

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 650
SENATE BILL 613

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF HOPE MILLS.

"ARTICLE I.

"Incorporation, Corporate Powers and Boundaries.

"Sec. 1.1. Incorporation. The Town of Hope Mills, North Carolina, in the County of Cumberland, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name and style of the "Town of Hope Mills", hereinafter at times referred to as the "Town".

"Sec. 1.2. Powers. The Town of Hope Mills 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 Hope Mills 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 Hope Mills 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.

"ARTICLE II.

"Mayor and Board of Commissioners.

"Sec. 2.1. Governing Body. The Town 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 Town Board of Commissioners may provide for the exercise of all municipal powers, and shall be charged with the general government of the Town.

"Sec. 2.2. Town Board of Commissioners; Composition; Terms of Office. The Town Board of Commissioners shall be composed of five members, each of whom shall be

elected for terms of two 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 and other Officers; Meetings. The Mayor shall be elected for a term of two years in the manner provided by Article III of this Charter and until a successor is elected and qualified. The Mayor shall be the official head of the Town, preside at meetings of the Town Board of Commissioners, and shall exercise such powers and perform such duties as presently are or hereafter may be conferred upon the Mayor 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 Town 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 such capacity at the pleasure of the remaining members of the Board of Commissioners.

"Sec. 2.5. Meetings of the Board. In accordance with the General Statutes, the Town 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 enacting clause of all Town ordinances shall be: 'Be it ordained by the Town Board of Commissioners of the Town of Hope Mills'.

"Sec. 2.7. Voting Requirements; Quorum. Official action of the Town Board of Commissioners shall, unless otherwise provided by law, be 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.

"ARTICLE III.

"Elections.

"Sec. 3.1. Regular Municipal Elections; Conduct and Method of Election. Regular municipal elections shall be held in the Town 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 Town Board shall be elected according to the nonpartisan plurality method of elections.

"Sec. 3.2. Election of the Mayor and Town Board. At the regular municipal elections in 1981 and biennially thereafter, there shall be elected a Mayor and five members of the Town Board to fill the seats of those officers whose terms are then expiring.

"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, Chapter 160A of the General Statutes.

"Sec. 4.2. Appointment; Qualifications; Compensation. The Town Board shall appoint a town manager, who shall serve at the pleasure of the Board. The manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice with respect to the duties of a town manager. At the time of appointment, the manager need not be a resident of the Town or State, but during tenure of office shall reside within the Town. The manager shall receive such salary as the Board may establish.

"Sec. 4.3. Powers and Duties. The town manager shall be the administrative head of the Town government, and shall be responsible to the Town Board for the proper administration of all affairs of the Town. Except as otherwise provided by this Charter, the town manager shall have all the powers and duties assigned or delegated to a town manager by State law. The town manager shall also perform such other duties as are prescribed by the Board.

"Sec. 4.4. Appointment of Town Attorney; Qualifications; Compensation. (a) The Town Board shall appoint a town attorney to be its legal advisor, who shall serve at the pleasure of the Board. The town attorney shall be an attorney-at-law licensed to practice in this State. The town attorney shall receive such compensation as the Board may establish.

(b) The Town Board may also employ such other attorneys as it deems advisable in order to provide proper legal advice and assistance to the Town.

"Sec. 4.5. Duties. The Town attorney shall be the principal legal advisor to the Town, and shall perform whatever duties are prescribed by the Town Board.

"ARTICLE V.

"Assessments.

"Sec. 5.1. Petition Unnecessary. In addition to authority as now or may hereafter be granted to the Town for making street or sidewalk improvements, the Town Board of Commissioners is hereby authorized to order such improvements and to assess the total cost thereof against abutting properties without the necessity of a petition of property owners.

"Sec. 5.2. Sidewalk Repairs. The Board is further authorized to order or to make sidewalk repairs and driveway repairs across sidewalks according to standards and specifications of the city, and to assess the total cost thereof against abutting properties without the necessity of a petition of property owners.

"Sec. 5.3. Sidewalk on One Side of Street. If a sidewalk is constructed on only one side of the street, the cost thereof may be assessed against the property abutting on both sides of the street, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed against the abutting property.

"Sec. 5.4. Assessment Procedure and Effect. In ordering street or sidewalk improvements or sidewalk repairs and assessing the cost thereof, the Board shall follow the procedures provided by the General Statutes for street and sidewalk improvements, except those provisions relating to the petition of property owners, the sufficiency

thereof, and limitation of percentage of cost to be assessed. The effect of levying assessments pursuant to this act shall for all purposes be the same as if they were levied under authority of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Hope Mills 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 Hope Mills.

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

(c) Any acts concerning the sale of alcoholic beverages or elections relating thereto.

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:

Private Laws of 1891, Chapter 349

Private Laws of 1925, Chapter 205

Session Laws of 1953, Chapter 235

Session Laws of 1953, Chapter 1183

Session Laws of 1955, Chapter 36

Session Laws of 1957, Chapter 58

Session Laws of 1959, Chapter 253

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

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

(2) 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 Hope Mills and all existing rules or regulations of departments or agencies of the Town of Hope Mills 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 Hope Mills or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. 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. 9. 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. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1981.