

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 272  
HOUSE BILL 706

AN ACT TO PROVIDE A NEW CHARTER FOR THE CITY OF GREENVILLE,  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the City of Greenville is hereby revised and consolidated to read:

"ARTICLE I.

"Incorporation, Powers, Corporate Limits.

"Section 1.1. Incorporation. The inhabitants of the City of Greenville, North Carolina, are a body corporate and politic under the name of the 'City of Greenville,' hereinafter at times referred to as the 'City'.

"Sec. 1.2. Powers. The City of Greenville has and may exercise all of the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred or imposed, either expressly or by implication, on municipal corporations by this Charter, the general law of North Carolina, the State Constitution, or local law.

Additionally the City has the power to issue and sell bonds on the security of any such excess property, or of any public utility owned by the City, or of the revenues thereof, or of both, including the case of a public utility, if deemed desirable by the City, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

"Sec. 1.3. Additional Powers; Street and Sidewalk Improvements; Assessments Therefor. (a) In addition to any authority which is now or may hereafter be granted by general law to the City for making street improvements, the City Council is hereby authorized to make street improvements and to assess the total costs thereof against abutting property owners in accordance with the provisions of this act. The City Council may order street improvements and assess the costs 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 of the North Carolina General Statutes, without the necessity of a petition, upon findings of fact by the Council that:

- (1) Such street or part thereof is unsafe for vehicular traffic, and it is in the public interest to make such improvement;
- (2) It is in the public interest to connect two streets or portions of a street already improved;
- (3) It is in the public interest to widen a street, or part thereof, that is already improved. However, assessments for widening any street, or

portion of street, without petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standard established by the City's thoroughfare or major street plan for the particular street, or part thereof to be widened and improved; or

- (4) Such street, or part thereof, is in need of repair or pavement and it is in the public interest to make such improvements.

(b) For the purpose of this act, 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 systems.

(c) In addition to any authority which is now or may hereafter be granted by general law to the City of Greenville for making sidewalk improvements, the City Council 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 City, 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, Chapter 160A of the North Carolina General Statutes; provided, however, that regardless of the assessment basis or bases employed, the Council may order the costs of sidewalk improvements made only on one side of a street to be assessed against property owners abutting both sides of such street.

(d) In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this act, the City Council 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.

(e) The effect of the act of levying assessments under 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.

(f) This act shall be in addition to and not in derogation of any other powers already held by general laws or otherwise.

(g) Except as otherwise provided in this act, the City Council shall have the authority to determine by whom and in what manner the powers granted by this section shall be exercised.

"Sec. 1.4. Corporate Limits. The corporate limits of the City of Greenville shall be those existing at the time of the ratification of this Charter, as the same are set forth on the official map and written description of the City, and as the same may be altered from time to time in accordance with law. The official map and written description of the City, showing the current boundaries, shall be maintained permanently in the office of the City Clerk, and shall be available for public inspection. Upon alteration of the corporate limits pursuant to law, the Council shall cause to be made the appropriate changes to the official map and written description. In case of conflict the official map shall control.

## "ARTICLE II.

"Governing Body.

"Sec. 2.1. Composition and Duties of Mayor and City Council. The Mayor and the City Council elected and constituted as herein set forth, shall be the governing body of the City. There shall be six members of the City Council. The Mayor shall have the right to vote on matters before the Council only when there is an equal number of votes in the affirmative and in the negative. On behalf of the City, and in conformity with applicable laws, the Mayor and Council may provide for the exercise of all municipal powers and shall be charged with the general government of the City.

"Sec. 2.2. Duties of Mayor. In addition to the powers and duties as are conferred by law and this Charter, the Mayor shall have such other powers and duties as may be conferred upon him by the Council pursuant to law.

"Sec. 2.3. Duties of Mayor Pro Tempore. Immediately after the newly elected members of the City Council have assumed the duties of office, the City Council shall elect one of its members as Mayor Pro Tempore, who shall have the powers and duties prescribed by General Statutes and local law, and shall serve for a period of two years.

"ARTICLE III.

"Elections.

"Sec. 3.1. Regular Municipal Elections. Regular municipal elections shall be held in the City every two years in odd-numbered years, and shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the City Council shall be elected from the City at large according to the nonpartisan plurality election method.

"ARTICLE IV.

"Organization and Administration.

"Sec. 4.1. Form of Government. The City 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. Appointment of Officers by City Council. The City Council shall appoint a City Manager and a City Attorney, each of whom must be or become a resident of the City to fulfill the appointment. The Council shall fix all salaries, prescribe bonds and require such oaths as they deem necessary.

"Sec. 4.3. City Manager. The City Manager shall perform the powers and duties as defined in Part 2 of Article 7 of Chapter 160A of the General Statutes and, in addition the Manager shall perform such other duties as may be required by the City Council.

"Sec. 4.4. City Attorney. The City Attorney shall be a licensed attorney who has practiced law in the State of North Carolina for at least five years. The City Attorney shall serve as the City Council's legal advisor and perform such duties as are prescribed by law or required by the City Council.

"Sec. 4.5. Personal Interest. No member of the City Council nor any officer or employee of the City shall have a direct or indirect financial interest in any contract with the City, or be directly or indirectly financially interested in the sale to the City of any land, materials, supplies or services, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof by a competent court of

law shall thereby forfeit his or her office or position. Any violation of this section with the express or implied knowledge of the person or corporation contracting with the City shall render the contract voidable by the City Council."

**Sec. 2.** The purpose of this act is to revise the Charter of the City of Greenville and to consolidate herein certain acts concerning the property, affairs and government of the City. 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:

(1) Any acts concerning the property, affairs or government of public schools in the City of Greenville.

(2) Any act 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 were enacted or having been consolidated into this act are hereby repealed:

Chapter 278, Private Laws of 1901  
Chapter 296, Public-Local Laws of 1937  
Chapter 326, Public-Local Laws of 1939  
Chapter 467, Public-Local Laws of 1939  
Chapter 271, Public-Local Laws of 1941  
Chapter 156, Private Laws of 1909  
Chapter 121, Private Laws of 1901  
Chapter 122, Private Laws of 1903  
Chapter 236, Private Laws of 1907  
Chapter 134, Private Laws of 1919  
Chapter 123, Private Laws of 1931  
Chapter 386, Private Laws of 1911  
Chapter 176, Private Laws of 1917  
Chapter 192, Private Laws of 1917  
Chapter 496, Public-Local Laws of 1937  
Chapter 462, Public-Local Laws of 1941  
Chapter 124, Session Laws of 1943  
Chapter 169, Public Laws of 1901  
Chapter 160, Private Laws of 1913  
Chapter 787, Public Laws of 1903  
Chapter 12, Private Laws of 1931  
Chapter 331, Private Laws of 1905  
Chapter 186, Public-Local Laws of 1941  
Chapter 979, Session Laws of 1947  
Chapter 191, Session Laws of 1951  
Chapter 910, Session Laws of 1957  
Chapter 562, Session Laws of 1949

Chapter 743, Session Laws of 1957  
Chapter 412, Session Laws of 1955  
Chapter 376, Session Laws of 1965  
Chapter 216, Session Laws of 1947  
Chapter 422, Session Laws of 1951  
Chapter 243, Session Laws of 1969  
Chapter 331, Session Laws of 1977

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

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

(2) 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. 6.** All existing ordinances of the City, and all existing rules and regulations of departments and agencies of the City not inconsistent with provisions of this act shall continue in full force and effect until repealed, modified or amended.

**Sec. 7.** 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 City of Greenville or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

**Sec. 8.** If any provisions of this act or the application thereof to any person or circumstance 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.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1981.