more," this office has heretofore expressed the opinion that both the cost of goods and materials furnished by the owner as well as the cost of the labor must be included in determining "the cost of the undertaking." This has been the usual interpretation by the North Carolina Licensing Board for Contractors.

## MOTOR VEHICLES

*Motor Vehicles—Wording of Speeding Charges.* What are the legal consequences of cases in which "speeding in excess of 55 miles per hour in a 55 mile per hour zone" is charged?

To: Charles M. Neaves

(A.G.) Speeding in excess of 55 miles per hour in a zone with that limit is but a single offense regardless of the actual speed involved. The reason for charging a specific speed such as 71 miles per hour is to enable the Department of Motor Vehicles to take action in suspending or revoking the driver's license of the defendant under the provisions of Article 2, Chapter 20 of the General Statutes. If a jury should find that a defendant were guilty of speeding in excess of 55 miles per hour, to wit 71 miles per hour, different action would be taken by the Department than if the jury had simply returned a verdict of speeding in excess of 55 miles per hour. It is therefore suggested that in preparing bills of indictment and warrants the defendant should be charged with "speeding in excess of 55 miles per hour, to wit speeding—miles per hours."

## MUNICIPAL ANNEXATION

*Railroads—"An owner of property" in seeking Municipal Annexation.* G.S. 160-452 provides, "No city or town shall, by virtue of the authority granted in this article, annex any territory in which there are less than 25 legal residents eligible to register and vote unless the owners of all the property proposed to be annexed sign a petition requesting the governing body to annex the territory." Is a railroad company, by reason of its ownership of a right of way, "an

owner of property" within contemplation of this section?

To: George W. Ball

(A.G.) It has been held that the right of way of a railroad company is "abutting property" within the contemplation of Article 9, Chapter 166 of the General Statutes dealing with assessments for street improvements. *Goldsboro v. Railroad*, 241 NC 216; *Durham v. Public Service Company*, 182 NC 333; and *Kinston v. Railroad*, 183 NC 14. Reasoning by analogy from the foregoing, it is the view of this office that a railroad company is "an owner of property" within contemplation of G.S. 160-452.

#### MUNICIPALITIES

*Right of Town Inhabitants to Receive Municipal Services.* Is there any time limit as to when municipal services must be extended to unserved areas within the corporate limits?

To: George A. Oglesby

(A.G.) No. There is no special time limit set by law relating to the expansion of Municipal governmental services to all sections within the corporate limits. The decisions as to just what services shall be extended to what sections so far as lights and running water are concerned are matters largely within the discretion of the governing board of the town. The only recourse you have is to make an effort to persuade the governing body of the town as to the necessity or desirability of extending municipal services within the corporate limits of the town.

*Right of Municipalities to Limit Number of Taxicabs.* (1) Can the governing body of a town grant exclusive taxicab privileges to one or more individuals without violation of the Constitution, or without a special act of the General Assembly? (2) If not, can such town officials limit the number of taxicabs that may operate within the city limits?

To: Garland S. Garris

(A.G.) (1) Article 1, Section 31 of the North Carolina Constitution states that "perpetuities and monopolies are contrary to the genius of a free state and ought not to be allowed." Thus it seems very doubtful that a municipality may grant an exclusive franchise to one or more taxicab companies.

(2) It is an accepted principle of law that when a business such as the taxicab business is so closely related to the people generally as to be of such public concern that a want of

regulation will injuriously affect the public and its general interest, the State may regard the right to carry on that business as a privilege to give or withhold. In this State the General Assembly, in exercising this power, has enacted G.S. 160-200 (36a) which permits the governing bodies of cities and towns to grant franchises to taxicab operators on such terms as they deem advisable, and G.S. 20-87(c), which prevents the Department of Motor Vehicles from issuing cab license until a municipal certificate of "convenience and necessity" is shown. Therefore, it is thought that cities and towns have the power to regulate the number and operation of taxicabs as a valid exercise of their police power.

*Liability of Municipality for Medical Expenses of Prisoners Injured by Persons Other Than Officers or Employees of the Municipality.* A town issues memoranda to the local hospitals and doctors in regard to the payment of medical bills when the town policemen take prisoners to the doctors or hospitals when such prisoners have been injured by persons other than officers or employees of the town. The memoranda state that the town is not liable for hospital or doctor bills for those persons. In view of this action, is the town liable for the medical expenses of prisoners where the injury or sickness in question is not due to any fault of the town?

To: D. F. McGougan, Jr.

(A.G.) In the case of *Spicer v. Williamson*, 191 NC 487, a county was held liable for the services of a physician rendered at the request of the sheriff to a wounded prisoner in his custody, upon an implied promise to pay for such services. In that case the defendant was wounded while resisting arrest and had not yet been placed in jail. The *Spicer case* also involved a judicial interpretation of statutes setting forth the responsibility of counties with respect to providing adequate jail facilities. Except for G.S. 160-2(10), there are no such statutory responsibilities placed upon municipalities, and since the memoranda issued by your town definitely negates any implied promise to pay in the situations referred to in your letter, it is the opinion of this office that your town is not liable to the doctors and hospitals under the circumstances described. This does not mean, however, that the officers have no duty to see to it that the prisoner receives medical and hospital care. A wilful and calloused failure

on the part of the officer to give the prisoner the opportunity to engage medical services might subject the officer personally to damages.

*Right of Corporation Managed by Member of Town Board to Bid on Contract of Purchase by the Town.* Can a corporation managed by a member of the town board bid on rolling equipment to be purchased by the town?

To: Joseph Branch

(A.G.) No. G.S. 14-234 makes it unlawful for any commissioner or director chosen to discharge any trust wherein the State or any city, county or town may be in any manner interested to make any contract for his own benefit under such authority or to be in any manner concerned or interested in making such contract or in the profits thereof either privately or openly, singly or jointly, with another.

It is the view of this office that it would not be safe for the corporation in question to submit a bid to furnish the equipment the town wishes to purchase.

#### PERSONNEL

*Residence Requirements of Director of Municipal Recreation.* Is the director of a municipal recreation department considered a public officer and therefore required to be a resident of the municipality in which he serves?

To: Jesse C. Sigmon, Jr.

(A.G.) No. It is my opinion that this is a position of employment rather than a public office.

#### VETERANS

*Right of Married Child of Veteran Attending N. C. State College under Article 15.* G.S. 116-150 provides that "a scholarship granted pursuant to this Article (which provides certain educational advantages for the children of world war veterans) shall consist of free tuition, room and a reasonable board allowance in any state educational institution. . ." Does a qualified married student who maintains a dwelling for his wife off the campus at his own expense lose his right to a free room as provided for in the statute by reason of his marriage?

To: Collin McKinne

(A.G.) It is the opinion of this office that the student is entitled to a free room as a matter of right and the fact that he is married does not deprive him of this right.

# Should Law Enforcement Officers Have Survivors Benefits?

By DONALD B. HAYMAN

*Assistant Director, Institute of Government*

The murder of Highway Patrolmen W. L. Reece and J. T. Brown last November reminded the entire nation that law enforcement is a dangerous profession. Less publicized were the accidental deaths of four other North Carolina officers last fiscal year, a sheriff, a deputy sheriff, a prison guard, and a constable. Also less publicized was the fact that other than the standard \$10,000 workmen's compensation payment, most of these officers left their widows and families no substantial survivors benefits.

While such accidents may be a part of the price of maintaining peace and order, they result in a grievous loss to the officer's wife and children, to his fellow officers, and to his community. Such accidents are even more tragic when the loss of the breadwinner means a lower standard of living for the family or that the widow must leave small children at home while seeking employment.

Although private insurance might provide adequate benefits, individual officers can not always be convinced that a fatal accident might happen to them. In addition the officers feel that their \$200 to \$350 a month salary is too low to permit them to carry insurance which would come even close to meeting the needs of

their survivors if they are accidentally killed or injured in the prime of life. Although officers cannot afford to be without survivors benefits, they feel that they can't afford them either. Patrolman Reece and Brown, for example, were both under 40. Reece left a wife and three children; Brown a wife and four small children.

## OLD AGE AND SURVIVORS INSURANCE BENEFITS

The federal government has attempted to ease the economic burden of such untimely deaths by including generous survivor's benefits as a part of the Social Security program. The late Senator W. Kerr Scott and Senator Sam Ervin secured an amendment to the Social Security Act to permit policemen in North Carolina to be eligible for such benefits. Mr. Henry Bridges, State Auditor, and Col. James R. Smith, Commanding Officer of the N. C. State Highway Patrol, worked hard to explain the advantages of Social Security to highway patrolmen and other law enforcement officers.

A referendum was held on March 28, 1956 among sheriffs and highway patrolmen belonging to the Law Enforcement Officers' Benefit and Retirement Fund. A majority of the members of the fund voted in favor

of Social Security coverage. However, some of the highway patrolmen who had opposed Social Security coverage threatened legal action to prevent coverage. At this point the Attorney General ruled (1) that the members of the fund did not in fact receive 90 days notice of the referendum as required by law, and (2) that there was not adequate statutory authority for transferring funds for state law enforcement officers to Social Security. For these reasons the referendum was declared null and void.

The highway patrolmen who opposed the extension of Social Security, although in a minority, were sincere in their belief that either they individually or the patrol as a whole would not benefit from the proposed plan. The disadvantages they saw in the proposed plan were as follows: First, many patrolmen felt that they could not finance the retroactive payments. These payments would amount to 2 per cent of the first \$4,200 of their 1956 salary and 2¼ per cent of their subsequent salary. As of May, 1957, the average payment would have been approximately \$100.

Second, although he lives with accidental death, the average patrolman does not believe that he will be killed accidentally. Survivors' benefits therefore seem much less urgent than bread, oleo, shoes, and rent.

Third, survivors' insurance benefits are less attractive than other investments to persons without children or other dependents.

Fourth, the wives of some highway patrolmen work and are covered by Social Security in their own right. Their widow's benefit if they have no children would probably be little larger than the primary benefit they would receive at age 62. To these patrolmen who have no children and whose wives work, Social Security would only be attractive if they live until 65 years of age.

Fifth, some patrolmen have Social Security coverage because of military service, farming activities, or other self employment. To them, coverage is not urgent.

H B 104, a bill introduced in the 1957 General Assembly, would have authorized Social Security coverage of members of the Law Enforcement Officers' Benefit and Retirement Fund. It passed the House but was reported unfavorably by the Senate Appropriations Committee. This bill would have cost the state and the 781 state employee members of the Law Enforcement Officers' Fund slightly over \$60,000 for each year of coverage under Social Security. This bill was reported unfavorably after the General Assembly voted a \$40 a month subsistence allowance for each highway patrolman.

HB 104 would have required an appropriation by the State of 2¼ per cent of the first \$4,200 of annual salary for the 781 state employees who belong to the Law Enforcement Officers' Benefit and Retirement Fund. Each officer would have been required to contribute a like amount. The 1956 referendum would have provided Social Security in addition to full coverage under their present retirement system. Of the total, 728 are officers of the Department of Motor Vehicles. Thirty are State Bureau of Investigation agents. Sixteen are prison guards. Five are ABC officers. The remaining two are officers employed by other state departments.

The funds which are used to finance the retirement payments of the Law Enforcement Officers' Benefit and Retirement Fund are derived from four sources: a five per cent employee contribution, a matching contribution from the \$2.00 court costs collected for this purpose, interest on investments, and a five per

cent voluntary appropriation by the employing governmental unit. The State has been voluntarily matching the state officers contribution by appropriation since the 1949 amendment was adopted. The maximum death benefit payable from the fund is \$1,500 plus a return of the employee's contributions plus interest. Most law enforcement officers have concluded that if they are to provide adequate survivor's benefits for their families they must look to private insurance and Social Security, not to the Law Enforcement Officers' Benefit and Retirement Fund.

However, before state law enforcement officers can be brought under Social Security, the General Assembly must adopt the necessary enabling legislation and a majority of the state officers belonging to the fund must vote in a referendum for Social Security coverage.

#### **SOCIAL SECURITY FOR SHERIFFS AND THEIR DEPUTIES?**

Ninety-nine of the 100 counties have acted to bring all their general employees under Social Security. Perquimans is the only county which has not secured Social Security coverage. However, because all sheriffs and their deputies are eligible for membership in the Law Enforcement Officers' Fund, it is necessary for a referendum to be held among the law enforcement officers of each county belonging to the Fund before they can be brought under Social Security.

The sheriff and his deputies in 33 counties are not now eligible for Social Security. These counties are as follows: Alleghany, Avery, Burke, Clay, Cleveland, Columbus, Currituck, Davidson, Davie, Graham, Granville, Greene, Harnett, Haywood, Hertford, Hyde, Iredell, Jones, Mecklenburg, Montgomery, Pamlico, Perquimans, Randolph, Richmond, Sampson, Stanly, Stokes, Swain, Tyrrell, Warren, Watauga, Yadkin, and Yancey. Two additional counties, Henderson and Northampton, have one officer who is not covered by Social Security.

A referendum will be held May 15 to determine whether the officers of four counties will be brought under Social Security. These counties are Burke, Cleveland, Mecklenburg, and Pamlico. As none of the officers in Burke and Pamlico Counties belong

to the Law Enforcement Officers' Benefit and Retirement Fund, these counties are joining with Cleveland County who has one officer who is eligible to vote in the referendum. If this one officer votes for Social Security coverage, the sheriffs and the deputies in all three counties will be covered under Social Security.

Nathan H. Yelton, Director of the N. C. Public Employees' Social Security Agency, recently announced that all governmental units desiring to bring their law enforcement officers under Social Security should adopt the necessary resolution and notify all officers eligible to vote by June 15. The last referendum date this year will be September 15. To comply with the Federal Social Security Act all employees must be notified of such referendum 90 days prior to the date of the referendum. Counties desiring to bring their officers under Social Security but not having any officers to vote in a referendum should write Mr. Yelton. He will assist in arranging for such counties to join with other counties or towns who have officers eligible to vote in the referendum.

#### **SOCIAL SECURITY FOR MUNICIPAL POLICEMEN?**

Approximately 135 towns have not yet acted to bring their municipal policemen under Social Security. Most of these towns are small with only one or a part-time officer. Eight municipalities will vote on May 15: Aurora, Bryson City, Draper, Mocksville, Rockingham, Shelby, Tryon, and Warrenton.

As indicated above, if any additional municipal officers are to be brought under Social Security this year their governing body should act before June 15.

Any governmental unit holding a referendum before December 31, 1959 may make the coverage agreement effective on January 1, 1956 or the first day of any calendar quarter thereafter. After 1959, officers brought under Social Security can not be given retroactive coverage. This will mean delayed retirement and smaller benefit payments for all officers.

Governmental units desiring information about bringing their law enforcement officers under Social Security should write to Nathan H. Yelton, P. O. Box 2629, Raleigh.



## Books of Current Interest

THE CENTRAL BUSINESS DISTRICT IN TRANSITION, by Shirley F. Weiss, Chapel Hill: The Author, Box 1368, 1957. 44 pp. \$2.00.

At a time when efforts to "revive" the central business district are at the center of many planning programs it is important that the planner have a reliable theoretical framework within which to make his studies and plans. Not a "light" work in any sense, this tightly constructed study is a critical analysis of methods which have been followed in studies of the CBD and in predicting future space requirements. It should be of interest to all serious students of urban development.

A MANAGEMENT GUIDE TO ELECTRONIC COMPUTERS, by William D. Bell. New York 36: McGraw-Hill Book Co., 330 West 42nd Street, 1957. 403 pp. \$6.50.

Designed to answer the questions of the non-technical business man who is interested in the possible use of the new electronic computing systems by his company, this book presents the essentials of a complicated subject very simply and well. Although it is not aimed at the governmental official, the book contains much information of value to such a reader. It describes the various mechanisms involved in a computing system, together with a comparison of the chief design alternatives in each stage, and concludes with a series of "case histories" of firms which have actually placed the new systems into operation.

THE COMMUNITY, by Irwin T. Sanders. New York 10: The Ronald Press Co., 15 East 26th Street, 1958. 431 pp. \$6.00.

Those familiar with the community profiles which have been prepared by Dr. Sanders and his associates will not be surprised at the careful scholarship which has gone into this work. It is not a book for the casual reader, but rather a serious conceptualistic study of the community as a social system. The local governmental official searching for a philosophical background against which to analyze the community in which he works will find a great deal of meat here, if he

is not too easily discouraged by the scholarly mode of presentation.

CITIZENS ORGANIZATION FOR NEIGHBORHOOD CONSERVATION, by William K. Brussat. Chicago 37: National Association of Housing and Redevelopment Officials, 1313 E. 60th Street, 1957. 10 pp. \$2.00.

While slum clearance has caught the public fancy, many planners are convinced that the less dramatic approach of "conserving" neighborhoods where deterioration is only beginning holds much more promise for many of our cities in the long run. Probably Chicago has the greatest amount of experience with this particular phase of urban renewal. This slim pamphlet describes the Chicago experience and furnishes a practical working guide for the official who realizes that the major problem in a conservation program is building citizen support. North Carolina officials, who are only beginning to face up to problems of urban renewal, should have this work in their basic libraries.

TOWARD GOOD HOUSING FOR THE AGING (selected reprints from the Journal of Housing). Chicago 37: National Association of Housing and Redevelopment Officials, 1313 E. 60th Street, 1956. 40 pp. \$1.00.

As the nation's population of "senior citizens" steadily rises, more and more attention is being paid to the special problems of this age group. This selection of articles gives a well-rounded picture of one such problem, together with a bibliography of publications in the field.

SAVING CITIES THROUGH CONSERVATION AND REHABILITATION (selected reprints from the Journal of Housing). Chicago 37: National Association of Housing and Redevelopment Officials, 1313 E. 60th Street, 1956. 35 pp. \$1.00.

