

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 34
HOUSE BILL 145

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
ROANOKE RAPIDS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Roanoke Rapids is revised and consolidated to read:

"THE CHARTER OF THE CITY OF ROANOKE RAPIDS.

"ARTICLE I.

"INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. **Incorporation.** The City of Roanoke Rapids, North Carolina in Halifax County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'City of Roanoke Rapids', hereinafter at times referred to as the 'City'.

"Sec. 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Roanoke Rapids specifically by this Charter or upon municipal corporations by general law. The term 'general law' is employed herein as defined in G.S. 160A-1.

"Sec. 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current municipal boundaries and the boundaries of the electoral districts therein, shall be maintained permanently in the office of the City Clerk and shall be available for public inspection. Upon alteration of the corporate limits or electoral districts pursuant to law, the appropriate changes to the official map shall be made and copies shall be filed in the office of the Secretary of State, the Halifax County Register of Deeds and the appropriate board of elections.

"Sec. 1.4. **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.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **City Governing Body; Composition.** The Mayor and the City Council, hereinafter referred to as the 'Council', shall be the governing body of the City.

"Sec. 2.2. **City Council; Composition; Terms of Office.** The Council shall be composed of five members, two to be elected by and from the qualified voters of District 1, two to be elected by and from the qualified voters of District 2, and one to be

elected by and from the qualified voters of District 3, for staggered terms of four years or until their successors are elected and qualified.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the City for a term of four years or until his or her successor is elected and qualified. The Mayor shall be the official head of the City government and preside at meetings of the Council, shall have the right to vote only when there is an equal division on any question or matter before the Council, and shall exercise the powers and duties conferred by law or as directed by the Council.

"Sec. 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the Council.

"Sec. 2.5. **Meetings; Quorum; Voting Requirements.** In accordance with general law, the Council shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law. Notwithstanding the contrary provisions of G.S. 160A-74, a majority of the members elected to the Council shall constitute a quorum for the conduct of business. In the absence of a quorum, a lesser number may adjourn from time to time and compel the attendance of absent members in such manner as may be prescribed by ordinance. Official actions of the Council and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75.

"Sec. 2.6. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Council members shall be in accordance with general law. Vacancies that occur in any elective office of the City shall be filled for the remainder of the unexpired term, despite the contrary provisions of G.S. 160A-63.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of North Carolina. Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Sec. 3.2. **Electoral District Boundaries.** The City shall be divided into three districts. The district boundaries are those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with general law.

"Sec. 3.3. **Election of Mayor.** A Mayor shall be elected in the regular municipal election in 1997 and every four years thereafter.

"Sec. 3.4. **Election of Council Members.** In the regular municipal election in 1995, and every four years thereafter, one Council member shall be elected by and from each of the three districts. In the regular municipal election in 1997, and every four years thereafter, one Council member shall be elected by and from Districts 1 and 2.

"Sec. 3.5. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. CITY MANAGER.

"Sec. 4.1. **City Manager; Appointment; Powers and Duties.** The Council shall appoint a City Manager who shall be responsible for the administration of all departments of the City government. The City Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter, and the additional powers and duties conferred by the Council, so far as authorized by general law.

"Sec. 4.2. **Manager's Personnel Authority; Role of Elected Officials.** As chief administrator, the City Manager shall have the power to appoint and remove all officers, department heads, and employees in the administrative service of the City, except the City Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the Mayor nor the Council nor any of its members shall give orders or directions to any subordinate of the Manager, either publicly or privately.

"Sec. 4.3. **Residency.** At the time of appointment, the City Manager need not be a resident of the City, but shall reside therein during the tenure of office.

"Sec. 4.4. **Eligibility of Council Members.** No person elected as a member of the City Council shall be eligible for appointment as City Manager until one year shall have elapsed following the expiration of the term for which the Council member was elected.

"Sec. 4.5. **Absence or Disability.** In case of the absence or disability of the Manager, the Council may designate a qualified administrative officer of the City to perform the duties of the Manager during such absence or disability.

"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Sec. 5.1. **City Attorney.** The City Council shall appoint a City Attorney licensed to practice law in North Carolina. It shall be the duty of the City Attorney to represent the City, advise City officials, and perform other duties required by law or as the Council may direct.

"Sec. 5.2. **City Clerk.** The City Manager shall appoint a City Clerk to keep a journal of the proceedings of the Council, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Manager may direct.

"Sec. 5.3. **Tax Collector.** The City shall have a Tax Collector to collect all taxes owed to the City and perform those duties specified in G.S. 105-350 and such other duties as prescribed by law or assigned by the City Manager. Notwithstanding the contrary provisions of G.S. 105-349, the Manager may appoint and remove the Tax Collector.

"Sec. 5.4. **Director of Finance.** The City Manager shall appoint a Director of Finance to perform the duties designated in G.S. 159-25 and such other duties as may be prescribed by law or assigned by the Manager.

"Sec. 5.5. **Consolidation of Functions.** The City Manager may, with the approval of the City Council, consolidate any two or more of the positions of City Clerk, Director of Finance, and Tax Collector, or may assign the functions of any one or more of these positions to the holder or holders of any other of these positions. The Manager may also, with the approval of the Council, designate a single employee to perform the

functions of the named offices, in lieu of appointing several persons to perform the same.

