

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 688
SENATE BILL 855

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

The General Assembly of North Carolina enacts:

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

"The Charter of the Town of Princeville.

"ARTICLE I.

"Incorporation, Corporate Powers and Boundaries.

"Section 1.1. Incorporation. The Town of Princeville, North Carolina in the County of Edgecombe, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the 'Town of Princeville', (hereinafter at times referred to as the 'town').

"Sec. 1.2. Powers. The Town of Princeville shall have and may exercise all of the powers, duties, rights, privileges and immunities, which are now, or hereafter may be, conferred, either expressly or by implication, upon the Town of Princeville specifically, or upon municipal corporations generally, by this Charter, by the State Constitution, or by general or local law.

"Sec. 1.3. Corporate limits. The corporate limits of the Town of Princeville shall be those existing at the time of ratification of this Charter, as the same are set forth on the official map of the town, and as the same may be altered from time to time in accordance with law. An official map of the town, showing the current town boundaries, shall be maintained permanently in the office of the town clerk, and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the official map of the town shall be made.

"Sections 1.4 through Section 1.10 (Reserved.)

"ARTICLE II.

"Mayor and Board of Commissioners.

"Sec. 2.1. Governing body. The mayor and board of commissioners, elected and constituted as herein set forth, shall be the governing body of the town. On behalf of the town, and in conformity with applicable laws, the mayor and board may provide for the exercise of all municipal powers, and shall be charged with the general government of the town.

"Sec. 2.2. Board of commissioners; composition; terms of office. The board of commissioners shall be composed of 12 members, each of whom shall be elected for

terms of four years in the manner provided by Article III of this Charter, provided they shall serve until their successors are elected and qualified.

"Sec. 2.3. Selection of the mayor; term of office; duties. The mayor shall be selected by the board of commissioners from among its membership, to serve at its pleasure. The mayor shall be the official head of the town government and shall preside at all meetings of the board of commissioners. The mayor, in his capacity as a member of the board, shall have the right to vote on all matters before the board, and shall have the right to vote a second time, in his capacity as mayor, in order to break a tie vote in which he participated. The mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon him by the General Statutes of North Carolina, by this Charter, and by the ordinances of the town.

"Sec. 2.4. Mayor pro tempore. In accordance with applicable State laws, the board of commissioners shall appoint one of its members to act as mayor pro tempore to 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 this capacity at the pleasure of the remaining members of the board.

"Sec. 2.5. Meetings of the board. In accordance with the General Statutes, the board of commissioners shall establish a suitable time and place for its regular meetings. Special meetings may be held according to the applicable provisions of the General Statutes.

"Sec. 2.6. Ordinances and resolutions. The adoption, amendment, repeal, pleading, or proving of town ordinances and resolutions 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 town ordinances shall be: 'Be it ordained by the Board of Commissioners of the Town of Princeville'.

"Sec. 2.7. Voting requirements; quorum. Official action of the board of commissioners shall be, unless required otherwise by law, by majority vote, provided that a quorum, consisting of a majority of the actual membership of the board, is present. Vacant seats are to be subtracted from the normal board membership to determine the actual membership.

"Sec. 2.8. Qualifications for office; vacancies; compensation. The compensation of board members, the filling of vacancies on the board, and the qualifications of board members shall be in accordance with applicable provisions of the General Statutes.

"Section 2.9 through Section 2.15. (Reserved.)

"ARTICLE III.

"Elections.

"Sec. 3.1. Regular municipal elections; conduct and method of election. Regular municipal elections shall be held in the town every four years in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Members of the board of commissioners shall be elected according to the nonpartisan plurality method of elections.

"Sec. 3.2. Election of the board of commissioners. At the regular municipal elections in 1977, and quadrennially thereafter, there shall be elected 12 members to the board of

commissioners to represent respectively, each of the 12 electoral districts herein established. The qualified voters of each electoral district shall nominate and elect a candidate to fill the seat apportioned to each respective district. Every person elected to the board of commissioners and every candidate for the office of commissioner shall reside in the ward which he represents or seeks to represent.

"Sec. 3.3. Electoral districts; district boundaries. The town shall continue to be divided into 12 single-member electoral districts, the district boundaries being drawn so that each district includes, as nearly as possible, the same number of persons residing therein.

The electoral district boundaries shall be those existing at the time of the ratification of this Charter, as the same are set forth by an official written description. The official written description of the electoral district boundaries shall be maintained permanently in the office of the town clerk, and shall be available for public inspection.

The board of commissioners is authorized, in accordance with State law, to revise from time to time the electoral district boundaries of the town. Upon alteration of the district boundaries pursuant to law, the board shall cause to be made the appropriate changes in the official written description.

"Section 3.4 through Section 3.10. (Reserved.)

"ARTICLE IV.

"Organization and Administration.

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

"Sec. 4.2. Town manager. The board of commissioners shall appoint a town manager who shall be the head of the administrative branch of town government, and who shall be responsible to the board for the proper administration of the affairs of the town. In exercising his duties as chief administrator, the manager shall have the following powers and duties:

(a) He shall appoint and suspend or remove all town employees whose appointment or removal is not otherwise provided for by law, in accordance with such general personnel rules, regulations, policies, or ordinances as the board may adopt.

(b) 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.

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

(d) 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.

(e) He shall prepare and submit the annual budget and capital program to the town.

(f) 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.

(g) 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.

(h) He shall perform any other duties that may be required and authorized by the board.

"Sec. 4.3. Town attorney. The board of commissioners shall appoint a town attorney who shall be licensed to engage in the practice of law in the State of North Carolina. On request by the mayor and board, it shall be the duty of the town attorney to prosecute and defend suits against the town; to advise the mayor, board of commissioners and other town officials with respect to the affairs of the town; to draft legal documents relating to the affairs of the town; to inspect and pass upon agreements, contracts, franchises and other instruments with which the town may be concerned; to attend meetings of the board as requested by the mayor or a majority of the board; and to perform other duties as the board may direct.

"Sec. 4.4. Town clerk. The town manager shall appoint a town clerk to keep a journal of the proceedings of the board, 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 of commissioners may direct.

"Sec. 4.5. 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. 4.6. Town tax collector. The town manager shall appoint a town tax collector to collect all taxes, licenses, fees and other moneys belonging to the town, subject to the General Statutes, the provisions of this Charter and the ordinances of the town. The town tax collector shall diligently comply with and enforce all the laws of North Carolina relating to the collection of taxes by municipalities.

"Sec. 4.7. Consolidation of functions. The board of commissioners may consolidate any two or more positions of town manager, 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, subject to the Local Government Budget and Fiscal Control Act.

"Sec. 4.8. Other administrative officers and employees. Consistent with applicable State laws, the board of commissioners may establish other positions, provide for the appointment of other administrative officers and employees, and generally organize the town government in order to promote the orderly and efficient administration of the affairs of the town.

"Section 4.9 through Section 4.15. (Reserved.)

"ARTICLE V.

"Special Provisions.

"Sec. 5.1. 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 commissioners is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of Sections 5.1 through 5.6 herein.

"Sec. 5.2. When petition unnecessary. The board of commissioners may order street improvements and assess the cost thereof against the abutting property owners, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the North Carolina General Statutes without the necessity of a petition, upon the finding by the board as a fact:

- (a) that the street improvement project does not exceed 1,200 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. 5.3. Street improvement defined. For the purposes 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. 5.4. Sidewalks; assessment of costs. In addition to any authority which is now or may hereafter be granted by general law to the town for making sidewalk improvements, the board of commissioners 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 of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the board of commissioners 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. 5.5. Assessment procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Article, the board of commissioners shall comply with the procedure provided by Article 10, Chapter 160A of the General Statutes, except those provisions relating to the petition of property owners and the sufficiency thereof.

"Sec. 5.6. 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 of the General Statutes.

"Section 5.7 through Section 5.15. (Reserved.)"

Sec. 2. Authority to conduct annexations according to general statutory standards. As provided herein, the Town of Princeville shall hereafter be authorized to extend its corporate limits by the procedure authorized to cities of less than 5,000 population in Part 2 of Article 4A of Chapter 160A of the General Statutes. To this end, the provisions of G.S. 160A-44, as the same appear in the 1976 Replacement Volume

3D, are hereby amended by inserting in the second line thereof, immediately after the words, "the towns of", the word "Princeville,".

Sec. 3. The purpose of this act is to revise the Charter of the Town of Princeville 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. 4. 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 Princeville.

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

Sec. 5. The following acts or portions of acts, having served the purposes for which they were enacted, or having been consolidated into this act are hereby repealed:

Chapter 29, Private Laws of 1885

Chapter 418, Private Laws of 1905

Chapter 218, Private Laws of 1923

Chapter 133, Public-Local Laws of 1937

Chapter 355, Session Laws of 1955

Chapter 596, Session Laws of 1959

Chapter 795, Session Laws of 1963

Sec. 6. No provision of this act is intended, nor shall be construed, to affect in any way any rights or interests (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 pursuant to or within the scope of any provisions of law repealed by this act.

Sec. 7. 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. 8. (a) All existing ordinances and resolutions of the Town of Princeville and all existing rules or regulations of departments or agencies of the Town of Princeville, 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 Princeville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 9. If any 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. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 11. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 12. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1977.