This compilation is another basic item for the official interested in grasping quickly the essentials of the new broader-scale "urban renewal" program. It is largely a collection of "news items" which give a picture of activity across the nation, and will serve as a ready reference to the cities which are undertaking particular types of programs.

COUNTER-ATTACK AGAINST SUBTOPIA, by Ian Nairn. London: The Architectural Press, 9-13 Queen Anne's Gate, Westminster, S.W. 1, 1957. Approx. 85 pp. \$2.25.

In England, as in the United States, many architects and planners have been increasingly disturbed by the failure to take aesthetic qualities into account in building our cities. Mr. Nairn goes beyond the point of being disturbed and offers concrete measures which will go far towards reversing the trend toward ugliness that has seemed unassailable. This is an inspiring glimpse of what the future might be.

International Union of Local Authorities. PROBLEMS OF EXPANDING TOWNS. Report prepared . . . for the Hague Congress, June 12-18, 1957. The Hague: 1957. 95 pp.

The Thirteenth Annual Congress of the International Union of Local Authorities was devoted to problems of urban expansion viewed in relation to the effects of this process upon rural areas. Prior to the Congress the IULA issued a questionnaire to its members to serve as a basis for preliminary reports to be submitted by each country. This publication contains: (1) brief summaries of the national reports prepared on the basis of this questionnaire; (2) a general comparative survey of the information contained in the national reports; (3) conclusions drawn by the general rapporteur.

National reports were received from the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Great Britain, India, Iran, Israel, Italy, Japan, Luxembourg, Malaya, Netherlands, Norway, South Africa, Spain, Sudan, Sweden, Switzerland, U.S.A. and Yugoslavia.

PUBLIC ADDRESSES, LETTERS, AND PAPERS OF WILLIAM BRADLEY UMSTEAD, GOVERNOR NORTH CAROLINA, 1953-1954, edited by David Leroy Corbitt. Raleigh: The Council of State, 1957. 414 pp.

This is another volume in that useful series of compilations of the speeches and papers of North Carolina Governors which the State Department of Archives and History has been publishing since 1923. All of Governor Umstead's speeches for which a text was available have been included. A good selection of letters and messages concerning the more

important aspects of the Umstead administration is printed, as is an extensive catalog of the Governor's appointees. Edward L. Rankin, Jr., private secretary and devoted friend of Governor Umstead, contributed the excellent biographical sketch which opens the volume. Copies of this book may be obtained without charge from the Department of Archives and History.

### The Mooresville Story

(Continued from page 10)

course. Few industrial sites are presently available within the city limits. Industrial zoning protections are inadequate. "Firm prices" for industrial land are not quoted. It was stressed that the best chances for attracting industry exist when it is possible "to deliver a packaged deal—a suitable building, site, services, on lease and at a competitive rent." It was further suggested that town government can assure an adequate supply of sites for industrial purposes by (1) extending the city limits; and (2) using its authority to zone land for one mile beyond the corporate limits (with provision for exclusively industrial districts).

*On the possibilities for the expansion of Mooresville as a future residential suburb for Charlotte*—The Panel (and particularly Willie York) felt that this may come to pass in future years as a result of two important anticipated developments, the Charlotte-Canton federal highway (proposed to run less than two miles west of Mooresville) and the projected Cowan's Ford Lake, a 29,000 acre body of water that may be an important reality at Mooresville's doorstep by 1965. The highway-lake combination could mean rapid residential development in Mooresville. The townspeople and their government should be ready for this growth and the challenge it presents. Programs of annexation and extra-territorial zoning will be vital to help guide development along sound lines. (County planning and zoning will also be essential to protect the area around the lake.) Mooresville's merchants must be prepared to serve new shoppers, realizing at the same time that the highway will bring Charlotte's shops closer. They must also recognize the strong possibility

that a new regional shopping center might come into being along the high-way route between Charlotte and Mooresville if Mooresville's retailers do not prepare adequately to meet this new demand.

Along similar lines the Panel made strong arguments for a comprehensive plan for the physical development of the town of Mooresville to guarantee its future attractiveness and livability and serve as a basis for extensive revisions in the present zoning ordinance. Also urged were the adoption and enforcement of a minimum housing standards ordinance and participation in the federally sponsored program for clearance and rebuilding of substandard portions of the town.

