

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 562
Committee Substitute Favorable 5/6/13
Senate State and Local Government Committee Substitute Adopted 6/11/13

Short Title: Cramerton Charter Revisal.

(Local)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 CRAMERTON.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the Town of Cramerton is revised and consolidated to
6 read as follows:

7 "THE CHARTER OF THE TOWN OF CRAMERTON.

8 "ARTICLE I. INCORPORATION AND CORPORATE POWERS.

9 "Section 1.1. **Incorporation.** The Town of Cramerton shall continue to be a body politic
10 and corporate under the name of "Town of Cramerton." The term "general law" is employed
11 herein as defined in G.S. 160A-1.

12 "ARTICLE II. CORPORATE BOUNDARIES.

13 "Section 2.1. **Corporate Powers.** The Town shall have and continue to have all of the
14 powers, duties, rights, privileges, and immunities conferred and imposed on towns and cities by
15 the general law of North Carolina.

16 "Section 2.2. **Corporate Boundaries.** The corporate limits of the Town of Cramerton shall
17 be and continue to be those existing at the time of the ratification of this revised Charter, and as
18 the same may be altered from time to time in accordance with general law.

19 "ARTICLE III. GOVERNING BODY.

20 "Section 3.1. **Structuring of Governing Body.** The Board of Commissioners, hereinafter
21 referred to as the "Board," and the Mayor shall be the governing body of the town.

22 "Section 3.2. **Board; Composition; Terms of Office.** The qualified voters of the entire
23 Town shall elect the Board. The Board shall be composed of five members to serve staggered
24 terms of four years and until their successors are elected and qualified. Two members of the
25 Board shall be elected in 2013 and quadrennially thereafter for four-year terms, and three
26 members shall be elected in 2015 and quadrennially thereafter for four-year terms.

27 "Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the qualified
28 voters of the Town in 2013 and quadrennially thereafter for a term of four years and shall serve
29 until a successor is elected and qualified. The Mayor shall be the official head of the Town
30 government and shall preside at meetings of the Board. The Mayor shall have the right to vote
31 only when there is an equal division on any question or matter before the Board and shall
32 exercise the powers and duties conferred by law and as directed by the Board.

33 "Section 3.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall elect
34 one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during the
35 Mayor's absence or disability.



1 "Section 3.5. **Meetings.** In accordance with general law, the Board shall establish a suitable
2 time and place for its regular meetings. Special and emergency meetings may be held as
3 provided by general law.

4 "Section 3.6. **Quorum; Voting.** Official actions of the Board and all votes shall be taken in
5 accordance with the applicable provisions of general law, particularly G.S. 160A-75. A quorum
6 shall be a majority of the members elected to the Board present and voting.

7 "Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation,
8 qualifications, and filling of vacancies of the Mayor and members of the Board shall be in
9 accordance with general law, except that vacancies are filled for the remainder of the unexpired
10 term.

11 "ARTICLE IV. ELECTIONS.

12 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
13 each odd-numbered year in accordance with the uniform municipal election laws of North
14 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a
15 plurality as provided in G.S. 163-292.

16 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda may be
17 held only as provided by general law.

18 "ARTICLE V. ADMINISTRATION.

19 "Section 5.1. **Council-Manager Form.** The Town of Cramerton shall operate under a
20 council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the
21 General Statutes.

22 "Section 5.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
23 practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town,
24 advise Town officials, and perform other duties required by law or as the Board may direct.

25 "Section 5.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of the
26 proceedings of the Board, to maintain official records and documents, to give notice of
27 meetings, and to perform such other clerk duties required by law or as the Board may direct.

28 "Section 5.4. **Tax Collector.** The Board shall appoint a Tax Collector to collect all taxes
29 owed to the Town and perform those duties specified in G.S. 105-350 and such other duties as
30 prescribed by law or assigned by the Board.

31 "Section 5.5. **Administrative Head Appointment.** The Town Manager may appoint other
32 administration and department heads as permitted by Part 2 of Article 7 of Chapter 160A of the
33 General Statutes, including assignment of administrative duties to the Town Clerk.

34 "Section 5.7. **Other Appointments.** The Town Manager may authorize other positions to
35 be filled by appointment and organize the Town governance as deemed appropriate subject to
36 requirements of general law.

37 "Section 5.8. **Residency.** Residency within the corporate limits of the Town is not required
38 for any office under this Article."

39 **SECTION 2.** This act does not affect the terms of office of the current Mayor and
40 Board of Commissioners of the Town of Cramerton.

41 **SECTION 3.** No action or proceeding by any nature (whether civil or criminal,
42 judicial or administrative, or otherwise) pending at the effective date of this act by or against
43 the Town of Cramerton or any of its departments or agencies shall be abated or otherwise
44 affected by enactment of this act.

45 **SECTION 4.** The purpose of this act is to revise the Charter of the Town of
46 Cramerton and to consolidate herein certain acts concerning the property, affairs, and
47 government of the Town.

48 **SECTION 5.** Chapter 1061 of the Session Laws of 1967, having been consolidated
49 into this act, is hereby repealed.

50 **SECTION 6.** This act does not affect the following:

- 51 (1) S.L. 2005-45 (weeded lot ordinance).

1 (2) G.S. 160A-58.1(b)(5) as it applies to the Town.

2 (3) G.S. 20-171.24 as it applies to the Town.

3 (4) S.L. 2009-429 (Occupancy Tax).

4 (5) S.L. 2003-124 as amended by S.L. 2011-171 (regulation of utility vehicles).

5 **SECTION 7.** All existing ordinances and resolutions of the Town of Cramerton
6 and all existing rules and regulations of departments or agencies of the Town of Cramerton not
7 inconsistent with the provisions of this act shall continue in full force and effect until repealed,
8 modified, or amended.

9 **SECTION 8.** If any provision of this act or the application thereof to any person or
10 circumstances is held invalid, such invalidity shall not affect other provisions or application of
11 this act which can be given effect without the invalid provision or application, and to this end
12 the provisions of this act are declared to be severable.

13 **SECTION 9.** This act is effective when it becomes law. Those members of the
14 Board serving on the date of ratification of this Charter shall complete the remainder of their
15 terms, and their positions shall be filled as the terms expire.