

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 445
SENATE BILL 353

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF MURFREESBORO.

"ARTICLE I.

"INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

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

"Sec. 1.2. Powers. The Town of Murfreesboro 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 Murfreesboro, 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 Murfreesboro 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.

"Sec. 1.4 through 1.10 (reserved).

"ARTICLE II.

"MAYOR AND COUNCIL.

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

"Sec. 2.2. Town Council; Composition; Terms of Office. The Town Council shall be composed of five members, each of whom shall be elected for a term 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. Mayor; Term of Office; Duties. The Mayor shall be elected in the manner provided by Article III of this Charter to serve for a term of two years, or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and shall preside at all meetings of the Town Council. The Mayor shall have the right to vote only when there are an equal number of votes in the affirmative and the negative on any motion before the Council. The Mayor shall exercise such powers and perform such duties as presently are or hereafter may be conferred 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 Council 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 Council.

"Sec. 2.5. Meetings of the Council. In accordance with the General Statutes, the Council 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 Council. The enacting clause of all Town ordinances shall be: 'Be it ordained by the Town Council of the Town of Murfreesboro'.

"Sec. 2.7. Voting Requirements; Quorum. Official action of the Council shall in every instance be by majority vote, provided that a quorum, consisting of a majority of the actual membership of the Council, is present. Vacant seats are to be subtracted from the normal Council membership to determine the actual membership.

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

"Sec. 2.9 through 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 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 Council shall be elected according to the non-partisan plurality method of election.

"Sec. 3.2. Election of the Mayor. At the regular municipal election in 1983, and every two years thereafter, there shall be elected a Mayor to serve a term of two years. The Mayor shall be elected by the voters of the Town voting at large.

"Sec. 3.3. Election of the Council Members. At the regular municipal elections in 1983 and every two years thereafter, there shall be elected five Council members to serve terms of two years. All Council members shall be elected by the voters of the Town voting at large.

"Sec. 3.4 through 3.10 (reserved).

"ARTICLE IV.

"ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. Town Attorney. The Town Council shall appoint a Town Attorney who shall be licensed to engage in the practice of law in the State of North Carolina. It shall be the duty of the Town Attorney to prosecute and defend suits against the Town; to advise the Mayor, Town Council 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 inspect and pass upon all agreements, contracts, franchises and other instruments with which the Town may be concerned; to attend meetings of the Town Council; and to perform other duties required by law or as the Town Council may direct.

"Sec. 4.3. Town Clerk. The Town Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council, to maintain in a safe place all records and documents pertaining to the affairs of the Town, to be the chief administrative official for the Town, and to perform such other duties as may be required by law or as the Town Council may direct.

"Sec. 4.4. Town Tax Collector. The Town Council shall appoint a Town Tax Collector to collect all taxes, licenses, fees and other monies 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. The duties of the Tax Collector may be conferred upon the Town Clerk, or any other Town employee.

"Sec. 4.5. Other Administrative Officers and Employees.

Consistent with applicable State laws, the Town Council 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.

"Sec. 4.6 through 4.10 (reserved).

"ARTICLE V.

"SPECIAL PROVISIONS.

"Sec. 5.1. Assessments for Street and Sidewalk Improvements; Petition Unnecessary.

A. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street improvements, the Council is hereby authorized to make street improvements and to assess the cost thereof against abutting property owners in accordance with the provisions of this Section.

B. For the purposes of this Section, 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.

C. In addition to any authority which is now or may hereafter be granted by general law to the Town for making street or sidewalk improvements, the Council is hereby authorized, without the necessity of obtaining 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 Council 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.

D. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this Section, the 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 the authority of this Section 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."

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

(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 were enacted, or having been consolidated into this act, are hereby repealed:

Chapter 59, Private Laws of 1786 (Iredell) Chapter 95, Private Laws of 1794 Chapter 73, Public Laws of 1798 Chapter 118, Private Laws of 1812 Chapter 120, Private Laws of 1825 Chapter 54, Private Laws of 1829-30 Chapter 141, Private Laws of 1830-31 Chapter 55, Private Laws of 1840-41 Chapter 243, Private Laws of 1854-55 Chapter 35, Private Laws of 1866-67 Chapter 110, Public Laws of 1872-73 Chapter 180, Public Laws of 1872-73 Chapter 114, Private Laws of 1874-75 Chapter 186, Public Laws of 1876-77 Chapter 138, Private Laws of 1885 Chapter 286, Public Laws of 1887 Chapter 365, Public Laws of 1887 Chapter 557, Public Laws of 1889 Chapter 250, Private Laws of 1891 Chapter 19, Private Laws of 1893 Chapter 24, Private Laws of

1895 Chapter 55, Private Laws of 1897 Chapter 455, Public Laws of 1901 Chapter 559, Public Laws of 1901 Chapter 339, Private Laws of 1901 Chapter 303, Public Laws of 1907 Chapter 418, Public Laws of 1907 Chapter 86, Private Laws of 1907 Chapter 320, Private Laws of 1909 Chapter 33, Private Laws of 1921 (Extra Session) Chapter 200, Private Laws of 1921 Chapter 146, Private Laws of 1923 Chapter 178, Private Laws of 1931 Chapter 16, Private Laws of 1937 Chapter 19, Public-Local Laws of 1941 Chapter 31, Session Laws of 1943 Chapter 335, Session Laws of 1947 Chapter 672, Session Laws of 1957 Chapter 1093, Session Laws of 1957 Chapter 737, Session Laws of 1959 Chapter 1198, Session Laws of 1959 Chapter 64, Session Laws of 1961 Chapter 91, Session Laws of 1961 Chapter 1035, Session Laws of 1961 Chapter 22, Session Laws of 1963 Chapter 1034, Session Laws of 1967 Chapter 368, Session Laws of 1969.

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):

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

Sec. 8. 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 Murfreesboro 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 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. 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 is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of June, 1983.