

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 664

Short Title: Plymouth Charter Revision.

(Local)

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Sponsors: Senator Martin of Pitt.

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Referred to: Local Government and Regional Affairs

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April 11, 1995

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

**"THE CHARTER OF THE TOWN OF PLYMOUTH.**

**"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.**

"Section 1.1. **Incorporation.** The Town of Plymouth, North Carolina in Washington County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Plymouth', 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 Plymouth 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,

1 showing the current municipal boundaries and the boundaries of the wards therein, shall  
2 be maintained permanently in the office of the Town Clerk and shall be available for  
3 public inspection. Upon alteration of the corporate limits or wards pursuant to law, the  
4 appropriate changes to the official map shall be made and copies shall be filed in the  
5 office of the Secretary of State, the Washington County Register of Deeds and the  
6 appropriate board of elections.

## 7 "ARTICLE II. GOVERNING BODY.

8 "Sec. 2.1. **Town Governing Body; Composition.** The Mayor and the Town  
9 Council, hereinafter referred to as the 'Council', shall be the governing body of the Town.

10 "Sec. 2.2. **Town Council; Composition; Terms of Office.** The Council shall be  
11 composed of six members who shall each be elected for terms of two years or until their  
12 successors are elected and qualified.

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

19 "Sec. 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as  
20 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or  
21 disability, in accordance with general law. Alternatively and notwithstanding the  
22 provisions of general law, the Council may elect to have the Mayor appoint one of the  
23 Council members to act as Mayor Pro Tempore. The Mayor Pro Tempore shall serve in  
24 such capacity at the pleasure of the Council.

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

28 "Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Council and all  
29 votes shall be taken in accordance with the applicable provisions of general law,  
30 particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

31 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation  
32 and qualifications of the Mayor and Council members shall be in accordance with general  
33 law. Vacancies shall be filled by appointment of the Council as provided by general law.

## 34 "ARTICLE III. ELECTIONS.

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

39 "Sec. 3.2. **Ward Boundaries.** The Town shall be divided into three wards. The  
40 ward boundaries are those existing at the time of ratification of this Charter, as set forth  
41 on the official map of the Town and as they may be altered from time to time in  
42 accordance with general law.

1 "Sec. 3.3. **Election of Governing Body.** Six Council members and a Mayor shall be  
2 elected in each regular municipal election. The qualified voters of the Town voting at  
3 large shall elect a Mayor, and shall elect two Council members from each of the three  
4 wards, all to serve for terms of two years, or until their successors are elected and  
5 qualified. In each election, the candidate for Mayor who receives the largest number of  
6 votes cast for Mayor shall be declared elected, and the two candidates for Council  
7 member from each ward who receive the highest number of votes cast for candidates who  
8 reside in the ward wherein they reside shall be declared elected.

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

#### 11 "ARTICLE IV. TOWN MANAGER.

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

15 "Sec. 4.2. **Town Manager; Appointment; Powers and Duties.** The Council shall  
16 appoint a Town Manager who shall be the administrative head of the Town government  
17 responsible for the administration of all departments. The Town Manager shall be  
18 appointed with regard to merit only. The Town Manager shall hold office at the pleasure  
19 of the Council and shall receive such compensation as it shall fix by ordinance. The  
20 Town Manager shall have all the powers and duties conferred by general law, except as  
21 expressly limited by the provisions of this Charter, and the additional powers and duties  
22 conferred by the Council, so far as authorized by general law.

#### 23 "ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

24 "Sec. 5.1. **Town Attorney.** The Council shall appoint a Town Attorney licensed to  
25 practice law in North Carolina. It shall be the duty of the Town Attorney to represent the  
26 Town, to advise Town officials and to perform other duties required by law or as the  
27 Council may direct.

28 "Sec. 5.2. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a  
29 journal of the proceedings of the Council, to maintain official records and documents, to  
30 give notice of meetings, and to perform such other duties required by law or as the  
31 Manager may direct.

32 "Sec. 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all taxes  
33 owed to the Town and perform those duties specified in G.S. 105-350 and such other  
34 duties as prescribed by law or assigned by the Town Manager. Notwithstanding the  
35 contrary provisions of G.S. 105-349, the Manager may appoint and remove the Tax  
36 Collector and one or more Assistant Tax Collectors.

37 "Sec. 5.4. **Other Administrative Officers and Employees.** The Council may  
38 authorize other positions to be filled by appointment by the Town Manager, and may  
39 organize the Town government as deemed appropriate, subject to the requirements of  
40 general law. All appointments and removals made by the Town Manager shall be  
41 reported to the governing body at the next meeting thereof following such appointments  
42 and removals.

#### 43 "ARTICLE VI. POLICE.

1 "Sec. 6.1. **Police Jurisdiction.** The Town police force shall have extraterritorial  
2 jurisdiction as provided by G.S. 160A-286 and as provided by Section 2 of Chapter 93 of  
3 the Session Laws of 1965.

4 **"ARTICLE VII. EXTRATERRITORIAL JURISDICTION.**

5 "Sec. 7.1. **Extraterritorial Jurisdiction.** The Town in exercising the extraterritorial  
6 zoning authority granted under G.S. 160A-360 is prohibited from exercising such  
7 authority over any territory located outside the boundaries of Washington County, as  
8 specified by Chapter 450 of the Session Laws of 1965."

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

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

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

19 Chapter 48, Laws of 1807

20 Chapter 54, Laws of 1810

21 Chapter 56, Laws of 1813

22 Chapter 60, Private Acts of 1821

23 Chapter 110, Private Acts of 1825

24 Chapter 315, Private Acts of 1850-51

25 Chapter 121, Private Laws of 1856-57

26 Chapter 62, Private Laws of 1881

27 Chapter 79, Private Laws of 1889

28 Chapter 339, Private Laws of 1891

29 Chapter 269, Private Laws of 1895

30 Chapter 213, Private Laws of 1903

31 Chapter 20, Private Laws of 1911, Sections 5-9

32 Chapter 16, Private Laws of 1915, except for Section 1

33 Chapter 186, Public-Local Laws of 1939

34 Chapter 215, Public-Local Laws of 1941

35 Chapter 624, Session Laws of 1947

36 Chapter 25, Session Laws of 1949

37 Chapter 195, Session Laws of 1949

38 Chapter 233, Session Laws of 1951

39 Chapter 766, Session Laws of 1953

40 Chapter 79, Session Laws of 1957

41 Chapter 1127, Session Laws of 1957

42 Chapter 449, Session Laws of 1965

43 Chapter 203, Session Laws of 1967, except for Section 3

1 Chapter 251, Session Laws of 1969  
2 Chapter 187, Session Laws of 1973.

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

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

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

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

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

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

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