

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2278

Short Title: Angier Charter Revision.

(Local)

Sponsors: Representative Lewis.

Referred to: Local Government I, if favorable, Finance.

May 21, 2008

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
ANGIER.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Angier is revised and consolidated to read as follows:

"CHARTER OF THE TOWN OF ANGIER.

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Angier and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name of the 'Town of Angier,' hereinafter at times referred to as the 'Town.'

"Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Angier 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.

"Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the time of ratification of this Charter, as set forth on the official map of the Town and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current municipal boundaries, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Upon alteration of the corporate limits 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 Harnett County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Town Governing Body.** The Board of Commissioners, hereinafter referred to as the 'Board,' and the Mayor shall be the governing body of the Town.

"Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board shall be composed of four members to serve staggered terms of four years and until their successors are elected and qualified. The Town is divided into single-member

wards; and candidates shall reside in and represent the districts according to the apportionment plan adopted, but all candidates shall be elected by all the qualified voters of the Town. A member for each of Wards 1 and 3 shall be selected in 2009 and quadrennially thereafter for a four-year term, and a member for each of Wards 2 and 4 shall be selected in 2011 and quadrennially thereafter for a four-year term. A map of the wards shall be maintained by the Town Clerk's office and filed with the board or boards of elections conducting town elections. Until changed by the Board of Commissioners, the boundaries of the wards on January 1, 2008, shall remain in effect.

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

"Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall elect one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability.

"Section 2.5. **Meetings.** In accordance with general law, the Board shall establish a suitable time and place for its regular meetings. Special and emergency meetings may be held as provided by general law.

"Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation, qualifications, and filling of vacancies of the Mayor and Commissioners shall be in accordance with general law.

"ARTICLE III. ELECTIONS.

"Section 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 by a plurality as provided in G.S. 163-292.

"Section 3.2. **Election of Mayor.** At the regular municipal election in 2011, and quadrennially thereafter, a Mayor shall be elected to serve a term of four years.

"Section 3.3. **Election of Commissioners.** At the regular municipal election in 2009, and quadrennially thereafter, two Commissioners shall be elected to four-year terms. At the regular municipal election in 2011, and quadrennially thereafter, two Commissioners shall be elected to four-year terms.

"Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Section 4.1. **Form of Government.** The Town shall operate under the council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the General Statutes.

1 "Section 4.2. **Town Attorney.** The Town Board shall appoint a Town Attorney
2 licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to
3 represent the Town, advise Town officials, and perform other duties required by law or
4 as the Board may direct.

5 "Section 4.3. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a
6 journal of the proceedings of the Board, to maintain official records and documents, to
7 give notice of meetings, and to perform such other duties required by law or as the
8 Board may direct.

9 "Section 4.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector to
10 collect all taxes owed to the Town and perform those duties specified in G.S. 105-350
11 and such other duties as prescribed by law or assigned by the Board.

12 "Section 4.5. **Other Administrative Officers and Employees.** The Town Board
13 may authorize other positions to be filled by appointment and may organize the Town
14 government as deemed appropriate, subject to the requirements of general law.

15 "ARTICLE V. MISCELLANEOUS.

16 "Section 5.1. **Utility Billing and Termination.** The Town may provide that any fee
17 imposed pursuant to G.S. 160A-314 for the purpose of G.S. 160A-311(2), 160A-311(3),
18 and 160A-311(6) may be billed together in one itemized statement. The board of
19 commissioners may provide by ordinance the order in which partial payments are to be
20 applied among services. In the case of nonpayment within a period of not less than 30
21 days, the town may terminate any or all such service for which full payment has not
22 been made.

23 "Section 5.2. **Weeded Lot Ordinance.** The Town may notify a violator of the
24 municipality's weeded lot ordinance that if the violator's property is found to be in
25 violation of the ordinance again in the calendar year in which notice is given, the Town
26 shall, without further notice, take action to remedy the violation, and the expense of that
27 action shall be charged to the violator. The notice may also provide that for each
28 additional violation the Town shall charge the violator the expense of the action and a
29 surcharge of up to fifty percent (50%) over the expense to remedy the preceding
30 violation. Notice of violation shall be served by registered or certified mail.

31 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of
32 Angier and to consolidate herein certain acts concerning the property, affairs, and
33 government of the Town.

34 **SECTION 3.(a)** The following acts or portions of acts, having served the
35 purposes for which they were enacted, or having been consolidated into this act, are
36 hereby repealed:

- 37 (1) Chapter 652 of the 1975 Session Laws (current charter).
- 38 (2) Chapter 502 of the 1991 Session Laws, as to the Town of Angier only
39 (utility billing and termination, consolidated in Section 5.1).
- 40 (3) S.L. 2005-308 as to the Town of Angier only (weeded lot ordinance,
41 consolidated in Section 5.2).

42 **SECTION 3.(b)** This act does not affect any of the following acts:

- 43 (1) Chapter 626 of the 1969 Session Laws, as amended (relating to liquor
44 control stores).

1 (2) Chapter 144 of the 1971 Session Laws (relating to liquor control
2 stores).

3 (3) Chapter 75 of the 1991 Session Laws (relating to liquor control stores).

4 (4) S.L. 2002-40 (relating to liquor control stores).

5 **SECTION 4.** No provision of this act is intended, nor shall be construed, to
6 affect in any way any rights or interests (whether public or private):

7 (1) Now vested or accrued, in whole or in part, the validity of which might
8 be sustained or preserved by reference to any provisions of law
9 repealed by this act.

10 (2) Derived from, or which might be sustained or preserved in reliance
11 upon, action heretofore taken pursuant to or within the scope of any
12 provisions of law repealed by this act.

13 **SECTION 5.** No law heretofore repealed expressly or by implication, and no
14 law granting authority which has been exhausted, shall be revived by:

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

16 (2) Any provision of this act that disclaims an intention to repeal or affect
17 enumerated or designated laws.

18 **SECTION 6.** All existing ordinances and resolutions of the Town of Angier
19 and all existing rules or regulations of departments or agencies of the Town of Angier
20 not inconsistent with the provisions of this act shall continue in full force and effect
21 until repealed, modified, or amended.

22 **SECTION 7.** No action or proceeding of any nature (whether civil or
23 criminal, judicial or administrative, or otherwise) pending at the effective date of this
24 act by or against the Town of Angier or any of its departments or agencies shall be
25 abated or otherwise affected by the adoption of this act.

26 **SECTION 8.** If any part of this act or the application thereof to any person or
27 circumstance is held to be invalid, such invalidity shall not affect other provisions or
28 applications of this act which can be given effect without the invalid provision or
29 application, and to this end the provisions of this act are declared to be severable.

30 **SECTION 9.** Whenever a reference is made in this act to a particular
31 provision of the General Statutes and such provision is later amended, repealed, or
32 superseded, the reference shall be deemed amended to refer to the amended General
33 Statute or to the General Statute that most nearly corresponds to the statutory provision
34 amended, repealed, or superseded.

35 **SECTION 10.** This act does not affect the terms of office of the current
36 Mayor and Board of Commissioners of the Town of Angier.

37 **SECTION 11.** This act is effective when it becomes law.