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This much—and more—was said in the courtroom of Mooresville's Municipal Building a very short time ago. The men who had been invited to study downtown had done considerably more. Their across-the-board approach had ranged over virtually all of the town's common problems and possibilities. After the Panel's formal presentation they answered a volley of questions from the audience. Then the official meeting disbanded. Small clusters of people lingered to talk, but slowly the building emptied. Townspeople returned to their homes and the visiting experts to theirs.

It remains to bring the Plan's progress up to date. Since the departure of the Urban Land Institute Panel, Mooresville's business leaders have organized for action. On Tuesday evening, April 22, they met together and formally set up "The Civic Action Committee for the Development of a Greater Mooresville." The main purpose of the fourteen-man committee, whose members include local retailers, industrialists, owners of central business district and industrial property, and representatives from the local newspaper and power company, will be to bring the Mooresville Plan to

This is the second in a series of articles on downtown revitalization. This article reports on a program proposed for Mooresville, North Carolina, and describes its progress to date. Future articles will cover developments in Main Street restoration in other cities of North Carolina and elsewhere.

life and to carry through on the recommendations of the Urban Land Institute. To a great extent the future of Mooresville is in their hands. Their efforts will be watched with interest at close range and all over the country.

### A Study of 1,100 Drivers Involved in Fatal Accidents in North Carolina

(Continued from page 5)

to be evaluated in terms of their ability to predict unsafe drivers in advance. In order to accomplish this, it will be necessary to collect and retain detailed information relative to the driver's performance on various phases of the original examinations.

After some years have elapsed and a large number of drivers have had time to amass good or bad records, statistical methods can be used to construct tests based on subsequent driving experience. This procedure could be applied to the written test, road test, signs test and the test of vision.

2. Driver improvement programs need to be evaluated in terms of their effectiveness in controlling and improving drivers. Such a study should inquire into the effectiveness of suspension, probation, warning letters and publicity campaigns in improving drivers. Research should be carried out to find the correlation between accidents and various kinds of violations (in which no accident was involved). Such a study would complement the information already available pertaining to the types of violations charged in accidents and might suggest that some violations are better "predictors" of accidents than others.

Each of the above two topics represents a whole series of studies. To be carried out properly, each step would have to be carefully administered. Control groups would have to be set up, statistical analyses would have to be planned, and the influence of disturbing variables would have to be removed. Obviously, no single motor vehicle department can undertake research of this scope at present. In time, however, these problems must be undertaken if driver licensing is to progress.

# New State Building Code Published

A major milestone on the path toward simplified building regulations for the state was passed this month, when the newly-organized Building Code Council published the 1958 edition of the North Carolina State Building Code. For the first time in many years, governmental officials, members of the construction industry, attorneys, and ordinary citizens may now find under one cover most of the applicable state laws and regulations governing building construction.

Publication of the new Code places North Carolina in the forefront among the states which have tried to bring a measure of uniformity into the area of building regulations, so that architects, engineers, and contractors may practice freely in a number of localities without having to relearn the basic rules of conduct. In addition to the lowered buildings costs which result from the uniform Code, it has meant lower insurance rates and uniform standards of safety for citizens throughout the state.

## Background

North Carolina was a pioneer in the effort to bring about this type of uniformity. As long ago as 1905 it adopted one of the first statewide building laws in the United States (now G.S. 160-115 to 160-154). The state was a pioneer again in 1933 when, recognizing the growing technology involved in construction, the General Assembly first created a Building Code Council of technically-trained citizens to prepare an up-to-date Building Code. In 1936 this Council adopted a Code, which was ratified and adopted by the General Assembly in 1941 and thoroughly revised in 1953.

Despite this progress, the Commission on Reorganization of State Government found in 1955 that the state's other building regulations had proliferated so as to be unrecognized by, or practically inaccessible to, the persons being regulated. These laws were to be found in eleven chapters of the General Statutes, the rules and regulations promulgated by six state agencies, and a multiplicity of local codes and ordinances.

As a means of bringing order out of this chaos, the Reorganization Commission turned again to the Building Code Council. It recommended to the General Assembly that the Council's membership be expanded and reorganized and that the Council be given the primary task of bringing

together the applicable laws and regulations. To aid in this task, the Commission recommended that the Engineering Division of the State Department of Insurance be designated as a staff for the Council.

The General Assembly accepted these recommendations with the passage of Chapter 1138 of the 1957 Session Laws (codified as G.S. 143-136 through 143-143). It was pursuant to this act that the new Code was issued.

The new Code is a joint product of the Council and staff. Architect A. G. Odell, Jr., of Charlotte, is chairman of the Building Code Council. Other members are: vice-chairman T. C. Cooke, Durham; R. F. Boothe, Raleigh; H. B. Foster, Greensboro; A. H. Jeffress, Kinston; Verne G. Moser, Asheville; S. W. Sanders, Jr., Wilmington; J. C. Smith, Jr., Leaksville; and R. E. Vick, Raleigh. Insurance Commissioner Charles F. Gold, Chief Engineer N. E. Cannady, and Council secretary Kern E. Church headed the Insurance Department staff working on the Code.

## Contents

As published, the book of regulations includes (1) the North Carolina State Building Code itself (including a state plumbing code, fire resistance ratings of the National Board of Fire Underwriters, and a code for installation of heat producing appliances, etc.); (2) a compilation of laws and statutory references from the General Statutes which affect the building industry; (3) the Uniform Residential Building Code recommended by the North Carolina Building Inspectors' Association; (4) sanitation regulations issued by the State Board of Health; (5) the state elevator code issued by the Department of Labor; (6) the boiler code issued by the Board of Boiler Rules; and (7) regulations of the Interdepartmental Building Regulation Committee for the circulation and approval of plans by interested state agencies. Thus, interested persons will be able to find (or be made aware of) all of the statutes and regulations bearing upon their particular plans. The importance of this compilation can hardly be overstressed.

The Code itself has not been greatly changed from the 1953 edition, which was modeled closely after the National Building Code of the National Board of Fire Underwriters so as to take maximum advantage of fire insurance

benefits. However, the article dealing with administration and enforcement of the Code has been completely rewritten (complete with statutory references), and the user is given a simple but thoroughgoing statement of the procedures he must follow.

## Distribution

The 1957 statute provides for automatic distribution to a number of state and local officials and for distribution on request to certain other officials (G.S. 143-138). Among the local officials, clerks of superior courts and city clerks of incorporated municipalities are entitled to automatic distribution, while county registers of deeds and the chairmen of boards of county commissioners are entitled to copies on request. In addition, the Council has made distribution to local building inspectors throughout the state.

Paper bound copies of the 600-page volume are available to others from the Department of Insurance, Room 300, Labor Building, Raleigh, at a cost of \$3.00 per copy. Every architect, engineer, contractor, and practicing attorney will find this volume of great value as part of his personal library.

## Local Building Codes

With the adoption of the State Building Code, all existing local building codes were automatically superseded, under the provisions of G.S. 143-138(e). Any municipalities desiring their own codes must take action to have the Building Code Council approve those codes under that statutory subsection. In the absence of such local action, the State Building Code applies throughout the state.

By its terms, the Code exempts from its requirements dwellings and certain other classes of structures. Any municipality or county which wishes to make the Code apply to these classes of structures within its boundaries may adopt a resolution (under G.S. 143-138[b]) giving it this effect. The Code cannot be made to apply to farm buildings located outside of municipalities, however.

As an alternative procedure, a municipality may choose to adopt the Uniform Residential Building Code to supplement the State Building Code. To avoid any legal question, it would be well for the municipality to secure the approval of the Building Code Council for this local regulation.

# Publications for Sale

The following Institute of Government publications are currently available for sale to interested citizens, libraries, and others. Orders should be mailed to the Institute of Government, Box 990, Chapel Hill.

## Bulletins

### County finance bulletins:

#4 An explanation of budgetary and accounting procedures prescribed by the new County Fiscal Control Act. 1955. \$0.50.

#6 Accounting for welfare funds. 1956. \$0.50.

A directory of planning and zoning officials in North Carolina. 1955. \$0.25.

### Municipal finance bulletin:

#1 An explanation of budgetary and accounting procedures prescribed by the new Municipal Control Act. 1955. \$0.50.

#2 How can law enforcement officers be brought under social security? 1957. \$0.50.

1951 legislation affecting property and dog tax administration. 1951. \$0.50.

### Property tax bulletins:

#1 1951 county tax rates. 1952. \$0.50.

#4 How does your county stand? 1953. \$0.50.

#5 1953 legislation affecting property tax administration. 1953. \$0.50.

#6 Property tax assessment notes from other states. 1953. \$0.50.

#7 Amendments to the listing and assessing provisions of the Machinery Act of 1954. \$0.50.

#8 Allowing discounts for the prepayment of property taxes. 1954. \$0.50.

#9 Amendments to the tax collection provisions of the Machinery Act of 1939. 1954. \$0.50.

#10 Collecting property taxes from persons and property in North Carolina outside the taxing unit. 1955. \$0.50.

#12 How does your county stand? Second report. 1955. \$0.50.

#13 The reduction, release, compromise, and refund of county and city property tax claims—revised. 1955. \$0.50.

#14 Property tax changes to be proposed in 1957. 1956. \$0.50.

#15 Tax Study Commission treatment of property tax. 1956. \$0.50.

#16 Property tax statistics. 1957. \$0.50.

#17 1957 legislation affecting property tax administration. 1957. \$0.50.

Purchasing bulletins for local government, monthly: #1, October 1955—. \$1.25 a year; \$0.25 single copy.

## Guidebooks

Administrative procedure: occupational licensing boards, by Paul A. Johnston. 1953. \$2.00.

Cooperative agricultural extension work in North Carolina, by John Alexander McMahon. 1955. \$0.50.

County commissioner responsibility in budget making and administration, by John Alexander McMahon. 1954. (A companion study of County finance bulletin #4). \$1.50.

The foreclosure of city and county property taxes and special assessments in North Carolina, by Peyton B. Abbott. 1944. \$2.50.

Guidebook for accounting in cities, by John Alexander McMahon. 1952. \$2.00.

Guidebook for accounting in small towns, by John Alexander McMahon. 1952. \$1.50.

Guidebook for county accountants, by John Alexander McMahon. 1951. \$2.00.

Guidebook for wildlife protectors, by Willis Clifton Bumgarner. 1955. \$2.00.

Control, by Ernest W. Machen, Jr. 1951. \$0.50.

Guidebook on the jurisdiction of the State Highway Pa-

Investigation of arson and other unlawful burnings, by Richard A. Myren. 1956. \$1.50.

Law enforcement in forest fire protection, by Richard A. Myren. 1956. \$1.00.

Municipal budget making and administration, by John A. McMahon. 1952. (A companion study of Municipal finance bulletin #1). \$1.50.

Notary public guidebook, by Royal G. Shannonhouse and W. C. Bumgarner. 1956. \$2.00.

Preparation for revaluation, by Henry W. Lewis. 1956. \$5.00.

Public school budget law in North Carolina, by John Alexander McMahon. 1956. \$1.50.

Public welfare programs in North Carolina, by John A. McMahon. 1954. \$1.50.

Sources of county revenue, by John Alexander McMahon. 1954. \$1.00.

Sources of municipal revenue, by John Alexander McMahon. 1953. \$1.00.

Traffic control and accident investigation, by the Federal Bureau of Investigation. 1947. \$1.00.

## LAW AND GOVERNMENT

(Succeeding Law and Administration)

The General Assembly of North Carolina—organization and procedure, by Henry W. Lewis. 1952. \$1.50.

The law of arrest, by Ernest W. Machen, Jr. 1950. \$1.50.

—Supplement. 1955. Free.

Legislative committees in North Carolina, by Henry W. Lewis. 1952. \$1.50.

The school segregation decision, by James C. N. Paul. 1954. \$2.00.

Social security and state and local retirement in North Carolina, by Donald B. Hayman. 1953. \$2.00.

Zoning in North Carolina, by Philip P. Green, Jr. 1952. \$3.50.

## Special Studies

Revenues and Service Costs for General Fund Activities: A Special Report on Annexation for the City of Durham. October, 1957. \$5.00. Warren J. Wicker.

Residential Service Costs Durham Water and Sewer Department. September, 1957. \$5.00. Warren J. Wicker.

Are New Residential Areas a Tax Liability? \$1.00. George H. Esser, Jr. December, 1956.

County privilege license taxes in North Carolina . . . , by George H. Esser and John Webb. 1956. \$0.75.

Harbor Island study [Annexation or Incorporation? A report to the people of Harbor Island], by Warren J. Wicker. 1956. \$0.50.

North Carolina old age assistance lien law, by Roddey M. Ligon, Jr. 1955. \$0.75.

Problems involved in separating the Prison System from the State Highway and Public Works Commission, by V. L. Bounds. 1953. \$0.50.

A report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen concerning county-city financial relationships, by John Alexander McMahon and George H. Esser, Jr. 1955. (A companion study of A Study of Seven Large Counties and Seven Large Cities.) \$2.50.

Salaries, working hours, vacation, and sick leave of county employees in North Carolina, by Donald B. Hayman. 1956. \$1.00.

Statutory limits on city license taxes in North Carolina, by George H. Esser, Jr. and John Webb. 1956. \$2.00.

A study of seven large counties and seven large cities, by John Alexander McMahon. 1955. (A companion study of A Report to the Forsyth Board of County Commissioners and the Winston-Salem Board of Aldermen Concerning County-City Financial Relationships.) \$2.50.