

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 461

Short Title: Lowell Charter Revision.

(Local)

Sponsors: Representatives Joye, Gamble; Berry, Dickson, Lutz, C. Preston, and Weatherly.

Referred to: Local and Regional Government I.

March 23, 1993

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

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the City of Lowell is revised and consolidated to
6 read as follows:

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

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

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

17 "Sec. 1.3. **Corporate Limits.** The corporate limits shall be those existing at the
18 time of ratification of this Charter, as set forth on the official map of the City and as
19 they may be altered from time to time in accordance with law. An official map of the
20 City, showing the current boundaries, shall be maintained permanently in the office of
21 the City Clerk and shall be available for public inspection. Immediately upon alteration
22 of 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 Gaston
2 County Register of Deeds and the appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY.**

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

6 "Sec. 2.2. **Council Members; Terms of Office.** The Council shall be composed of
7 five members elected at large by all the qualified voters of the City for terms of two
8 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 City for a term of two years or until his or her successor is elected
11 and qualified. The Mayor shall be the official head of the City government and preside
12 at meetings of the Council, shall have the right to vote only when there is an equal
13 division on any question or matter before the Council, and shall exercise the powers and
14 duties 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
16 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
17 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
18 capacity at the pleasure 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. The quorum provisions of G.S. 160A-74 shall apply.

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

29 **"ARTICLE III. ELECTIONS.**

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

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

36 "Sec. 3.3. **Election of Council.** Council members shall be elected in each regular
37 municipal election, as their terms expire.

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

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

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

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

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

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

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

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

20 "ARTICLE V. ADDITIONAL PROVISIONS.

21 "Sec. 5.1. **Police Power.** The City may adopt and enforce within its corporate
22 limits and within one mile thereof police power regulations not inconsistent with the
23 General Statutes of North Carolina and all amendments thereto."

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

29 Sec. 3. This act does not repeal or affect any acts validating official actions,
30 proceedings, contracts, or obligations of any kind.

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

33 Chapter 62, Private Laws of 1879

34 Chapter 166, Private Laws of 1889

35 Chapter 64, Private Laws of 1909

36 Chapter 212, Private Laws of 1927

37 Chapter 194, Private Laws of 1929

38 Chapter 283, Session Laws of 1955

39 Chapter 359, Section 1, Session Laws of 1955

40 Chapter 340, Session Laws of 1961

41 Chapter 497, Session Laws of 1963.

42 Sec. 5. The Mayor and Council members serving on the date of ratification
43 of this act shall serve until the expiration of their terms. Thereafter those offices shall

1 be filled as provided in Articles II and III of the Charter contained in Section 1 of this
2 act.

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

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

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

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

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

20 Sec. 11. This act is effective upon ratification.