

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2170

Short Title: Chadbourn Charter Consolidation.

(Local)

Sponsors: Representative Mercer.

Referred to: Government.

May 30, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 CHADBOURN.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Chadbourn is revised and consolidated
6 to read:

7 **"THE CHARTER OF THE TOWN OF CHADBOURN**
8 **"ARTICLE I. INCORPORATION, CORPORATE POWERS AND**
9 **BOUNDARIES**

10 "Section 1.1. Incorporation. The Town of Chadbourn, North Carolina, in Columbus
11 County and the inhabitants thereof shall continue to be a municipal body politic and
12 corporate, under the name of the 'Town of Chadbourn,' hereinafter at times referred to
13 as the 'Town.'

14 "Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties,
15 rights, privileges and immunities conferred upon the Town of Chadbourn specifically by
16 this Charter or upon municipal corporations by general law. The term 'general law' is
17 employed herein as defined in G.S. 160A-1.

18 "Sec. 1.3. Corporate Limits. The corporate limits shall be those existing at the time
19 of ratification of this Charter, as set forth on the official map of the Town and as they
20 may be altered from time to time in accordance with law. An official map of the Town,
21 showing the current boundaries, shall be maintained permanently in the office of the
22 Town Clerk and shall be available for public inspection. Immediately upon alteration of
23 the corporate limits made pursuant to law, the appropriate changes to the official map

1 shall be made and copies shall be filed in the office of the Secretary of State, the
2 Columbus County Register of Deeds and the appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY**

4 "Sec. 2.1. Mayor and Town Council. The Mayor and the Town Council, hereinafter
5 referred to as the 'Council,' shall be the governing body of the Town.

6 "Sec. 2.2. Town Council; Composition; Terms of Office. The Council shall be
7 composed of five members elected by all the qualified voters of the Town for staggered
8 terms of four years or until their successors are elected and qualified.

9 "Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the
10 qualified voters of the Town for a term of two years or until his or her successor is
11 elected and qualified; shall be the official head of the Town government and preside at
12 meetings of the Council; shall have the right to vote only when there is an equal division
13 on any question or matter before the Council; and shall exercise the powers and duties
14 conferred by law or as directed by the Council.

15 "Sec. 2.4. Mayor Pro Tempore. The Council shall elect one of its members as Mayor
16 Pro Tempore to perform the duties of the Mayor during his or her absence or disability,
17 in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at
18 the pleasure of the other members of the Council.

19 "Sec. 2.5. Meetings. In accordance with general law, the Council shall establish a
20 suitable time and place for its regular meetings. Special and emergency meetings may
21 be held as provided by general law.

22 "Sec. 2.6. Voting Requirements; Quorum. Official actions of the Council and all
23 votes shall be taken in accordance with the applicable provisions of general law,
24 particularly G.S. 160A-75. A quorum shall exist when a majority of the actual
25 membership of the Council, excluding vacant seats, is present.

26 "Sec. 2.7. Compensation; Qualifications for Office; Vacancies. The compensation
27 and qualifications of the Mayor and Council members shall be in accordance with
28 general law. Vacancies that occur in any elective office of the Town shall be filled by
29 appointment as provided in G.S. 160A-63.

30 **"ARTICLE III. ELECTIONS**

31 "Sec. 3.1. Regular Municipal Elections. Regular municipal elections shall be held
32 in each odd-numbered year in accordance with the uniform municipal election laws of
33 North Carolina. Elections are conducted on a nonpartisan basis and the results
34 determined using the nonpartisan plurality method as provided in G.S. 163-292.

35 "Sec. 3.2. Election of Council Members. Two or three council members shall be
36 elected in each regular municipal election, as the respective terms expire.

37 "Sec. 3.3. Election of Mayor. A Mayor shall be elected in each regular municipal
38 election.

39 "Sec. 3.4. Special Elections and Referendums. Special elections and referendums
40 may be held only as provided by general law or applicable local acts of the General
41 Assembly.

42 **"ARTICLE IV. ORGANIZATION AND ADMINISTRATION**

1 "Sec. 4.1. Form of Government. The Town shall operate under the council-manager
2 form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the
3 General Statutes.

4 "Sec. 4.2. Town Manager. The Council shall appoint a Town Manager who shall be
5 responsible for the administration of all departments of the Town government. The
6 Town Manager shall have all the powers and duties conferred by general law, except as
7 expressly limited by the provisions of this Charter, and the additional powers and duties
8 conferred by the Council, so far as authorized by general law.

