

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 957
SENATE BILL 1419

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
REIDSVILLE.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Reidsville is revised and consolidated to read as follows:

"THE CHARTER OF THE CITY OF REIDSVILLE.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

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

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the City of Reidsville 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 City and as they may be altered from time to time in accordance with law. An official map of the City, showing the current boundaries, shall be maintained permanently in the office of the City 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 Rockingham County Register of Deeds and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Mayor and City Council.** The Mayor and the City Council, hereinafter referred to as the 'Council,' shall be the governing body of the City.

"Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be composed of five members elected by all the qualified voters of the City for terms of two years or until their successors are elected and qualified.

"Section 2.3. **Mayor; Term of Office; Duties.** The Council shall elect one of its members to serve as Mayor for a term of two years. The Mayor shall be the official head of the City Government and preside at meetings of the Council, shall have the right to vote on all matters before the Council, and shall exercise the powers and duties conferred by law or as directed by the Council.

"Section 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 until the organizational meeting following the next regular municipal election, despite the contrary provisions of G.S. 160A-70.

"Section 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.

"Section 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 majority of the membership of the Council shall constitute a quorum.

"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Council shall be in accordance with general law. Vacancies that occur in any elective office of the City shall be filled as provided in G.S. 160A-63.

"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 are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 3.2. **Election of Council.** Five Council members shall be elected in each regular municipal election.

"Section 3.3. **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.

"Section 4.1. **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.

"Section 4.2. **City Manager.** 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.

"Section 4.3. **City Attorney.** The 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.

"Section 4.4. **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.

"Section 4.5. **Tax Collector.** The City Manager shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the City, subject to general law, this Charter and City ordinances.

"Section 4.6. **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 V. PUBLIC IMPROVEMENTS.

"Section 5.1. Assessments for Street Improvements; Petition Unnecessary.

(a) In addition to any authority granted by general law, the Council may order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this Article.

(b) The Council may order street improvements and assess the total 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 without the necessity of a petition, upon the following findings of fact:

- (1) That the street improvement project does not exceed 2,500 linear feet; and
- (2) That such 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 improvements; or
- (3) That it is in the public interest to connect two streets or portions of a street already improved; or
- (4) That 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, as applied to the particular street or part thereof.

(c) For the purpose of this Article, the term 'street improvement' shall include grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way and construction or reconstruction of curbs, gutters and street drainage facilities.

"Section 5.2. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In addition to any authority granted by general law, the Council may, without the necessity of a petition, order sidewalk improvements or repairs according to standards and specifications of the city, and to assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes provided that regardless of the assessment basis or bases employed, the Council may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

"Section 5.3. **Procedure; Effect of Assessment.** In ordering street and sidewalk improvements without a petition and assessing the costs thereof under authority of this Article, the Council shall comply with the procedures required by Article 10 Chapter 160A of the General Statutes except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this Article shall be the same as if assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes.

"ARTICLE VI. ADDITIONAL PROVISIONS.

"Section 6.1 Termination of Utility Service; Charges Become Liens.

(a) Notwithstanding the provisions of G.S. 160A-314, or any other provisions of law, in case any charges for water service or sewerage service due and owing to the City are not paid, then such charges and any penalties assessed for nonpayment shall become a lien upon the property served or in connection with which service is used, upon compliance with the procedure set out in this section; provided, however, that no such charges shall become a lien unless the same were incurred by the owner of the particular property.

(b) Upon nonpayment, the City shall give the customer a fair opportunity to avoid termination of utility service and application of the charges and penalties as a lien against the property, by paying charges due or showing that the charges are in error. As soon as possible following the specified past due date, written notice of delinquency shall be sent to the customer by first-class mail.

(c) The notice required by subsection (b) shall contain the following information:

- (1) The amount which must be paid to avoid termination;
- (2) The date on which termination will occur, which must be at least 10 days after the mailing date;
- (3) A statement that the customer may appear at City Hall between the hours of 9:00 a.m. and 4:00 p.m. on any business day and request an informal hearing with the City Manager or designee, for the purpose of showing error or working out a satisfactory extended payment arrangement; and
- (4) A statement that failure by the customer to appear and show error, make payment or work out a satisfactory extended payment arrangement shall result in the charges and penalties being applied as a lien against the real property, which may be enforced by sale of the real property as provided by law.

(d) The employee responsible for mailing the notice as provided in subsections (b) and (c) shall certify the date on which the notice was mailed, on a form or in a record book or electronic medium designed for that purpose.

(e) If the customer does not make acceptable payment arrangements and fails to show cause why service should not be terminated and the charges and penalties applied as a lien against the property, service may be terminated on or after the date specified in the notice of termination, and the charges and penalties may be applied as a lien against the property. Service may be terminated between the hours of 8:30 a.m. and 4:00 p.m. on business days from Monday through Thursday only. If the customer fails to comply

with the agreed-upon extended payment arrangements, service may be terminated without further notice and the charges and penalties may be applied as a lien.

(f) Unpaid charges and penalties may at any time be collected by civil action in the name of the City. In addition, the charges and penalties may be collected by the City Tax Collector by sale of the property to which the lien attaches, as provided in G.S. 105-375, and the lien shall be treated as a property tax lien for the purposes of that statute. The lien shall attach on the date on which the certificate of charges due is docketed as provided in G.S. 105-375(d), and shall continue until the principal amount of the charges plus penalties, interest and costs allowed by law have been fully paid.

"Section 6.2. **Acceptance of Conveyance of Real Property for Liens.** Despite G.S. 105-357(a) and other provision of law, the Council, by resolution, may accept conveyance of real property on which the City has a lien, in full or partial satisfaction of the tax, special assessment, or other charge or liability underlying the lien, including the expense of transferring title to the City. The resolution shall order the lien cancelled of record, or reduced to the extent the liability underlying the lien is satisfied. Acceptance of conveyance by the City does not affect a lien on the property held by a person or entity other than the City. Property conveyed to the City under this section may be disposed of subsequently by the City under any of the methods provided in Article 12 of Chapter 160A of the General Statutes, including private sale under G.S. 160A-267.

"Section 6.3. **Aid to the Poor.** The City of Reidsville, by and through its City Council, shall have the power to make an annual appropriation to aid and support its indigent citizens. The funds thus appropriated may be expended by the Council itself, or the authority to make expenditures of designated amounts from said appropriation may be delegated by the Council to the Reidsville United Way, the Reidsville Unit of the Salvation Army, or any other organized charity approved by the Council and operating in the City. Any expenditure of said funds by the charitable organizations shall be made under rules promulgated by the Council and shall at all times be subject to the control and supervision of the Council.

"Section 6.4. **Water Rates for Senior Citizens.** Reduction of Water rates for senior citizens shall be authorized as provided by Chapter 125, Session Laws of 1983.

"Section 6.5. **Alcoholic Beverages.** Alcoholic Beverage Control Stores shall operate within the City of Reidsville as provided in Chapter 650, Session Laws of 1965, as amended by Chapter 616, Session Laws of 1967; Chapter 615, Session Laws of 1971; Chapter 822, Session Laws of 1971; and Chapter 128, Session Laws of 1987. The sale, purchase, possession and transportation of alcoholic beverages shall be governed by the provisions of Chapter 18B of the General Statutes, as amended by Chapter 617, Session Laws of 1969.

"Section 6.6. **Reidsville Firemen's Supplemental Retirement Fund.** The Reidsville Firemen's Supplemental Retirement Fund shall continue as authorized by Chapter 94, Session Laws of 1979, as amended by Chapter 1235, Session Laws of 1981 (Regular Session 1982) and Chapter 278, Session Laws of 1989."

Sec. 2. The purpose of this act is to revise the Charter of the City of Reidsville 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. Notwithstanding Section 4 of this act, this act does not repeal or affect any acts or portions of 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 local acts concerning the City of Reidsville which were ratified before June 15, 1961, are repealed, with the exception of validating acts, acts affecting public schools, and Chapter 369, Session Laws of 1949. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 831, Session Laws of 1961

Chapter 909, Session Laws of 1961

Chapter 958, Session Laws of 1973 (Second Session 1974).

Sec. 5. Chapter 650, Session Laws of 1965 and Chapter 617, Session Laws of 1969, as it applies to the City of Reidsville, are 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 City of Reidsville 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 City 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. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of July, 1990.