

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 895
HOUSE BILL 2170

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

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Chadbourn is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF CHADBOURN

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

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

"Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Chadbourn 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 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 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 shall be made and copies shall be filed in the office of the Secretary of State, the Columbus County Register of Deeds and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY

"Sec. 2.1. Mayor and Town Council. The Mayor and the Town Council, hereinafter referred to as the 'Council,' shall be the governing body of the Town.

"Sec. 2.2. Town Council; Composition; Terms of Office. The Council shall be composed of five members elected by all the qualified voters of the Town 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 Town for a term of two years or until his or her successor is elected and qualified; shall be the official head of the Town 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 his or her absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the other members of the Council.

"Sec. 2.5. Meetings. 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.

"Sec. 2.6. Voting Requirements; Quorum. 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. A quorum shall exist when a majority of the actual membership of the Council, excluding vacant seats, is present.

"Sec. 2.7. 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 Town shall be filled by appointment as provided in 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 are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Sec. 3.2. Election of Council Members. Two or three council members shall be elected in each regular municipal election, as the respective terms expire.

"Sec. 3.3. Election of Mayor. A Mayor shall be elected in each regular municipal election.

"Sec. 3.4. Special Elections and Referendums. Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION

"Sec. 4.1. Form of Government. The Town shall operate under the council-manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. Town Manager. The Council shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government. The Town 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. 4.3. Town Clerk. The Town Manager shall appoint a Town 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 Council may direct.

"Sec. 4.4. Tax Collector. The Town Manager shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

"Sec. 4.5. Town Attorney. The Council shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town, advise Town officials and perform other duties required by law or as the Council may direct.

"Sec. 4.6. Fire Chief. The Council shall appoint a Fire Chief qualified to perform the duties of chief of the Chadbourn Volunteer Fire Department and Rescue Squad.

"Sec. 4.7. Other Administrative Officers and Employees. The Council may authorize other positions to be filled by appointment by the Town Manager, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE V. ADDITIONAL PROVISIONS

"Sec. 5.1. Alcoholic Beverage Control Stores. Alcoholic Beverage Control Stores shall operate within the Town of Chadbourn as provided in Chapter 540, Session Laws of 1967, and Chapter 18B of the General Statutes."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Chadbourn and to consolidate 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 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 acts validating official actions, proceedings, contracts or obligations of any kind.

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

Chapter 93,	Private Laws of 1883
Chapter 382,	Private Laws of 1909
Chapter 398,	Private Laws of 1911
Chapter 585,	Public-Local Laws of 1911
Chapter 1141	Session Laws of 1949, as to the Town of Chadbourn only
Chapter 212,	Session Laws of 1951
Chapter 1121,	Session Laws of 1955
Chapter 967,	Session Laws of 1957
Chapter 1014,	Session Laws of 1957
Chapter 896,	Session Laws of 1959
Chapter 1,	Session Laws of 1961, except for Section 2
Chapter 1,	Session Laws of 1965
Chapter 738,	Session Laws of 1967
Chapter 935,	Session Laws of 1969
Chapter 211,	Session Laws of 1977
Chapter 38,	Session Laws of 1989

Sec. 5. Chapter 540, Session Laws of 1967, as it applies to Chadbourn only, is deemed amended to change each reference to "G.S. Chapter 18," or the equivalent, to

"G.S. Chapter 18B." References to particular sections or Articles of former G.S. Chapter 18 are deemed amended to refer to the provisions of current G.S. Chapter 18B which most closely correspond, and as they may be later amended or recodified.

Sec. 6. The Mayor and Council members serving on the date of ratification of this act shall serve until the expiration of their terms. Thereafter those offices shall be filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

Sec. 7. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 8. All existing ordinances, resolutions and other provisions of the Town of Chadbourn not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 9. No action or proceeding pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by this act.

Sec. 10. If any provision or application of this act 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. 11. 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. 11.1. The conveyance from the Town of Chadbourn to Valory Freeman, dated May, 1990, and recorded June 5, 1990 in Book 411, Page 416, Columbus County Registry, is validated notwithstanding the provisions of Article 12 of Chapter 160A of the General Statutes.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of July, 1990.