

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 289
SENATE BILL 603

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
MADISON AND TO REPEAL PRIOR CHARTER ACTS.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF MADISON

"ARTICLE I. INCORPORATION AND CORPORATE POWERS

"Section 1.1. Incorporation and General Powers. The Town of Madison shall continue to be a body politic and corporate under the name of the 'Town of Madison', and shall continue to be vested with all property and rights which now belong to the Town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Charter all municipal powers, functions, rights, privileges, and immunities of every name and nature.

"Sec. 1.2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the Town, its officers, agencies, or employees, shall be carried into execution as provided by this Charter, or, if this Charter makes no provision, as provided by ordinance or resolution of the Board of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

"Sec. 1.3 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 herein or implied hereby, or those appropriate to the exercise of such powers, the Town of Madison shall have and may exercise all powers which are granted to municipal corporations by the general laws of North Carolina and all powers which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate.

"ARTICLE II. CORPORATE BOUNDARIES

"Sec. 2.1. Existing Corporate Boundaries. (a) The corporate limits of the Town of Madison shall be those existing at the time of ratification of this Charter and as the same may be altered from time to time in accordance with law. The Board of Aldermen shall cause to be prepared a map to be designated 'Map of the Town of Madison Corporate Limits' showing the corporate limits as the same may exist as of the effective date of

this Charter. The Board of Aldermen shall also cause to be prepared a written description of the corporate limits as shown on said map to be designated 'Description of Madison Corporate Limits'. Said map and description shall be retained permanently in the office of the Town Clerk as the official map and a description of the corporate limits of the Town. Immediately upon alteration of the corporate limits made pursuant to law from time to time the Board of Aldermen shall cause to be made the appropriate changes and/or additions to said official map and description. Photographic types or other copies of said official map description certified as by law provided for the certification of ordinances shall be admitted in evidence in all courts and shall have the same force and effect as would the official map or description.

(b) The Board of Aldermen shall require the redrawing of the official map and the rewriting of the official description as may from time to time be required. A redrawn map and a rewritten description shall supersede for all purposes the earlier maps and descriptions which are respectively replaced.

"Sec. 2.2. Extensions of Corporate Boundaries. All extensions of the corporate boundaries shall be governed by the General Statutes of North Carolina.

"ARTICLE III. MAYOR AND BOARD OF ALDERMEN

"Sec. 3.1. Composition of Board of Aldermen. The Board of Aldermen shall consist of six members to be elected by the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter.

"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be elected by and from the qualified voters of the Town voting at large in the manner provided in Article IV of this Charter. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Board of Aldermen. The Mayor shall have a vote upon all measures coming before the Board, but shall have no veto. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the Town. The Board of Aldermen shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

"Sec. 3.3. Terms; Qualifications; Vacancies. (a) The members of the Board of Aldermen shall serve for terms of two years, and the Mayor shall also serve for a term of two years, beginning the day and hour of the organizational meeting following their election, as established by ordinance in accordance with this Charter; provided, they shall serve until their successors are elected and qualify.

(b) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Aldermen or to serve in such capacity, unless he is a resident and a qualified voter of the Town.

(c) In the event a vacancy occurs in the office of Mayor or Aldermen, the Board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term.

"Sec. 3.4. Organization of Board of Aldermen; Oaths of Office. The Board of Aldermen shall meet and organize for the transaction of business at the first regularly

scheduled meeting of the Board following each biennial election. Before entering upon their offices, the Mayor and each alderman shall take, subscribe to and have entered upon the minutes of the Board the following oath of office:

I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God.'

"Sec. 3.5. Meetings of Board. (a) The Board of Aldermen shall fix a suitable time and place for its regular meetings, which shall be held at least as often as once monthly.

(b) The Mayor, the Mayor Pro Tempore, or any two members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each alderman or left at his usual dwelling place at least six hours before the meeting. Special meetings may be held at any time when the Mayor and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or have signed a written waiver of notice.

"Sec. 3.6. Quorum; Votes. (a) Four (4) members of the Board of Aldermen or three (3) members and the Mayor shall constitute a quorum to do business but a less number may adjourn from time to time and compel the attendance of absent members.

(b) The affirmative votes of four (4) aldermen, or three (3) aldermen and the Mayor, shall be necessary to adopt any ordinance or to authorize the expenditure of money. All other matters voted upon shall be decided by a majority vote of those present.

"Sec. 3.7. Ordinances and Resolutions. The adoption, amendment, repeal, pleading, or proving of ordinances shall be in accordance with the applicable provisions of the general laws of North Carolina not inconsistent with this Charter. The ayes and noes shall be taken upon all ordinances and resolutions and entered upon the minutes of the Board. The enacting clause of all ordinances shall be: 'Be it ordained by the Board of Aldermen of the Town of Madison'. All ordinances and resolutions shall take effect upon adoption unless otherwise provided therein.

"ARTICLE IV. ELECTIONS

"Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In each election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two years and the six candidates for Alderman who receive the largest number of votes cast for Alderman shall be declared elected for terms of two years.

"Sec. 4.2. Regulation of Elections. All Town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections.

"ARTICLE V. TOWN MANAGER

"Sec. 5.1. Appointment; Compensation. The Board of Aldermen shall appoint an officer whose title shall be Town Manager and who shall be the head of the

administrative branch of the Town government. The Town Manager shall be chosen by the Board solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter prescribed. At the time of his appointment he need not be a resident of the Town, but shall reside therein during his tenure of office. No person elected as Mayor or as a member of the Board shall be eligible for appointment as Town Manager until one year shall have elapsed following the expiration of the term for which he was elected. The Town Manager shall serve at the pleasure of the Board and shall receive such salary as the Board shall fix.

"Sec. 5.2. Powers and Duties of Town Manager. The Town Manager shall be the chief administrator of the Town. He shall be responsible to the Board of Aldermen for administering all municipal affairs placed in his charge by them, and shall have the following powers and duties:

(1) He shall appoint and suspend or remove all Town employees, except the Town Attorney and Town Tax Collector in accordance with such general personnel rules, regulations, policies, or ordinances as the Board may adopt.

(2) He shall direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the general direction and control of the Board, except as otherwise provided by law.

(3) He shall attend all meetings of the Board and recommend any measures that he deems expedient.

(4) He shall see that all laws of the State, the town Charter, and the ordinances, resolutions, and regulations of the Board are faithfully executed within the Town.

(5) He shall prepare and submit the annual budget and capital program to the Board.

(6) He shall annually submit to the Board and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year.

(7) He shall make any other reports that the Board may require concerning the operations of the Town departments, offices, and agencies subject to his direction and control.

(8) He shall perform any other duties that may be required or authorized by the Board.

"ARTICLE VI. TOWN ATTORNEY

"Sec. 6.1. Appointment; Qualifications; Terms; Compensation. The Board of Aldermen may appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the Town during his tenure. The Town Attorney shall serve at the pleasure of the Board and shall receive such compensations as the Board shall determine.

"Sec. 6.2. Duties of Town Attorney. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the Town; to advise the Mayor, Board of Aldermen, Town Manager, and other Town officials with respect to the affairs of the Town; to draft all legal documents relating to the affairs of the Town; to draft proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts,

franchises and other instruments with which the Town may be concerned; to attend all meetings of the Board of Aldermen when required by the Board and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

"ARTICLE VII. ADMINISTRATIVE OFFICERS AND EMPLOYEES

"Sec. 7.1. Town Clerk. The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Board of Aldermen and to maintain in a safe place all records and documents pertaining to the affairs of the Town, and to perform such other duties as may be required by law or as the Board may direct.

"Sec. 7.2. Town Tax Collector. The Board of Aldermen shall appoint a Tax Collector to collect all taxes, licenses, fees and other moneys belonging to the Town, subject to the provisions of this Charter and the ordinances of the Town, and he shall diligently comply with and enforce all the general laws of North Carolina relating to the collection, sale, and foreclosure of taxes by municipalities.

"Sec. 7.3. Town Finance Officer. The Town Manager shall appoint a Town Finance Officer to perform the duties of the Finance Officer as required by the Local Government Budget and Fiscal Control Act.

"Sec. 7.4. Consolidation of Functions. The Town Manager with approval of the Board of Aldermen may consolidate any two or more of the positions of Town Clerk, Town Tax Collector, and Town Finance Officer, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions.

"ARTICLE VIII. FINANCE

"Sec. 8.1. Custody of Town Money. All moneys received by the Town for or in connection with the business of the Town government shall be paid promptly into the Town depository or depositories. Such institutions shall be designated by the board of Aldermen in accordance with the regulations and subject to the requirements as to security for deposits and interest thereon as may be established by the General Statutes of North Carolina. All interest on moneys belonging to the Town shall accrue to the benefit of the Town. All moneys belonging to the Town shall be disbursed in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

"Sec. 8.2. Independent Audit. As soon as possible after the close of each fiscal year, an independent audit shall be made of all books and accounts of the Town government by a certified public accountant or an accountant certified by the Local Government Commission. The audit shall be secured in accordance with the provisions of the Local Government Budget and Fiscal Control Act.

"ARTICLE IX. TAXATION

"Sec. 9.1. Additional Remedies for Collection of Privilege License Taxes. In addition to any other civil or criminal remedy available to enforce the collection of privilege license taxes, the tax collector may employ the remedies of levy upon personal property, attachment and garnishment, in the manner and subject to the limitations provided by general law for the collection of ad valorem property taxes.

"ARTICLE X. JURISDICTION OF POLICE FORCE

"Sec. 10.1. Jurisdiction. (a) The jurisdiction of the police force is hereby extended to include all Town-owned property and facilities whether located within or outside the

corporate limits, and all members of the police force shall have upon and within such property and facilities all rights, powers and authority as they have within the corporate limits.

(b) All applicable ordinances of the Town shall have full force and effect upon and within all Town-owned property and facilities, whether located within or outside the corporate limits.

"ARTICLE XI. STREET AND SIDEWALK IMPROVEMENTS

"Sec. 11.1. Street Improvements; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements the Board of Aldermen is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Article.

"Sec. 11.2. When Petition Unnecessary. The Board of Aldermen may order street improvements and assess the cost thereof, exclusive of the costs incurred at street intersections, against the abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A (or any successor or revision thereto) of the North Carolina General Statutes, without the necessity of a petition, upon the finding by the Council as a fact:

- (a) That the street improvement project does not exceed 3,000 linear feet, and
- (b) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvement, or
- (c) That it is in the public interest to connect two streets, or portions of a street already improved, or
- (d) That 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 street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan for the particular street or part thereof to be widened and improved under the authority granted by this Article.

"Sec. 11.3 Street Improvement Defined. For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way, and the construction or reconstruction of curbs, gutters and street drainage facilities.

"Sec. 11.4. Sidewalks; Assessment of Costs. In addition to any authority which is now or may hereafter be granted by general laws to the Town for making sidewalk improvements, the Board of Aldermen is hereby authorized, without the necessity of a petition, to make or to order to be made sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total cost thereof against abutting property owners, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A (or any successor or revision thereto) of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Board may order the cost of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

"Sec. 11.5. Assessment Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the Board shall comply with the procedure provided by Article 10, Chapter 160A (or any successor or revision thereto) of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 11.6. Effect of Assessments. The effect of the act of levying assessments under the authority of this Article shall for all purposes be the same as if the assessments were levied under authority of Article 10 of Chapter 160A (or any successor or revision thereto) of the General Statutes.

"Sec. 11.7. Acceptance of Conveyance in Satisfaction of Assessments. The Town Tax Collector or other official or employee of the Town having charge of the collection of special assessments, shall have the right, power, and authority, by and with the approval of the Board of Aldermen first obtained and had, to receive and accept a fee simple conveyance to the Town of any lot or parcel of land in the Town, free and clear of other encumbrances, in full settlement and satisfaction of all street and sidewalk assessments outstanding and unpaid against such property. Such right, power, and authority, however, shall be limited to a conveyance of the whole or the lot or parcel of land against which the particular assessment or assessments involved were levied. No lot or tract of land may be divided and no such right, power, and authority, exercised as to a part, only, of the property originally embraced in and covered by said assessment or assessments. In the case of such conveyance, it shall not be necessary that the street or sidewalk assessment or assessments against the property be foreclosed; but the Town, upon the receipt of any such conveyance, shall become and be the absolute fee simple owner of the property, as fully to all intents and purposes as if purchased in and through foreclosure proceedings for the enforcement of such street and sidewalk assessment or assessments.

"ARTICLE XII. SIDEWALK MAINTENANCE

"Sec. 12.1. Maintenance of Sidewalks. It shall be the duty of every property owner in the Town to maintain in good repair and to keep clean and free of debris, trash, ice, snow, and other obstacles or impediments the sidewalks abutting his property.

"Sec. 12.2. Town May Repair or Clean After Notice; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby Town forces may repair or may clean any sidewalk or remove therefrom any debris, trash, ice, snow, after failure of the abutting property owner after 10 days' notice to do so. In such event, the cost of such repair, or cleaning, or removal, shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the Town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

"ARTICLE XIII. REFUSE, WEEDS, AND TRASH

"Sec. 13.1. Property Kept Free of Offensive Matter. It shall be the duty of every property owner in the Town to keep his property free from noxious weeds, trash, and all other forms of offensive animal or vegetable matter or refuse which may be dangerous or prejudicial to the public health or which may constitute a public nuisance.

"Sec. 13.2. Removal of Offensive Matter; Charges a Lien. The Board of Aldermen may by ordinance establish a procedure whereby Town forces may clean, cut, and remove any weeds, trash, refuse or other offensive matter from any property upon failure of the owner or occupant after 10 days' notice to do so. In such event, the cost of such cleaning, cutting and removal shall become a lien upon the particular property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the Town or by foreclosure of the lien in the same manner and subject to the same rules, regulations, cost and penalties as provided by law for the foreclosure of the lien on real property for ad valorem taxes.

"ARTICLE XIV. CLAIMS AGAINST THE TOWN

"Sec. 14.1. Presentation of Claims; Suit Upon Claims. (a) All claims or demands against the Town of Madison arising in tort or in contract shall be presented to the Board of Aldermen in writing, signed by the claimant, his attorney or agent, within 90 days after the claim or demand is due or the cause of action accrues, and no suit or action shall be brought thereon within 30 days or after the expiration of 12 months from the time said claim or demand is so presented. Unless the claim or demand is so presented within 90 days after the cause of action accrues, and unless suit is brought within 12 months thereafter, any action thereon is barred.

(b) No action shall be instituted against the Town for damages to or compensation for real property taken or used by the Town for any public purpose, or for the ejectment of the Town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the Board of Aldermen of the claim stating in the notice the date that the alleged use commenced, a description of property alleged to have been used, and the amount of the damage or compensation claimed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the occurrence of the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the occurrence of the infliction of the injury complained of, whichever is the longer period. The Town may at any time request the appointment of a next friend to represent any person having a potential claim against the Town and known to be suffering from physical or mental incapacity.

"Sec. 14.2. Settlement of Claims by Town Manager. The Town Manager may settle claims against the Town for (1) personal injuries or damages to property when the amount involved does not exceed the sum of one hundred dollars (\$100.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any

other expense actually incurred and (2) the taking of small portions of private property which are needed for the rounding of corners at intersections of street, when the amount involved in any such settlement does not exceed five hundred dollars (\$500.00) and does not exceed the actual loss sustained. Settlement of a claim by the Town Manager pursuant to this section shall constitute a complete release of the Town from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be approved by the Town Attorney.

"ARTICLE XV. MUNICIPAL RETIREMENT SYSTEM

"Sec. 15.1. The retirement or pension fund which may hereafter be established by the governing body of the Town of Madison under the provisions of this act shall be known, and is hereafter referred to, as Madison Employees' Retirement Fund.

"Sec. 15.2. The governing body of the Town of Madison may establish, by ordinance, a retirement fund which provides for the payment of benefits to employee members of the Madison Employees' Retirement Fund, or to their beneficiaries, in the following cases:

- (1) Retirement because of age,
- (2) Disability,
- (3) Death.

Membership shall include such officers and employees of the Town of Madison as shall be so designated in the ordinance. The Town of Madison shall contribute to the Madison Employees' Retirement Fund in such amounts as shall be stated in the ordinance, in order to meet the liabilities accruing against such fund because of personal service rendered to said Town by such members after the establishment of such fund. Provided, however, that the ordinance may provide benefits which are based, partly or entirely, upon personal services rendered to the Town of Madison prior to the establishment of said fund, and the municipality may contribute the entire cost of benefits based on any such prior service. The expense of administering the fund shall be paid as designated in the ordinance, and the governing body of said Town shall provide and appropriate each year sufficient revenue to cover the expense of the administration."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Madison and to consolidate herein 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 consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any of the following acts, portions of acts, or amendments thereto, whether or not such acts, portions of acts, or amendments are expressly set forth herein:

(a) Any acts concerning the property, affairs, or government of public schools in the Town of Madison.

(b) Any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

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

<u>Chapter</u>	<u>Laws</u>
635	Session Laws 1963
492	Session Laws 1971
112	Session Laws 1971

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interest (whether public or private):

(a) Now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act;

(b) Derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

(a) The repeal herein of any act repealing such law, or

(b) Any provision of this act that disclaims an intention to repeal or affect enumerated or designated laws.

Sec. 7. (a) All existing ordinances and resolutions of the Town of Madison, and all existing rules or regulations of departments or agencies of the Town of Madison, not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified, or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Madison or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. Severability. If any provision of this act or the application thereof to any person or circumstances 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. 9. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 10. Regular municipal elections. Regular municipal elections, which will be non-partisan, shall be held biennially in odd-numbered years on the day set by general law for municipal elections. In each election, the candidate for Mayor who receives the largest number of votes cast for Mayor shall be declared elected for a term of two years and the six candidates for Alderman who receive the largest number of votes cast for Alderman shall be declared elected for terms of two years.

Sec. 11. Town may repair or clean after notice; charges a lien. The Board of Aldermen may by ordinance establish a procedure whereby town forces may repair or may clean any sidewalk or remove therefrom any debris, trash, ice, snow, after failure of the abutting property owner to do so. In such event, the cost of such repair, or cleaning, or removal, shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the town or by foreclosure of the lien in the same manner and subject to the same rules,

regulations, costs, and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

Sec. 12. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 1st day of May, 1973.