"Sec. 5.6. **Other Administrative Officers and Employees.** The Council may authorize other positions to be filled by appointment by the City Manager, and may organize the City government as deemed appropriate, subject to the requirements of general law.

"ARTICLE VI. STREET IMPROVEMENTS.

"Sec. 6.1. **Assessments for Street Improvements; Petition Unnecessary.** In addition to any authority granted by general law, the Council may, without the necessity of a petition, order street improvements and assess the costs thereof against abutting property, 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 General Statutes, upon the following findings of fact:

- (1) The street improvement project does not exceed 1,200 linear feet; and
- (2)
 - a. The street or part thereof is unsafe for vehicular traffic or creates a safety or health hazard, and it is in the public interest to make such improvement;
 - b. It is in the public interest to connect two streets, or portions of a street already improved; or
 - c. 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 a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with street classification and improvement standards established by the City's thoroughfare or major street plan for the particular street or part thereof.

"Sec. 6.2. **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. 6.3. **Procedure; Effect of Assessment.** In ordering street improvements without a petition and assessing the costs thereof under authority of this Article, the Council shall comply with the procedures provided by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to petitions of property owners and the sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if the assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE VII. SIDEWALKS.

"Sec. 7.1. **Property Owner's Responsibility.** It shall be the duty of every property owner in the City to keep clean and free of debris, trash, and other obstacles or impediments, the sidewalks abutting his property.

"Sec. 7.2. **City Cleaning or Repair; Costs Become Lien.** The City Council may by ordinance establish a procedure whereby City forces may remove from any sidewalk any debris, trash, ice or snow upon failure of the abutting property owner after 24-hours

notice to do so. In such event, the cost of such removal shall become a lien upon the abutting property equal to the lien for ad valorem taxes and may thereafter be collected either by suit in the name of the City or by foreclosure of the lien in the same manner and subject to the same rules, regulations, costs, and penalties as provided by law for the foreclosure of the lien on real estate for ad valorem taxes.

"ARTICLE VIII. FINANCE AND TAXATION.

"Sec. 8.1. **Motor Vehicle Tag Tax.** The City is authorized to levy a license tax upon any motor vehicle resident therein in the amount of six dollars (\$6.00) per year, or in the amount authorized by G.S. 20-97(a), whichever is greater.

"ARTICLE IX. PROPERTY DISPOSITION.

"Sec. 9.1. **Disposal of Surplus Personal Property.** The City may dispose of personal property valued at less than four thousand dollars (\$4,000) for any one item or group of items using the procedures authorized in G.S. 160A-266(c).

"ARTICLE X. CLAIMS AGAINST THE CITY.

"Sec. 10.1. **Settlement of Claims by City Manager.** The Council may authorize the City Manager to settle claims against the City for (i) personal injuries or damages to property when the amount involved does not exceed the sum of five hundred dollars (\$500.00) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred; and (ii) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets, when the amount involved in any such settlement does not exceed five hundred dollars (\$500.00) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such settlements and all such releases shall be approved in advance by the City Attorney.

"ARTICLE XI. FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

"Sec. 11.1. **Firemen's Supplemental Retirement Fund.** The Roanoke Rapids Firemen's Supplemental Retirement Fund shall continue as authorized by Chapter 312, Session Laws of 1977, as amended by Chapter 247, Session Laws of 1989, and any subsequent acts."

Sec. 2. The purpose of this act is to revise the Charter of the City of Roanoke Rapids and to consolidate 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 expressly consolidated into this act, so that all rights and liabilities which have accrued are preserved and may be enforced.

Sec. 3. This act does not repeal or affect any acts concerning the property, affairs, or government of public schools, or any acts validating official actions, proceedings, contracts, or obligations of any kind.

Sec. 4. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 67, Public-Local Laws of 1937, Section 3

Chapter 987, Session Laws of 1965

Chapter 1054, Session Laws of 1967, except for Section 4,
which is not repealed

Chapter 164, Session Laws of 1969

Chapter 390, Session Laws of 1969

Chapter 481, Session Laws of 1969

Chapter 1072, Session Laws of 1969

Chapter 188, Session laws of 1971

Chapter 259, Session Laws of 1971

Chapter 810, Session Laws of 1971

Chapter 811, Session Laws of 1971

Chapter 368, Session Laws of 1973

Chapter 455, Session Laws of 1977

Chapter 570, Session Laws of 1989.

Sec. 5. The election of Council members by and from districts in 1992 and 1993 pursuant to an election plan ordered by consent decree is hereby validated. The Mayor and Council members serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified. Thereafter those offices shall be filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

Sec. 6. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 7. All existing ordinances, resolutions, and other provisions of the City of Roanoke Rapids not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 8. No action or proceeding pending on the effective date of this act by or against the City or any of its departments or agencies shall be abated or otherwise affected by this act.

Sec. 9. If any provision of this act or application thereof 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, superseded, or recodified, 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 superseded or recodified.

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of April, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives