

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 934
SENATE BILL 967

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
SELMA.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Selma is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF SELMA.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Selma, North Carolina in Johnston County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Selma,' hereinafter at times referred to as the 'Town.'

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

"Sec. 1.3. **Corporate Limits.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Johnston County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Town Council; Composition.** The Town Council, hereinafter referred to as the 'Council,' shall be the governing body of the Town. The Council shall be composed of four members and the Mayor.

"Sec. 2.2. **Council Members; Terms of Office.** Four Council members shall be elected at large by all the qualified voters of the Town for staggered terms of four years or until their successors are elected and qualified.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the Town for a term of two years or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and preside at meetings of the Council, shall have the right to vote on all matters before

the Council, and shall exercise the powers and duties conferred by law or as directed by the Council.

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

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

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

"Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Council shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled in accordance with the provisions of G.S. 160A-63.

"ARTICLE III. ELECTIONS.

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

"Sec. 3.2. **Election of Mayor.** A Mayor shall be elected in each regular municipal election.

"Sec. 3.3. **Election of Council.** Two Council members shall be elected in each regular municipal election, as the respective terms expire.

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

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

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

"Sec. 4.4. **Tax Collector.** The Manager shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

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

"Sec. 4.6. **Other Administrative Officers and Employees.** The council may authorize other positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE V. PUBLIC IMPROVEMENTS.

"Sec. 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In addition to any authority granted by general law, the Council may, without the necessity of a petition, order street improvements and assess the total costs thereof against abutting property, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes, upon the following findings of fact:

- (1) The street improvement project does not exceed 2,500 linear feet; and
- (2) a. Such street or part thereof is unsafe for vehicular traffic or creates a safety or health hazard and it is in the public interest to make such improvements; or
- b. It is in the public interest to connect two streets or portions of a street already improved; or
- c. It is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with street classification and improvement standards established by the Town, as applied to the particular street or part thereof.

"Sec. 5.2. **Street Improvements; Definition.** For the purposes of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way, and construction or reconstruction of curbs, gutters, and street drainage facilities.

"Sec. 5.3. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In addition to any authority granted by general law, the Council may, without the necessity of a petition, order sidewalk improvements or repairs according to standards and specifications of the Town, and assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes; provided that regardless of the assessment basis or bases employed, the Council may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Sec. 5.4. **Procedure; Effect of Assessment.** In ordering public improvements without a petition and assessing the costs thereof under authority of this Article, the council shall comply with the procedures required by Article 10 of Chapter 160A of the General Statutes except those provisions relating to petitions of property owners and

sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE VI. ADDITIONAL PROVISIONS.

"Sec. 6.1. **Firemen's Supplemental Retirement Fund.** The Selma Firemen's Supplemental Retirement Fund shall continue as authorized by Chapter 614, Session Laws of 1987."

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

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

Sec. 4. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

- Chapter 16, Private Laws of 1872-73
- Chapter 135, Private Laws of 1887
- Chapter 67, Private Laws of 1897
- Chapter 205, Private Laws of 1901
- Chapter 186, Private Laws of 1911
- Chapter 116, Private Laws of 1915
- Chapter 30, Private Laws of 1919
- Chapter 191, Private Laws of 1925
- Chapter 214, Private Laws of 1925
- Chapter 9, Private Laws of 1933
- Chapter 54, Private Laws of 1933
- Chapter 225, Private Laws of 1933
- Chapter 145, Private Laws of 1935
- Chapter 277, Public-Local Laws of 1937
- Chapter 373, Session Laws of 1953
- Chapter 1261, Session Laws of 1953
- Chapter 967, Session Laws of 1955
- Chapter 22, Session Laws of 1957
- Chapter 112, Session Laws of 1959
- Chapter 177, Session Laws of 1961
- Chapter 379, Session Laws of 1963
- Chapter 606, Session Laws of 1963
- Chapter 458, Session Laws of 1965.

Sec. 5. The Mayor and Council members serving on the date of ratification of this act shall serve until the expiration of their terms. Thereafter those offices shall be filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

Sec. 6. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 7. All existing ordinances, resolutions, and other provisions of the Town of Selma not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 8. No action or proceeding pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by this act.

Sec. 9. If any provision or application of this act is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives