

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 921
SENATE BILL 1497

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEBORO.

The General Assembly of North Carolina enacts:

Section 1. Sec. 1.4 of the Charter of the City of Asheboro being Chapter 481, Session Laws of 1967, is amended by deleting the last sentence therein.

Sec. 2. Sec. 3.3(c) of the Charter of the City of Asheboro is amended by deleting the word "Councilman" each time it appears therein and substituting in lieu thereof the words "Council Member."

Sec. 3. Sec. 3.4 of the Charter of the City of Asheboro is amended by deleting the word "Councilmen" in the caption and substituting in lieu thereof the words "Council Members."

Sec. 4. Sec. 3.5 of the Charter of the City of Asheboro is amended by deleting the word "Councilman" as it appears therein and substituting in lieu thereof the words "Council Member," and by deleting the word "July" as it appears therein and substituting in lieu thereof the word "January."

Sec. 5. Sec. 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, and 4.10 of the Charter of the City of Asheboro are repealed and the following new sections added:

"Sec. 4.11. Filing of Candidates. Each qualified person who would offer himself as a candidate for nomination for the office of Mayor or Council member shall file with the Randolph County Board of Elections a statement giving notice of his candidacy for such nomination. Such statement shall be filed not earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August preceding the election, shall be accompanied by payment of a nonrefundable filing fee as determined by the City Council, which shall not be less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought, and shall be in the form as provided for under G.S. 163-294.2(a).

Sec. 4.12. Posting and Publication of List of Candidates; Notice of Primary. The board of elections shall exercise its powers and duties as provided for under G.S. 163-33(8).

Sec. 4.13. When Primary Required. If more than two candidates file for nomination for the office of Mayor, then a primary election shall be held to nominate two candidates for the office of Mayor in the regular municipal election. If more than 14 candidates file for nomination for the office of Council Member, then a primary election shall be held to nominate 14 of such candidates for the office of Council Member in the regular municipal election. If a primary is held for any office, then the names of the candidates nominated for such office in such primary, and the names of no

other candidates for such office, shall appear on the official ballots at the regular municipal election.

Sec. 4.14. Time of Primary if Required. If a primary election shall be required for any office, then the same shall be held on the fourth Tuesday before the regular municipal election, under the same laws, rules and regulations applicable to the regular municipal election.

Sec. 4.15. Primary Ballots. If a primary election is required, the board of elections shall cause primary ballots to be printed and authenticated with the signature of the chairman of the board of elections or a facsimile thereof. The ballots shall be printed as provided for under G.S. 163-299.

Sec. 4.16. Results of Primary. The board of elections shall follow the procedures as provided for under G.S. 163-294.

Sec. 4.17. Regular Municipal Election Ballots. The board of elections shall follow the procedures as provided for under G.S. 163.299.

Sec. 4.18. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in November of each odd-numbered year. In each election, there shall be elected by the qualified voters of the city a Mayor and seven Council members.

Sec. 4.19. Regulation of Elections. All municipal elections shall be conducted in accordance with Chapter 163 of the General Statutes of North Carolina relating to municipal elections."

Sec. 6. Sec. 7.2 of the Charter of the City of Asheboro is amended by adding after the word "Collector" in line two thereof the following words: ", or the City Council may contract with an outside agent,".

Sec. 7. Sec. 7.3 of the Charter of the City of Asheboro is amended by deleting the words "City Accountant" in the caption and substituting in lieu thereof the words "Finance Officer" and deleting the words "City Accountant" as it appears on lines one and two and substituting in lieu thereof the words "Finance Officer"; and deleting the words "Municipal Fiscal Control Act" as it appears in line three and substituting in lieu thereof the words "Local Government Budget and Fiscal Control Act".

Sec. 8. Sec. 7.4 of the Charter of the City of Asheboro is amended by deleting the words "City Accountant" in line three and substituting in lieu thereof the words "Finance Officer".

Sec. 9. Sec. 8.1 of the Charter of the City of Asheboro is amended as follows:

- (1) By deleting the word "depository" in line three and substituting in line three thereof the word "depositories."
- (2) By deleting the word "institution" in line three and substituting in lieu thereof the word "institutions."
- (3) By deleting the words "Municipal Fiscal Control Act" in line nine and substituting in lieu thereof the words "Local Government Budget and Fiscal Control Act".

Sec. 10. Section 8.3 of the Charter of the City of Asheboro is repealed.

Sec. 11. Section 9.1 and Section 9.2 of the Charter of the City of Asheboro are repealed and the following new section added:

"Sec. 9.3. Use and Disposal of Real or Personal Property. The City Council shall have the power granted by Chapter 160A, Article 12, of the General Statutes to sell or lease any real or personal property."

Sec. 12. Section 10.1 of the Charter of the City of Asheboro is amended by deleting all of subsection (a) and subsection (b) and substituting the following subsection (a) and subsection (b):

"(a) The City of Asheboro Police Force shall have all the powers invested in law enforcement officers by statute or common law within the corporate limits of the City and these powers shall be extended one mile outside of the corporate limits of the City.

(b) The jurisdiction of the City of Asheboro Police Force shall include all property owned by or leased to the city, whether located within or outside the corporate limits."

Sec. 13. Section 11.5 of Charter of the City of Asheboro is amended by deleting the words "Article 9, Chapter 160" and substituting in lieu thereof the words "Article 10, Chapter 160A."

Sec. 14. Section 11.6 of the Charter of the City of Asheboro is amended by deleting the words "Article 9, Chapter 160" and substituting in lieu thereof the words "Article 10, Chapter 160A."

Sec. 15. Section 12.1 of the Charter of the City of Asheboro is amended by deleting the words "G.S. 160-241" in line three and substituting in lieu thereof the words "G.S. 160A-216."

Sec. 16. Section 13.2 of the Charter of the City of Asheboro is amended as follows:

(a) By deleting the words "one mile" in line three and substituting in lieu thereof the words "the zoning jurisdiction."

(b) By deleting the words "Article 15 of Chapter 160" in line seven and substituting in lieu thereof the words "Article 19 of Chapter 160A."

(c) By deleting the words "pursuant to G.S. 160-200(28)" in line eight.

Sec. 17. Sec. 1.5 of the Charter of the City of Asheboro, as added by Chapter 170, Session Laws of 1979, is repealed.

Sec. 18. Sec. 14.4(d) of the Charter of the City of Asheboro is amended by deleting the words "of the Airport Authority in the airport fund as provided in Section 14.6" beginning in line eight and substituting in lieu thereof the words "appropriated to the Airport Authority in each annual budget ordinance".

Sec. 19. Sec. 14.6 of the Charter of the City of Asheboro is repealed.

Sec. 20. Sec. 15.2 of the Charter of the City of Asheboro is amended by deleting the words "one hundred dollars (\$100.00)" in line four and substituting in lieu thereof the words "five hundred dollars (\$500.00)."

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1990.