9 "Sec. 4.3. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a
10 journal of the proceedings of the Council, to maintain official records and documents; to
11 give notice of meetings; and to perform such other duties required by law or as the
12 Council may direct.

13 "Sec. 4.4. Tax Collector. The Town Manager shall appoint a Tax Collector
14 pursuant to G.S. 105-349 to collect all taxes owed to the Town, subject to general law,
15 this Charter and Town ordinances.

16 "Sec. 4.5. Town Attorney. The Council shall appoint a Town Attorney licensed to
17 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
18 the Town, advise Town officials and perform other duties required by law or as the
19 Council may direct.

20 "Sec. 4.6. Fire Chief. The Council shall appoint a Fire Chief qualified to perform
21 the duties of chief of the Chadbourn Volunteer Fire Department and Rescue Squad.

22 "Sec. 4.7. Other Administrative Officers and Employees. The Council may
23 authorize other positions to be filled by appointment by the Town Manager, and may
24 organize the Town government as deemed appropriate, subject to the requirements of
25 general law.

26 "ARTICLE V. ADDITIONAL PROVISIONS

27 "Sec. 5.1. Alcoholic Beverage Control Stores. Alcoholic Beverage Control Stores
28 shall operate within the Town of Chadbourn as provided in Chapter 1141, Session Laws
29 of 1949, and Chapter 18B of the General Statutes."

30 Sec. 2. The purpose of this act is to revise the Charter of the Town of
31 Chadbourn and to consolidate certain acts concerning the property, affairs and
32 government of the Town. It is intended to continue without interruption those
33 provisions of prior acts which are expressly consolidated into this act, so that all rights
34 and liabilities which have accrued are preserved and may be enforced.

35 Sec. 3. This act does not repeal or affect any acts concerning the property,
36 affairs or government of public schools, or acts validating official actions, proceedings,
37 contracts or obligations of any kind.

38 Sec. 4. All acts in conflict with this act are repealed. The following acts,
39 having served the purposes for which they were enacted or having been consolidated
40 into this act, are expressly repealed:

41 Chapter 93, Private Laws of 1883
42 Chapter 382, Private Laws of 1909
43 Chapter 398, Private Laws of 1911
44 Chapter 585, Public-Local Laws of 1911

1 Chapter 212, Session Laws of 1951
2 Chapter 1121, Session Laws of 1955
3 Chapter 967, Session Laws of 1957
4 Chapter 1014, Session Laws of 1957
5 Chapter 896, Session Laws of 1959
6 Chapter 1, Session Laws of 1961, except for Section 2
7 Chapter 1, Session Laws of 1965
8 Chapter 738, Session Laws of 1967
9 Chapter 935, Session Laws of 1969
10 Chapter 211, Session Laws of 1977
11 Chapter 38, Session Laws of 1989

12 Sec. 5. Chapter 1141, Session Laws of 1949, as it applies to Chadbourn only,
13 is deemed amended to change each reference to "G.S. Chapter 18," or the equivalent, to
14 "G.S. Chapter 18B." References to particular sections or Articles of former G.S.
15 Chapter 18 are deemed amended to refer to the provisions of current G.S. Chapter 18B
16 which most closely correspond, and as they may be later amended or recodified.

17 Sec. 6. The Mayor and Council members serving on the date of ratification
18 of this act shall serve until the expiration of their terms. Thereafter those offices shall
19 be filled as provided in Articles II and III of the Charter contained in Section 1 of this
20 act.

21 Sec. 7. This act does not affect any rights or interests which arose under any
22 provisions repealed by this act.

23 Sec. 8. All existing ordinances, resolutions and other provisions of the Town
24 of Chadbourn not inconsistent with the provisions of this act shall continue in effect
25 until repealed or amended.

26 Sec. 9. No action or proceeding pending on the effective date of this act by or
27 against the Town or any of its departments or agencies shall be abated or otherwise
28 affected by this act.

29 Sec. 10. If any provision or application of this act is held invalid, such
30 invalidity shall not affect other provisions or applications of this act which can be given
31 effect without the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

33 Sec. 11. Whenever a reference is made in this act to a particular provision of
34 the General Statutes, and such provision is later amended, superseded or recodified, the
35 reference shall be deemed amended to refer to the amended General Statute, or to the
36 General Statute which most clearly corresponds to the statutory provision which is
37 superseded or recodified.

38 Sec. 12. This act is effective upon ratification.