

Town of Atlantic Beach (Carteret)
Chapter 433 of the Public-Local Laws of 1937 (PL = Public Local Laws)
Local Acts Not Included in the Charter

Charter	PL 1937-433	An Act to Provide for the Maintenance of Boardwalks, Streets, and Roads in Atlantic Beach, and to Incorporate the Town of Atlantic Beach in Carteret County.
Section 2	Ord No. #15-01-01	Ordinance adopted that made technical changes to Section 2, corporate boundaries (no substantive changes made).
Section 2.1	1993-206	Added Section 2.1, which clarified the Town's boundaries to include property that was assumed to be in the corporate limits since the Town was incorporated in PL 1937-433.
Section 3	PL 1939-343	Amended Section 3, which appointed 4 Commissioners and Mayor (serve 4 year terms), by deleting the language which prohibited Town officers from receiving compensation for their service.
	1977-1159	Amended Section 3 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	Ordinance # Jan 20, 1992 (See 2nd Whereas clause of Ord No. #15-01-01)	Ordinance adopted providing that the Town shall be governed by the council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.
	Ordinance # Mar 15, 1993	Section 1 of the Ordinance reduced the term of office for Commissioners from 4 to 2 years; Section 2 increased the size of the Board from 4 members to 11 members, with 8 members chosen from single member electoral districts and 3 chosen at large, and Sections 3 and 4 provided that the Mayor would be elected by all the qualified voters of the Town; and would serve for 2 years; and would vote only to break a tie.
	Ordinance # 98-10-05	The Ordinance reduced the number of Board members from 11 to 5; the terms of office remained 2 years (as provided in the March 15, 1993 ordinance); and provided that the Board members would be elected by all the qualified voters of the Town (eliminating the electoral districts created in the March 15, 1993 ordinance). The term of the Mayor remained 2 years, and the Mayor would be elected by all the qualified voters of the Town (as provided in the March 15, 1993 ordinance).
	Ordinance # 15-01-01	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council."
	Ordinance # 18-07-01	The Ordinance eliminated the Town's October primary.

Section 4	1977-1159	Amended Section 4 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	Ordinance # Jan 20, 1992 (See 2nd Whereas clause of Ord No. #15-01-01)	Ordinance adopted providing that the Town shall be governed by the council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.
	Ordinance # 15-01-01	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council."
Section 5	1977-1159	Amended Section 5 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	Ordinance # 15-01-01	The Ordinance repealed Section 5 because terms of office are covered under the revised Section 3, and thus Section 5 (Term of office) is not needed.
Section 6	1977-1159	Amended Section 6 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	Ordinance # Mar 15, 1993	Section 1 of the Ordinance reduced the term of office for Commissioners from 4 to 2 years; Section 2 increased the size of the Board from 4 members to 11 members, with 8 members chosen from single member electoral districts and 3 chosen at large, and Sections 3 and 4 provided that the Mayor would be elected by all the qualified voters of the Town; would serve for 2 years; and would vote only to break a tie..
	Ordinance # 1998-10-05	The Ordinance reduced the number of Board members from 11 to 5; the terms of office remained 2 years (as provided in the March 15, 1993 ordinance); and provided that the Board members would be elected by all the qualified voters of the Town (eliminating the electoral districts created in the March 15, 1993 ordinance). The term of the Mayor remained 2 years, and the Mayor would be elected by all the qualified voters of the Town (as provided in the March 15, 1993 ordinance).
	Ordinance # 15-01-01	The Ordinance repealed Section 6 because Section 3 provides for the election of the Mayor and Town council members.
Section 7	PL 1939-343	Amended Section 7, which described powers of Mayor and aldermen, to allow the governing body to levy a general property tax for the support of the Town (the Charter prohibited the governing body from levying any general property tax).
	PL 1941-82	Amended Section 7, as amended by PL 1939-343, to delete any restriction on the governing body's authority to levy general property taxes.
	1977-1159	Amended Section 7 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."

	<u>Ordinance # 15-01-01</u>	The Ordinance repealed Section 7, powers and duties.
Section 8	PL 1939-343	Amended Section 8, which related to the power to levy and collect assessments, to provide the citation for the legal authority under which the governing body could make certain assessments.
	<u>1977-1159</u>	Amended Section 8 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	<u>Ordinance # 15-01-01</u>	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council." Also, deleted reference to Session Law that was to apply to the Town's assessment authority – the Town's intent was to make the assessment authority as provided by current general law. *** The ordinance changes Section 8 to Section 6, but not sure this works because they changed Section 11 to 5 and didn't account for other sections in between (See Section 11).
Section 9	<u>1977-1159</u>	Amended Section 9 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	<u>Ordinance # 15-01-01</u>	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council."
Section 10	PL 1939-343	Amended Section 10, which related to Town meetings, to provide that the mayor and aldermen would be paid \$5.00/meeting for 12 meetings/yr; they would not be paid for any additional meetings held in a year.
	<u>1977-1159</u>	Amended Section 10 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	<u>Ordinance # 15-01-01</u>	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council."
Section 11	<u>1977-1159</u>	Amended Section 11 to change the title of the governing board from "Board of Aldermen" to "Board of Commissioners."
	<u>Ordinance # 15-01-01</u>	The Ordinance changed the title of the governing board from "Board of Commissioners" to "Town Council." ***The ordinance changes Section 11 to Section 5, but does not repeal Sections 8, 9, and 10 in the original Charter enacted by the General Assembly, and thus not sure how this Section can be changed to Section 5.
Section 15	PL 1939-343	Added Section 15, which provided that for the purpose of giving notice of the election of Town officers (who were appointed by the Governor, but only upon the recommendation of the majority of property owners in the Town), all property owners were required to register with the Town Clerk annually.

Section 16	PL 1939-343	Added Section 16, which provided that the mayor and aldermen had the authority to permit the construction and extension of streets within the Town for the purpose of connecting with any other developments beyond Town limits.
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Local Acts

ABC	1995-144	Permitted the Town to regulate by ordinance the possession of malt beverages and unfortified wine. (Now appears to be regulated by G.S. 18B-300(c))
Annexation	1959-395	Related to the eligibility of voters in referendum for extension of the Town's corporate limits (This act is no longer valid due to changes in general law).
	1983-341	Provided that condominiums in the Town shall be considered tracts of 5 acres or less for the purpose of the annexation law. (Because of annexation law changes, the relevant statute for this exemption appears to be G.S. 160A-58.51 (G.S. 160A-41 cited in 1983-341 has been repealed).
	2001-137	Authorized the Town to annex certain properties totally surrounded by the Town's corporate limits (authority expired December 31, 2002).
Elections	1965-507	Validated Town elections.
Eminent Domain	2001-478	Authorized the Town to exercise the power of eminent domain for purposes of engaging in beach erosion control, flood and hurricane protection works, and public beach access. (See Section 2 of the act, which adds Atlantic Beach to the list of cities in Section 3 of S.L. 2001-36 (as a result, G.S. 40A-42(a)(2) and G.S. 40A-3(b1) are applicable to Atlantic Beach). S.L. 2001-36 created G.S. 40A-3(b), but the Revisor of Statutes made it G.S. 40A-3(b1).
No-Wake	1997-5	Established a no-wake zone in the Town.
Overgrown Vegetation	2005-175	Authorized the Town to give annual notice to violators of the Town's weeded lot ordinance. (See G.S. 160A-200.1, which now applies to all cities)
Parking	2011-79	Expanded the purposes for which the Town may use the proceeds from on-street parking meters, and provided that Parking meters may be activated by coins, tokens, or any other commercially available means of providing prepayment credit. (This act was not repealed or otherwise limited by S.L. 2015-226 – See Section 2 of that act).
Police	1969-327	Extended the Town's police jurisdiction to embrace all that area lying within a two-mile radius of the corporate limits of the Town (See G.S. 160A-286, which was first enacted in 1971 and gives city police extraterritorial jurisdiction of 1 mile of the city's limits.)

	<u>2007-433</u>	Allowed Town employees to use all-terrain vehicles on some public highways.
Watercraft	<u>1991-494</u>	Authorized the Town to regulate personal watercraft operation.