

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 86
HOUSE BILL 85

AN ACT TO CHANGE THE STYLE OF THE NAME OF THE TOWN OF MOUNT HOLLY IN GASTON COUNTY TO THE CITY OF MOUNT HOLLY AND TO PROVIDE A CONSOLIDATED AND REVISED CHARTER THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. The official style of the name of the Town of Mount Holly is hereby changed to the City of Mount Holly.

Sec. 2. The revised and consolidated Charter of the City of Mount Holly shall read as follows:

"CHAPTER I – INCORPORATION AND BOUNDARIES

"Section 1. Incorporation and Corporated Powers. The inhabitants of the City of Mount Holly, in Gaston County, shall continue to be a body politic and corporate by the name of the 'City of Mount Holly'. Under that name the city continues to be vested with all the property and rights of property which now belong to the corporation; shall have perpetual succession; may use a corporate seal; may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner conveyed to it or acquired by it, and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including lands and property held for municipal purposes; may contract and be contracted with; may sue and be sued; and shall have all the powers, rights and privileges now or hereafter conferred upon municipal corporations by the general law of the State, including, powers, rights and privileges necessary or belonging to, or usually appertaining to municipal corporations, or appropriate to the exercise of the powers now or hereafter conferred on municipal corporations by the general law of the State.

"Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the City of Mount Holly shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the governing body of the City of Mount Holly.

"Sec. 3. Form of Government. The form of government of the City of Mount Holly shall be the council-manager form of government known as 'Plan D', as prescribed in

Part 4, Article 22, Chapter 160 of the General Statutes of North Carolina, except as otherwise provided by this Charter.

"Sec 4. Corporate Boundaries.

"(a) The boundaries of the city shall be those existing at the time of adoption of this Charter with such alterations as may be made from time to time in the manner provided by law. The current city boundaries, at all times, shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be, 'Map (or Description) of Mount Holly City Limits'. Alterations in these boundaries shall be indicated by appropriate entries upon or additions to such map or description. Such entries or additions shall be made by or under the direction of the city manager. Copies of such map or description certified by the city clerk shall be admitted in evidence in all courts and shall have the same force and effect as would the original map or description.

"(b) The city council may provide for the redrawing of any such map, from time to time. A redrawn map shall supersede for all purposes the earlier map or maps which it is designated to replace.

"CHAPTER II – LEGISLATIVE

"Section 1. Governing Body. The government of the city and the general management and control of all of its affairs shall be vested in a city council, which shall be elected as hereinafter set forth and shall exercise its powers in the manner herein provided, except that the city manager shall have the authority hereinafter specified.

"Sec. 2. Number; Election; and Staggered Terms of City Councilmen. The city council shall consist of four members, who shall be elected at large by and from the qualified voters of the city for a term of four years and until their successors are elected and qualified; provided, the two members of the city council who were elected to office for a term of four years at the election in 1959 shall continue in office for the remainder of their terms unless they shall die, resign, or become disqualified to hold such office prior to the expiration of their present terms. At the regular municipal election in 1961, two councilmen shall be elected for a term of four years and until their successors are elected and qualified. Thereafter two councilmen shall be elected at each regular biennial municipal election for a term of four years.

"Sec. 3. Election of Mayor. The mayor shall be elected at large by and from the qualified voters of the city for a term of two years and until his successor is elected and qualified.

"Sec. 4. Power and Organization of City Council. All the legislative powers of the city shall be vested in the city council. The city council elected as aforesaid shall meet at ten o'clock in the forenoon on Thursday after the first Monday of May following the municipal election, and the members of the city council whose terms of office then begin shall severally make oath before the city clerk or justice of the peace to perform faithfully the duties of their respective offices. The city council shall thereupon be organized by the choice from its members of a mayor pro tem, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or nonelection of one or more of the members; provided, that at least three of the persons entitled to be

members of the city council are present and make oath as aforesaid. Any member entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

"Sec. 5. Meetings Regulated. The city council shall fix suitable times for its regular meetings. The mayor, the mayor pro tem, of the city council or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by a person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

"Sec. 6. Quorum and Conduct of Meetings; Mayor to Preside; Vote. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall preside at the meetings of the city council when he is present, and when there is equal division upon any question, he shall determine the matter by his vote; he shall vote in no other case. In the absence of the mayor, mayor pro tem of the city council shall preside, and in the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be ex officio clerk of the city council, and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the city council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the city council until a city clerk is chosen and qualified. On request of one member, the vote shall be by yeas and nays, and shall be entered upon the records. Three affirmative votes at least shall be necessary for the passage of any order, ordinance, resolution, or vote.

"Sec. 7. Vacancies in the Office of Mayor and Councilmen. Vacancies in the office of mayor or councilmen shall be filled by the council for the remainder of the unexpired terms. The person or persons so elected shall have all the powers and authority given under this Charter and shall hold said office or offices until the next general municipal election and until their successors are elected and qualified.

"Sec. 8. Salaries of Mayor and Council. The mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding eighteen hundred dollars (\$1800.00) a year, and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected. The council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members not exceeding six hundred dollars (\$600.00) a year for each. Such salary may be reduced, but no increases therein shall be made to take effect during the year in which the increase is voted.

"CHAPTER III – ELECTIONS

"All elections of municipal officials held in the City of Mount Holly shall be held in accordance with the following provisions.

"Article I

"ELECTION OF CITY OFFICIALS

"Section 1. Time for Holding Election. The regular election for choice of members of the city council of the City of Mount Holly shall be held on Tuesday after the first Monday in May, biennially and in odd-numbered years.

"Sec. 2. Filing as a Candidate. Any qualified elector of the City of Mount Holly may file as a candidate for the office of councilmen, or mayor by filing not earlier than sixty (60) days nor later than ten (10) days before the date of the election and with said filing shall pay such reasonable filing fee as fixed by the city council by ordinance. Any candidate for said office shall file a formal notice of candidacy with the city clerk and pay the required filing fee with said notice, which said notice shall be substantially in the following form:

I _____ hereby give notice that I am a candidate for election to the office of _____, to be voted on at the election to be held on _____, and I hereby request that my name be printed on the official ballot for such office. I also certify that I am a resident and qualified elector of the city of _____, residing at _____ in said city.

CANDIDATE

DATE

Witness:

_____.

"Article II

"ELECTION OFFICIALS

"Section 1. Appointment of Registrars. The city council shall appoint at least thirty (30) days prior to any city election one registrar for each precinct, who shall act as registrar of voters for such precinct. Persons appointed as registrars must be of good character, able to read and write, and residents of the precincts for which they are appointed and qualified voters of the City of Mount Holly. Registrars' terms of office shall continue for two years from time of appointment or until their successors are appointed and qualified. Before entering upon discharge of their duties, registrars shall take the oath hereinafter prescribed.

"Sec. 2. Judges of Elections. The city council shall, at least thirty (30) days before any city election, appoint two judges for each polling place or precinct, who shall be of different political parties where possible, and shall be men of good character, able to read and write and who, before entering upon the discharge of their duties, shall take the oath hereinafter prescribed.

"Sec. 3. Assistants to Registrars and Judges. The registrars or the city clerk may appoint at any time prior to a city election such additional persons as authorized by the city council to assist the registrars and judges of elections in the conduct of the election at their respective polling places, and who shall be subject to the same requirements and qualifications hereinbefore mentioned.

"Sec. 4. Names of Precinct Officers Published; Notifications; Vacancies. The city council shall, immediately after appointment of the registrars and judges of elections as herein provided, publish the names of the persons so appointed, and the time of the

election, at the city hall, and shall notify each person appointed of his or her appointment, either by letter or by having notice served upon such persons by a police officer.

"Sec. 5. Oath of Registrars and Judges or Assistant to Judges and Registrars. Before entering upon the duties of his office, each registrar, judge, or any person assisting said registrars or judges of election shall take the following oath to be administered by the city clerk, or by the registrar to the two judges and by one of them to the registrar: 'I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this municipality or State, so help me God.'

"Sec. 6. Removal of Precinct Officers; Vacancies in Precinct Offices. Precinct officers may be removed by the city council at any time for good cause, or if for any reason a vacancy in said office shall occur, the city council may appoint a qualified person to fill such vacancy; provided, however, if any such person appointed fails to attend at the polls at the hour of opening the same, the registrar or judges present shall appoint a suitable person to fill the vacancy.

"Sec. 7. Compensation of Registrars, Judges and Assistants.

"a. New Registrations. The registrar shall receive three cents (3¢) for each name registered in new registrations when ordered, and thereafter in the revision of registration books the registrar shall receive one cent (1¢) for each name copied from the original registration book; provided, the city council may pay the registrar such additional compensation as it deems just and fair and the same shall be fixed by ordinance.

"b. Precinct Officers. Judges of elections and assistants shall each receive for their services on the day of the election the sum of ten dollars (\$10.00). The registrar shall receive the sum of fifteen dollars (\$15.00) for his services on the day of the election and fifteen dollars (\$15.00) for his services for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters. The city council may fix by ordinance such additional compensation for services of precinct election officials on other days during the registration period that it deems reasonable.

