

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 286
SENATE BILL 310

AN ACT TO REVISE THE CHARTER OF THE TOWN OF JACKSON.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Jackson is rewritten to read:

"CHARTER OF THE TOWN OF JACKSON.

"CHAPTER I. INCORPORATION, GENERAL POWERS, BOUNDARIES.

"Sec. 1.1. Incorporation and General Powers. The Town of Jackson, heretofore incorporated by the General Assembly (Chapter 10, Private Laws of 1872-73), shall continue to operate as a body politic and corporate under the name and style of the 'Town of Jackson'. Under that name, the town and its officers and employees shall have all of the powers, duties, rights, privileges and immunities conferred and imposed on cities by the general law of North Carolina and by this Charter.

"Sec. 1.2. Corporate Boundaries. The corporate boundaries of the Town of Jackson shall be those established by Chapter 13 of the Private Laws of 1927 as amended by Chapter 654 of the Session Laws of 1955 and as further amended by any annexations conducted under general law. An official map of the current town boundaries shall be kept on file in the office of the town clerk.

"CHAPTER II. GOVERNING BODY, ELECTIONS, ADMINISTRATION.

"Sec. 2.1. Governing Body: Mayor and Board of Commissioners.

The Town of Jackson shall be governed by a mayor and a five member board of commissioners. The board of commissioners shall be the legislative body of the town, and except as otherwise provided by law, shall have general control over town government. The mayor shall exercise those powers and duties conferred upon him by law together with such other powers and duties conferred upon him by the board of commissioners.

"Sec. 2.2. Election of Mayor and Board of Commissioners. (a) The mayor and the members of the board of commissioners shall be elected by the voters of the entire town. The mayor shall be elected for a term of four years and the board of commissioners members shall be elected for staggered terms of four years.

(b) In the municipal elections to be held in 1983 and every four years thereafter, the mayor shall be elected for a term of four years. In the 1983 election and the municipal elections held every four years thereafter, two commissioners shall be elected to fill the seats of the board members whose terms expire in 1983. In the municipal elections to be held in 1985 and every four years thereafter, three commissioners shall be elected to fill the seats of the board members whose terms expire in 1985.

"Sec. 2.3. Conduct of Municipal Elections. The municipal elections in the Town of Jackson shall be nonpartisan and decided by a plurality in accordance with G.S. 163-292. No primary elections shall be held. The municipal elections shall be conducted pursuant to the applicable provisions of Chapter 163 of the North Carolina General Statutes, particularly Articles 23 and 24 thereof.

"Sec. 2.4. Mayor-Council Form of Government. The Town of Jackson shall operate under the mayor-council form of government as provided in G.S. Chapter 160A, Article 7, Part 3.

"CHAPTER III. FINANCE.

"Sec. 3.1. Water and Sewer Charges Lien on Premises Served.

(a) Charges levied by the Town of Jackson for water and sewer services shall constitute a lien on the property served, which lien shall attach at the time such services are rendered. This lien shall be inferior to all prior and subsequent liens for State, local and federal taxes and assessments and superior to all other liens.

(b) The lien for water and sewer charges may be foreclosed under the procedure prescribed by law for the foreclosure of special assessment liens, and the same statute of limitations shall apply.

(c) The remedy provided for herein for the collection of water and sewer charges shall be in addition to and not to the exclusion of other available remedies. If the lien provided for in this section is foreclosed, the town may be entitled to a deficiency judgment.

"CHAPTER IV. REGULATORY POWER.

"Sec. 4.1. Trespassing on Town Property. The town may, by ordinance, make it unlawful for any person to refuse to vacate any land, building, or facility owned, leased, or otherwise occupied, used or in the possession of the Town of Jackson or Northampton County, when directed to do so by an order of any police officer or the administrative official or employee in charge of such land, building, or facility.

"Sec. 4.2. Loitering. (a) The town may, by ordinance, make it unlawful for any person, after having been asked by a police officer to move on or leave, to loiter, loaf, wander, stand, or remain idle either alone or in consort with others in a public place in such manner as to:

- (1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
- (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(b) As used in this section:

- (1) 'Loitering' shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression 'hanging around'.
- (2) 'Public Place' shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

"Sec. 4.3. Maintenance of Properties in Business District.

The town may, by ordinance, require that all buildings and structures located on lots that have frontage on that portion of U.S. Highway 158 that is within the town's business district be properly repaired and maintained (including painting), according to standards set forth in such ordinance.

"CHAPTER V. SPECIAL ASSESSMENTS.

"Sec. 5.1. Assessments for Street Improvements. (a) Under the circumstances specified in subsection (b), the board of commissioners may levy special assessments for street improvements without regard for the petition requirements of G.S. 160A-217. However, except as modified expressly or by necessary implication by this section, all of the other provisions of Article 10 of Chapter 160A shall be applicable to assessments made without a petition.

(b) The board of commissioners may exercise the authority granted in subsection (a) with respect to the following types of streets located within the town:

- (1) Unpaved streets that connect two paved streets;
- (2) Unpaved extensions of streets that are partially paved.

(c) Whenever the authority granted in subsection (a) is used, the board of commissioners shall assess to abutting property owners the same percentage of the cost of the project that, by formally adopted town policy, would be assessed if the project were undertaken in response to the submission of a petition under G.S. 160A-217.

"Sec. 5.2. Utility Connections Required When Streets Paved.

Whenever (i) the town undertakes a street paving special assessments project, and (ii) a public water or sewer line is located within the portion of the street right-of-way that is intended to be paved, and (iii) one or more lots adjacent to such street is not connected to such water or sewer line, then the town may, as a part of such street improvements project, install lateral lines to such lots and assess the cost of such connections to the lots affected."

Sec. 2. Except as otherwise provided in this Charter, all provisions of any local act applicable to the Town of Jackson previously adopted are repealed, except that this act does not repeal Chapter 1189, Session Laws of 1979 concerning motor vehicle taxes, as rewritten by Chapter 75, Session Laws of 1983.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of May, 1983.