

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 735
HOUSE BILL 1211

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
KILL DEVIL HILLS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Kill Devil Hills is revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF KILL DEVIL HILLS.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Kill Devil Hills, North Carolina, in Dare County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Kill Devil Hills', 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 Kill Devil Hills 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 of the Town of Kill Devil Hills are those existing on the date this Charter is ratified, 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. Upon alteration of the corporate limits or wards pursuant to law, the appropriate changes to the official map shall be made, and copies shall be filed in the offices of the Secretary of State, the Dare County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Town Governing Body; Composition.** The Mayor and the Board of Commissioners shall be the governing body of the Town.

"Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board of Commissioners shall be composed of four members. Two commissioners shall be elected by the qualified voters of the entire town in 1997 and biennially thereafter for four-year terms and until their successors are elected and qualified.

"Sec. 2.3. **Mayor; Term of Office.** The Mayor shall be elected by the qualified voters of the entire town for a term of two years or until a successor is elected and qualified.

"Sec. 2.4. **Compensation of the Mayor and Board of Commissioners.** The Mayor and Board of Commissioners shall be justly compensated for their services in an amount determined by the Board of Commissioners in accordance with G.S. 160A-64.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. **Regular Municipal Elections.** Elections shall be conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292. Elections in the Town shall be conducted by the Dare County Board of Elections in accordance with Subchapter IX of Chapter 163 of the General Statutes.

"ARTICLE IV. TOWN MANAGER.

"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, as provided by G.S. 160A-147.

"Sec. 4.2. **Office of the Town Manager created.** (a) The Board of Commissioners shall appoint a Town Manager, who shall serve at the pleasure of the Board. The Manager shall be chosen on the basis of executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice with respect to the duties of a Town Manager. At the time of appointment, the Manager need not be a resident of the Town or State, but during his or her tenure of office shall reside within the Town. The Manager shall receive such compensation as the Board may establish.

(b) The Town Manager shall be administrative head of the Town government and shall be responsible to the Board of Commissioners for the proper administration of all affairs of the Town. Except as otherwise provided by this Charter, the Town Manager shall have all powers and duties assigned or delegated to a Town Manager by State law. The Town Manager shall appoint and may remove all Town employees except the Town Attorney and shall also perform such other duties as are prescribed by the Board.

"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Sec. 5.1. **Town Attorney.** There shall be a Town Attorney who shall serve as legal counsel to the Board of Commissioners under G.S. 160A-173.

"Sec. 5.2. **Town Clerk.** There shall be a Town Clerk who shall be hired and supervised by the Town Manager. Except as otherwise provided by this Charter, the Town Clerk shall perform all duties assigned or delegated to a Town Clerk under G.S. 160A-172 or other State law and shall also perform such other duties as may be prescribed.

"ARTICLE VI. STREET IMPROVEMENTS AUTHORIZATION.

"Sec. 6.1. **Street Improvements Authorization.** The Town, as authorized by G.S. 160A-296(a)(3) and G.S. 160A-301(a) is fully authorized to improve its street rights-of-way by purchase, or by dedication of said right-of-way."

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

Sec. 4. (a) The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 220 of the Session Laws of 1953

Chapter 396 of the Session Laws of 1959

Chapters 298 and 605 of the Session Laws of 1961

Chapters 287 and 316 of the Session Laws of 1979

Chapters 296 and 1146 of the Session Laws of 1981.

(b) The following acts are not repealed by this act:

Chapter 1026 of the Session Laws of 1983

Chapters 389 and 536 of the Session Laws of 1985

Chapters 187, 258, 911, 986, 987, and 988 of the Session Laws of 1987

Chapter 469 of the Session Laws of 1989

Chapter 625 of the Session Laws of 1993

Chapter 84 of the Session Laws of 1995.

Sec. 5. The Mayor and Board of Commissioners serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

Sec. 6. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 7. All existing ordinances, resolutions, and other provisions of the Town of Kill Devil Hills not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 8. 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. 9. If any provision of this act or application thereof 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. 10. 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. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives