

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 504
HOUSE BILL 791

AN ACT TO REVISE THE CHARTER OF THE TOWN OF DALLAS, IN GASTON
COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the Town of Dallas, in the County of Gaston, State of North Carolina shall continue to be and constitute a body politic and corporate within the boundaries as established in Section 3 of this Charter or as hereafter established in the manner provided by law, may have and use a corporate seal, and shall have perpetual succession under the name and style of Town of Dallas and as such shall have all franchises, powers, property and rights of property, privileges and immunities which now belong to the Town of Dallas under this or any other name or names and shall be subject to all its present liabilities; and, under this name shall have, acting through its Board of Aldermen, among other things, power to make and provide for the execution of such ordinances for the Town of Dallas as they may deem proper not inconsistent with the laws of the land, and the Town of Dallas shall have, in addition to the powers now or hereafter granted to municipalities under the general law of the State of North Carolina, and is specifically granted, the following powers:

- (1) Those prescribed by statute and those necessarily implied by law;
- (2) To sue or be sued;
- (3) To acquire and hold such estates for municipal purposes as may be devised, bequeathed, sold, leased, purchased or in any manner conveyed to it voluntarily or by condemnation, both within or without its corporate limits;
- (4) To manage, invest, sell, lease or dispose of such estates, as shall be deemed advisable by the proper authorities of the Town of Dallas and in conformity with this Charter and the law of North Carolina;
- (5) To contract or be contracted with;
- (6) To levy, assess and collect such taxes and special assessments as are authorized by law;
- (7) To purchase, hire, construct, own, maintain and operate or lease local public utilities and to furnish local public services both within and without the Town of Dallas and to grant public utility franchises and to regulate the exercise thereof;
- (8) To condemn land required for any governmental purpose both within and without the corporate limits, and in such excess as may be required to protect or preserve same, under the same procedure as now or hereafter provided in Chapter 40, Eminent Domain, Article 2, General Statutes of North Carolina;

(9) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility;

(10) To adopt and enforce within its corporate limits and within one mile thereof police, sanitary and other police power regulations not inconsistent with the General Statutes of North Carolina and all amendments thereto;

(11) To borrow money within the limits prescribed by law;

(12) To appropriate the money of the town for all lawful purposes;

(13) To make and set the rates or charges for furnishing water or other local public utilities supplied by the Town of Dallas. Deposits may be required in connection with any installation or service, and the same shall not draw any interest;

(14) To provide for the payment of existing legal indebtedness and of any binding obligation that may be made from time to time by the town and to appropriate funds and levy taxes for that purpose;

(15) To pass ordinances for the due observance of Sunday and for maintenance of order in the vicinity of churches and schools;

(16) To own, establish, regulate or operate one or more cemeteries and to regulate the burying of the dead;

(17) To prescribe fines, forfeitures and penalties for the breach of any ordinance enforcing the powers granted in this Charter or by general law and to provide for recovery of such fines and forfeitures and costs of the enforcement of such penalties;

(18) To pass such ordinances as are expedient for maintaining peace, good government and the welfare of the town and the morals and happiness of its citizens, and for the performance of all municipal functions;

(19) To own, operate or maintain parks, hospitals, auditoriums, swimming pools, community centers, playgrounds, stadiums, athletic parks and fields and such other facilities for the benefit and welfare of its citizens;

(20) To require that all property owners provide adequate drainage facilities to the end that their premises be kept free of standing water and permit the natural flow of water thereon to be taken care of, and that in case of failure on the part of such owner or owners to provide the same, after due notice, to go upon their premises and construct the necessary facilities and charge the cost thereof against said premises to be collected as in the case of taxes;

(21) To control, regulate or prohibit the licensing and operating of junk yards and auto wrecking companies in the Town of Dallas, provided this subsection shall not permit without due process of law, the prohibition of junk yards and auto wrecking companies licensed and operating at the date of the enactment of this Charter;

(22) To issue and sell bonds of the town for the purposes and according to the methods and under the restrictions prescribed by the laws of the State of North Carolina for the issuance of bonds by municipalities, and to provide for the payment thereof as authorized or provided by such laws;

(23) To do and perform all other duties and powers authorized by law.

No liability shall accrue to the Town of Dallas for the failure of said town or its officers and employees to perform any duty or exercise any power above enumerated.

Except as otherwise provided in this Act, or the laws of North Carolina, the Board of Aldermen shall have authority to determine by whom and in what manner the powers granted by this Section shall be exercised.

Sec. 2. The enumeration of particular powers, rights, privileges, franchises and immunities by this Charter shall not be held or deemed to be exclusive; but in addition to the powers enumerated or implied therein, or appropriate to the exercise thereof, the town shall have and may exercise all other powers which under the Constitution and law of North Carolina now or hereafter may be granted to municipalities. The powers herein granted are in addition to and not in substitution for existing powers or powers hereafter granted to municipal corporations under the Constitution and law of North Carolina. Except as limited or restricted or prohibited by the Constitution of North Carolina or this Charter or the law of North Carolina, the Town of Dallas shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

Sec. 3 That the corporate limits of the Town of Dallas shall be identical to the corporate limits now in existence. The Town Clerk shall at all times maintain a map in his office showing the boundary lines of the corporate limits of the Town of Dallas and this shall be open to inspection to any person at any time during normal business hours of the Town Clerk: Provided, however, that the Town of Dallas shall have authority to extend its corporate limits in any fashion as provided for by the law of the State of North Carolina.

Sec. 4. Except as otherwise provided by this Charter, all powers, the general management and control of the Town of Dallas shall be vested in a Board of Aldermen of five members and a Mayor elected by and from the qualified voters of the Town of Dallas in the manner hereinafter provided, who shall exercise their power or powers in conformity to the provisions of this Charter and the provisions of the general law with reference to the powers and privileges of municipalities wherein no provision has been made in this Charter with respect thereto. The terms of office for all elective officials shall be for two years and until their successors are elected and qualified. Only qualified voters of the State of North Carolina and the Town of Dallas shall be eligible to hold such offices. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within sixty days after his election, shall die, resign, remove himself from the Town of Dallas; is convicted or submits to the charge of a felony; is judicially declared a lunatic or is removed for cause by a court of competent jurisdiction or by operation of law. Every such vacancy shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Aldermen in regular or special meeting.

Sec. 5. On the first Tuesday in May following the first Monday the Board of Aldermen shall meet at its usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the Board of Aldermen shall fix suitable times for its regular meetings by resolution or ordinance and shall convene for

at least one regular meeting each month. The Mayor, or in the absence of the Mayor, the Mayor pro tempore, or a majority of the Board of Aldermen may at any time call a special session of the Board of Aldermen by causing written notices of such special meeting to be given to all members of the governing body at least six hours before such special meeting. Meetings may also be held at any time the Mayor and all members of the Board of Aldermen are present or consent thereto. A majority of the Board of Aldermen shall constitute a quorum. In determining whether a quorum is present the Mayor shall be counted as a member of the Board of Aldermen. All meetings shall be public and the Mayor, who shall be the official head of the town, shall preside, if present, but shall have no vote except in the case of a tie. A majority vote of the members present shall be sufficient to pass any motion, resolution or ordinance unless otherwise set out herein. In the absence of the Mayor, the Mayor pro tempore, who shall be chosen at the first regular meeting following a regular municipal election by the new Board of Aldermen from its members, shall preside and shall vote when so presiding as herein provided for the Mayor, and in the absence of both, a chairman pro tempore shall be chosen to preside at such meetings. The Town Clerk shall be clerk to the governing body and shall keep records of its meetings. The governing body may elect an assistant clerk who shall be sworn, as is the clerk, to the faithful discharge of his or her duties and may act as clerk to the governing body in the absence of the Town Clerk. The governing body shall sit with open doors at all of its legislative sessions, and shall keep a journal of its proceedings, which shall be a public record.

Sec. 6. The Board of Aldermen shall be the judge of the elections and qualifications of its members and the Mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the Board of Aldermen in any such case shall be subject to review by the courts. The Board of Aldermen shall determine its own rules and order of business.

Sec. 7. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances shall be confined to one subject, and the subject, or subjects of all ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Aldermen. The enacting clauses of all ordinances shall be: "Be it ordained by the Town of Dallas:". All ordinances and resolutions passed by the Board of Aldermen shall take effect at the time indicated therein.

Sec. 8. That upon its passage each ordinance or resolution shall be authenticated by the signature of the Town Clerk and shall be recorded in a journal kept for that purpose. Within ten days after passage, a notice setting forth in brief the substance of each ordinance shall be published or posted at least once in such manner as the Board of Aldermen may prescribe; provided, however, that the provisions of this Section shall not apply to an ordinance authorizing bonds of the Town of Dallas under the provisions of the Municipal Finance Act, 1921, as amended, but such ordinance shall be published as required by Section 160-384 of the General Statutes.

Sec. 9. That for the purpose of electing a Mayor, the several aldermen and all other elective officers of the Town of Dallas, there shall be held in said town, on the first Monday in May, in odd-numbered years, a regular municipal election. The Board of Aldermen may, by resolution, order a special election, fix the time for holding the same, and provide all means for holding such special elections.

Sec. 10. That any qualified voter of the town of Dallas who desires to become a candidate for the office of Mayor or town Alderman shall file a notice of his candidacy, together with a filing fee of five dollars (\$5.00), with the Town Clerk not less than thirty (30) days nor more than ninety (90) days before the general municipal election date. No person's name shall be placed upon the general municipal election ballot unless he has complied with the conditions herein set out. Each qualified elector who desires to become a candidate shall file with the Town Clerk a statement of such candidacy, in substantially the following form, which shall be furnished by the Town Clerk:

STATE OF NORTH CAROLINA
COUNTY OF GASTON

NOTICE OF CANDIDACY

I, _____, hereby certify that I reside at _____ Street, Town of Dallas, County of Gaston, State of North Carolina, and that I qualify in all respects as a candidate for municipal office in the Town of Dallas.

I, hereby give notice that I am a candidate for election to the office of Mayor, Alderman (strike one) to be voted upon in the municipal election for the Town of Dallas, to be held on _____ the _____ day of _____, 19____.

I hereby request that my name be printed on the official ballot as a candidate for the office of Mayor, Alderman (strike one).

_____ (Signed)
_____ (Date)

STATE OF NORTH CAROLINA
COUNTY OF GASTON

I, _____, a Notary Public, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing "Notice of Candidacy" for elective office in the Town of Dallas.

Witness my hand and notarial seal, this _____ day of _____, A.D. 19____.

(Place N.P. Seal Here)

My commission expires _____ (Seal)

Notary Public

This Notice of Candidacy for election to the office of Mayor, Alderman (strike one) of the Town of Dallas, together with the filing fee of five dollars (\$5.00), were filed with the undersigned Town Clerk on this _____ day of _____ 19____.

Town Clerk

Any candidate may withdraw his statement of candidacy not later than the last day for filing such statement but shall forfeit his filing fee, said filing fees to be applied to the expenses of the town.

The Town Clerk shall preserve the name and address of each candidate and each Notice of Candidacy until the expiration of the term of office to which the candidate aspired or was elected.

Sec. 11. That the full names of all candidates for Mayor or Board of Aldermen, except such as have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates for the Board of Aldermen, Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in alphabetical order commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of the names of the candidates and by the others in regular alphabetical order.

Sec. 12. That all members of the Board of Aldermen and the Mayor shall be elected from the town at large. Every voter shall be entitled to vote for one candidate for Mayor and for as many candidates as there are members to be elected to the Board of Aldermen. All candidates up to the number to be elected to the municipal office or offices who receive the largest number of votes shall be declared elected, their terms of office to be in accordance with Section 4 of this Charter. Each Alderman shall receive a salary of no more than twenty-five dollars (\$25.00) per month and the Mayor shall receive a salary of no more than fifty dollars (\$50.00) per month, No ordinance fixing, increasing or decreasing the salary of the Mayor and Board of Aldermen shall become effective during the current term of office of the members of the Board of Aldermen enacting such ordinance.

Sec. 13. That said election shall be conducted as far as possible in all things and in all details in accordance with the general election laws pertaining to municipal elections, now in force or hereafter enacted, unless otherwise provided by this Charter.

Sec. 14. That the Board of Aldermen may appoint a Treasurer, a Tax Collector, an Accountant, a Town Attorney, a Chief of Police, a Fire Chief, a Judge of the Municipal Recorder's Court, Solicitor of the Municipal Recorder's Court, and such other officers and employees as may be necessary, none of whom need be a resident of the town at the time of appointment; provided, that the Board of Aldermen may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the Board of Aldermen. The Board of Aldermen shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 15. That the Board of Aldermen shall choose a Town Clerk. The Town Clerk shall keep the records of the Board of Aldermen and perform such other duties as may be required by law or the Board of Aldermen. The Town Clerk may hold one or more of the positions enumerated in Section 14.

Sec. 16. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Board of Aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars (\$1,000.00), shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 17. Any town improvement costing more than one thousand dollars (\$1,000.00) shall be executed by contract except where such improvement is authorized by the Board of Aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars (\$1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the Board of Aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the Board of Aldermen.

Sec. 18. The Board of Aldermen shall order an independent audit made of all accounts of the Town Government by certified public accountants selected by the Board of Aldermen and said accountants shall have no personal interest directly or indirectly in the financial affairs of the Town Government or its officers. This audit shall be made annually in April. The Board of Aldermen shall have the authority to order an independent audit at any other time they should so desire. The annual audit herein provided for shall be made available for public inspection by posting same on the bulletin board in the Town Clerk's office and also by filing a copy of same with the Dallas Branch of the Gaston County Public Library.

Sec. 19. That it shall be in the power of the Town of Dallas and the duty of the Board of Aldermen of the Town of Dallas, annually, to levy taxes that will raise sufficient funds for the operation and management of the affairs of the town, including the payment of all lawful indebtedness of the town, and shall levy and collect the same in accordance with the provisions as now or may hereafter exist under the general laws of the State of North Carolina; and said town shall have the further powers to levy and collect such further taxes that have been or may be approved by a vote of the electorate, and in accordance with such authority with respect thereto as may now or hereafter be granted said town; provided, all polls and property taxable within the Town of Dallas shall be listed and valued and all property assessed as provided in the general laws of the State of North Carolina, and said Town of Dallas may levy and collect such privilege and license taxes as may be provided by law and the ordinances of the Town of Dallas.

Sec. 20. That before any person, firm or corporation shall connect in any manner, except a sewer or water lateral from the meter to the premises, any privately owned water or sewer line or lines with any water or sewer line or lines of the Town of Dallas, such person, firm or corporation shall, by proper instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant, and convey such water or sewer line or lines to the Town of Dallas whether such connection and line or lines be within or without the Town of Dallas. No connection to

Sec. 26. All laws and clauses of laws in conflict with this Act and Charter are hereby repealed and specifically any provision, Charter, or Amendment thereto for the Town of Dallas are specifically repealed. No such repeal shall affect any act done or any right accruing or accrued or established, or any suit bad or commenced in any case before the time when such appeal shall take effect; provided, that no law heretofore repealed shall be revived by the repeal of any Act repealing such law; provided, that all persons who at the time when the said repeal shall take effect shall hold any office under any of the Acts hereby repealed shall continue to hold the same according to the tenure thereof, except those as to which a different provision shall have been made by this Charter.

Sec. 27. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of this Charter but shall be confined in its operation to the clause, phrase, Section, subsection or sentence affected and declared invalid or unconstitutional.

Sec. 28. It shall be the duty of the Mayor to see that the orders and directions of the Board of Aldermen and the ordinances of the Town of Dallas are promptly and fully complied with, and he shall report to the Board of Aldermen on the condition of the affairs of the Town of Dallas and of its several departments at the will of the Board of Aldermen. Failure or refusal to carry out the wishes of the Board of Aldermen as herein enumerated will constitute grounds for impeachment. Such impeachment proceedings shall be instituted by the Board of Aldermen and hearings pursuant thereto shall be conducted as provided for by the general law of the State of North Carolina for removal of any public official from office.

Sec. 29. The Board of Aldermen are hereby authorized and empowered to reimburse any town official for expense incurred while upon official business previously authorized by the Board of Aldermen upon the submission by said person of an itemized expense account.

Sec. 30. This Charter shall be in full force and effect from and after the time of its ratification and enactment by the General Assembly of the State of North Carolina.

In the General Assembly read three times and ratified, this the 25th day of May, 1961.