"Article III

"REGISTRATION OF VOTERS

"Section 1. Registration System. The registration of qualified voters of the City of Mount Holly shall be made and kept upon such forms as shall be prescribed by the city council and shall contain all information necessary to show qualifications of the registered voter and such other information as the city council may require.

"Sec. 2. Duty of City Council. It shall be the duty of the governing body of the City of Mount Holly to cause a registration to be made of all the qualified voters residing therein, under the rules and regulations prescribed for the registration of voters for general elections.

"Sec. 3. Ordering New Registration. The city council, in its discretion, may upon adoption of an appropriate resolution, order a new registration of all the voters within the municipality. Unless a new registration is ordered, the election shall be held under the existing registration.

"Sec. 4. Notice and Time of New Registration. In the event a new registration is ordered, the city council, prior to the opening of the registration books, shall give thirty (30) days notice thereof by advertisement in some newspaper, if there be one published in the city, and if there be none so published, then the required notice shall be posted in three public places in the city. The notice shall state the dates, hours, places of registration, and the qualifications required for registration. The registration books shall be opened for the new registration of voters at nine o'clock A. M. on the fourth Saturday before the election. The said books shall be closed at five o'clock P. M. on the second Saturday before the election. In all other respects new registration and challenges shall be conducted in accordance with the provisions hereinafter provided.

"Sec. 5. Registration Books Furnished Each Registrar; Revision of Registration Books. The city council shall cause to be furnished to each registrar books showing the registered voters of his precinct. It shall be the duty of the registrar to revise the registration book of his precinct in such a manner that said books shall show an accurate list of the electors previously registered in such precinct and still residing therein, without requiring such electors to register anew.

"Sec. 6. Time and Place of Registration. The registration books shall be opened for the registration of voters at nine o'clock A. M. on the third Saturday before each election. The said books shall be closed for registration at five o'clock P. M. on the second Saturday before each election. Each registrar shall keep open the registration books between the hours of nine o'clock A. M. and five o'clock P. M. on each day of the registration period except Sunday at his home unless, in his discretion, he chooses a more suitable location within the precinct for registration of voters; provided, said books shall be open at the polling place of his precinct until nine o'clock P. M. of each Saturday during such registration period. The registration shall be for the purpose of registering any new electors residing in the precinct and entitled to register, whose names have never before been registered in the precinct.

"Sec. 7. Registration on Election Day. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

"Sec. 8. Qualifications for Registration and Voting. Any person who is twenty-one (21) years of age on the date of election and who shall have resided in the State of North Carolina for one year, and in the City of Mount Holly for thirty (30) days next preceding an election and is not an idiot or lunatic, shall be permitted to register and vote; provided, no person who has been convicted or confessed their guilt in an open court, upon indictment, of any crime punishable by confinement in the State or Federal penitentiary shall register and vote unless having been restored to citizenship in the manner prescribed by law. Every person presenting himself for registration shall be able

to read and write any section of the North Carolina Constitution in the English language.

"Sec. 9. Oath upon Registration. Any person who desires to register as a voter for any municipal election must take the following oath to be administered by the registrar of the precinct in which being registered: 'I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for one year; the City of Mount Holly for thirty (30) days; that I am twenty-one (21) years of age; that I have not registered for this election in any other precinct; so help me God.'

"Sec. 10. Transfer of Registration. If the applicant for registration has moved from another precinct within the corporate limits since his last registration, such person, before being allowed to register must fill out and sign a printed transfer certificate, notifying the registrar of the precinct from which the applicant has removed of the removal of said applicant from the former precinct and authorizing said registrar to remove his or her name from the old precinct registration book. The transfer certificates shall be substantially the following form:

'Date: _____, 19_____.

I _____, hereby certify that I have moved my residence
(Print Name Plainly)

from precinct _____ in which I am now a registered voter to
_____ in precinct _____, and
(Present Address)

request that my registration be transferred to the precinct of my new residence.

(Signature of Registered Voter)

Witness:

Register of Ward _____, City Clerk'.

"Application for transfer of registration may be received and processed by the city clerk when registrar of precinct is not available.

"Sec. 11. Challenges. The Saturday preceding the election is Challenge Day. The books shall be open at the polling place from nine o'clock A. M. to three o'clock P. M. at the polling place for the inspection of the electors to permit any elector to challenge the name of any person appearing on the books. When a person is challenged, the registrar shall enter upon the registration books opposite the name of the person objected to the word 'challenged', and the registrar shall appoint a time and place on or before Monday immediately preceding the election day, when he, together with the judges and the registrar of the election for that precinct, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient notice to leave a copy of the notice at his residence. If any person so challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

"Sec. 12. Disposition of Registration Books. Immediately after any election, the registrars shall deposit the registration books for their respective precincts with the city clerk.

"Article IV

"PREPARATION FOR ELECTION

"Section 1. Ballots, Printing, Delivery, Accounting For, etc. The city clerk shall cause to be printed at least nine (9) days prior to the election the official ballots for the election, which shall contain the names of all candidates for election to each office who have filed as hereinbefore provided or the questions or propositions to be voted upon, The ballots shall be authenticated with a facsimile of the city clerk's signature.

"The city clerk shall cause to be delivered to the registrar for each precinct at least one day before the election ballots equal to at least the number of registered voters in that precinct. The ballots shall be packaged, and each package shall have written or stamped thereon the number of ballots contained in each package. The registrars shall not open or unpack the ballots until the election day. Each registrar is responsible for safeguarding the ballots he receives until election day. The city clerk shall obtain a receipt for the ballots delivered from each registrar.

"When the election is completed, each registrar shall return to the city clerk all used and unused ballots, and shall render a full and proper accounting, of the ballots over his signature showing the number used, number spoiled, number of unused ballots, etc. When all the ballots have been counted, registrars will replace said ballots in their respective official ballot boxes, lock the same, and deliver them to the city clerk.

"Sec. 2. Notice of Election. The city council shall cause to be published a notice of the election at least thirty (30) days preceding the date of the election in a newspaper of general circulation in the City of Mount Holly or by posting said notice at the city hall and three other public places in the city. Such notice shall set forth the purpose of the election, date and hours of the election, location of polling places, time and place of registration and the names of the registrars. The requirements provided herein shall also apply to the notice of special elections.

"Sec. 3. Establishment of Precincts and Polling Places. The city council shall have power to establish or redefine election precincts, and shall establish one polling place in each election precinct. In the case of alteration of the election precincts or polling places therein, the city council shall give twenty (20) days notice thereof, prior to the beginning of the registration in some newspaper published in the municipality, or if no newspaper is so published, the required notice shall be posted in three public places in the city. The notice shall set forth the boundaries of the affected precinct and name the location of the polling place or places.

"Article V

"CONDUCTING ELECTION

"Section 1. Opening and Closing of Polls. The polls shall be open on the day of election from six-thirty o'clock A. M. until six-thirty o'clock P. M. Eastern Standard Time, and no longer; each person whose name may be registered as hereinbefore provided shall be entitled to vote. Election officials shall meet at the polling place at

least thirty (30) minutes before the time set for opening of the polls, take the oath supplied, and prepare the polling place for an orderly and legal election.

"Sec. 2. Voting. As each voter shall enter the polling place, the registrar shall obtain his name and determine from the registration book whether or not he is duly registered. The registrar, if he finds the voter is duly registered, shall announce the name, and one of the judges shall list his name in the poll book, and the other judge shall provide him with a proper ballot. After the voter has marked his ballot, he then places it in the official ballot box. If he defaces the ballot, he should return it to the judge, where it will be placed in the spoiled ballot box, and the voter will be furnished another ballot.

"Sec. 3. Assistance to Voters. Only persons physically unable to cast their ballots are entitled to assistance. Such persons shall be assisted by a near relative or by another person designated by them.

"Sec. 4. Absentee Ballots. Absentee ballots shall not be permitted in any municipal election.

"Article VI

"DETERMINATION OF ELECTION RESULTS

"Section 1. Counting Ballots. Promptly at six-thirty o'clock P. M. on election day, one of the judges shall declare the polls closed, and the registrar and judges shall proceed immediately thereafter to open the boxes and count the ballots cast at their polling place by reading aloud the names of the persons who shall appear on each ballot; and the tallyman shall tally the same directly on tally sheets. Disputed ballots shall not be counted. When the counting is complete, the result shall be reduced to writing and certified to over the signatures of the registrar and the judges of the election for that precinct.

"Sec. 2. Board of Canvasses. The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvasses as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct, and the members of the board of canvasses who shall have been so appointed shall attend the meeting of the board of canvasses, and shall constitute the board of city canvasses for such election, and a majority of them shall constitute a quorum. If there is only one voting precinct, the judges of election shall, at the close of the election declare the result thereof.

"Sec. 3. Meeting of Board of Canvasses. The board of canvasses shall meet on the next day after the election at twelve o'clock noon at the city hall.

"Sec. 4. Board Determines Result; Tie Vote. The board of canvasses shall, at their meeting, judicially determine the result, and shall make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath; and in a case of a tie between two opposing candidates, the result shall be determined by

lot. The board shall certify the results of the election over their signatures to the city council and the results thereon shall be incorporated into the minutes of the city council.

"Candidates who receive the highest vote for each different office shall be elected to that office.

"Article VII

"MISCELLANEOUS PROVISIONS

"Section 1. Application of General Law. In all other respects all elections held in the City of Mount Holly shall be conducted as prescribed by law for the election of members of the General Assembly.

"CHAPTER IV – GENERAL ADMINISTRATION

"Section 1. City Manager Appointed. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

"Sec. 2. Power and Duties of Manager. The city manager shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city.

"Sec. 3. Appointment and Removal of Officers. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

"Sec. 4. Control of Officers and Employees. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

"Sec. 5. City Clerk and Treasurer; Appointment and Duties. The city council may appoint a city clerk and treasurer who shall hold office during the pleasure of the council, and shall receive such compensation as the council may fix by ordinance. The city clerk and treasurer shall be under the supervision and direction of the city manager and shall act as secretary to the city council and/or treasurer of the city and shall perform such other duties as may be required by the city manager and as prescribed by law. The city clerk and treasurer shall be provided with a surety bond in an amount fixed by the city council. In the absence of an appointment of a city clerk and treasurer, the city manager may be required to perform the duties of said city clerk and treasurer in addition to those duties heretofore required of him.

"Sec. 6. Appointment of City Attorney. The city council may appoint a city attorney who shall hold office during the pleasure of the council. It shall be the duty of the city

attorney to handle all city litigation; to advise the council and other city officials, to attend council meetings and to prepare such legal documents as may be required by the City of Mount Holly. Compensation of the city attorney shall be fixed by the city council.

"Sec. 7. Chief of Police and Policemen; Powers and Duties.

"(a) Under the direction of the city manager, the chief of police shall be responsible for the supervision and control of the police force and shall enforce discipline therein.

"(b) The chief of police and each member of the police force shall have the powers of peace officers as vested by law in sheriffs. Such powers shall be exercised within the corporate limits of said city and in all that territory within five (5) miles of the corporate limits of said city and which lies within the boundaries of River Bend Township for the purpose of enforcing city ordinances and regulations, of preserving the peace of the city, of suppressing disturbances and apprehending offenders and for serving civil process.

"CHAPTER V – MISCELLANEOUS PROVISIONS

"Section 1. Courts.

"(a) Municipal Recorder's Court. The Municipal Recorder's Court of the City of Mount Holly, established pursuant to the provisions of Article 24, Chapter 7 of the General Statutes of North Carolina shall be continued under this Charter except as otherwise modified herein.

"(b) Election of Recorder. Section 7-186 of the General Statutes of North Carolina on Recorder's election is hereby amended by providing the Recorder of said court shall be elected by the city council of the City of Mount Holly for a term of two (2) years and until his successor is appointed and qualified. The Recorder and other officers of said court shall be compensated on a salary basis rather than a fee basis and the city council of the City of Mount Holly shall have the exclusive authority to set the amount of the salaries of said Recorder and the other officers of said court.

"(c) Jurisdiction. The jurisdiction of the Recorder's Court of the City of Mount Holly is extended to include all of River Bend Township in Gaston County, North Carolina.

"(d) Jury Trials. There shall be no right to trial by jury in the Recorder's Court in the City of Mount Holly. In all trials in said Municipal Recorder's Court, upon demand for a jury trial by either the defendant or the prosecuting attorney, the Recorder shall transfer said cause for trial to the Superior Court of Gaston County, and the defendant shall be required to give a new and justified bond in such amount as may be named by the Recorder for the defendant's appearance at the next term of the Superior Court of Gaston County for trial of criminal cases.

"Sec. 2. Personal Interest. Neither the mayor nor any member of the city council nor any officer or employee of the city shall have a financial interest in any contract with the city concerning any land, materials, supplies, or services, except on behalf of the city or an officer or employee. Any violation of this Section, with the knowledge express or implied of the person or corporation contracting with the town, shall render the contract voidable by the city council.

"Sec. 3. Oath of Office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk:

'I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Mount Holly and will faithfully discharge the duties of the office of _____.' "

Sec. 3. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, insofar as the City of Mount Holly is affected thereby.

Sec. 4. All laws and clauses of laws relating to or affecting the City of Mount Holly in force when this Act shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Act.

Insofar as the provisions of this Act are the same in terms or in substance and effect as provisions of law in force when this Act shall take effect, relating to or affecting the City of Mount Holly, the provisions of this Act are intended to be not a new enactment but a continuation of such provisions of law, and this Act shall be so construed and applied.

Sec. 5. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 23rd day of March, 1961.