

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2002-42  
HOUSE BILL 1615**

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
CHINA GROVE.

The General Assembly of North Carolina enacts:

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

**"THE CHARTER OF THE TOWN OF CHINA GROVE.**

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

"Section 1.1. **Incorporation.** The Town of China Grove, North Carolina, in Rowan County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of China Grove', 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 China Grove 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 office of the Rowan County Register of Deeds, and the appropriate board of elections.

**"ARTICLE II. GOVERNING BODY.**

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

"Section 2.2. **Town Board of Aldermen; Composition; Terms of Office.** The Town Board shall be composed of five members, to be elected by all the qualified voters of the Town, for staggered terms of four years or until their successors are elected and qualified.

"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 or until his or her successor is elected and qualified. The Mayor shall be the official head of the Town government and preside at meetings of the Town Board, shall have the right to vote only when there is an equal division on any question or matter before the Town Board, and shall exercise the powers and duties conferred by law or as directed by the Town Board.

"Section 2.4. **Mayor Pro Tempore.** The Town Board 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 Town Board.

"Section 2.5. **Meetings.** In accordance with general law, the Town 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 Town 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 and qualifications of the Mayor and Aldermen shall be in accordance with general law. Vacancies 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 shall be 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 Aldermen.** The Town shall continue to have staggered terms for its Aldermen. Two Aldermen shall be elected at the regular municipal election in 2003 to four-year terms and quadrennially thereafter. Three Aldermen shall be elected at the regular municipal election in 2005 to four-year terms and quadrennially thereafter.

"Section 3.3. **Election of Mayor.** A Mayor shall be elected in the regular municipal election in 2003 and quadrennially thereafter.

"Section 3.4. **Special Elections and Referenda.** Special elections and referenda may be held only as provided by general law or applicable local acts of the General Assembly.

"ARTICLE IV. TOWN MANAGER.

"Section 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 North Carolina General Statutes.

"Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Town Board 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 Town Board, so far as authorized by general law.

"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

"Section 5.1. **Town Attorney.** The Town Board 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 Town Board may direct.

"Section 5.2. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a journal of the proceedings of the Town Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Town Manager may direct.

"Section 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all taxes owed to the Town and perform those duties specified in G.S. 105-350 and such other duties as prescribed by law or assigned by the Town Manager. Notwithstanding the contrary provisions of G.S. 105-349, the Town Manager is authorized to appoint the Tax Collector.

"Section 5.4. **Other Administrative Officers and Employees.** The Town Board 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.

"Section 5.5. **Town Manager's Authority; Role of Elected Officials.** As chief administrator, the Town Manager shall have the power to appoint, suspend, and remove all nonelected officers, department heads, and employees of the Town, except the Town Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the Mayor nor the Town Board nor any of its committees or members shall take part in the appointment or removal of officers, department heads, and employees in the

administrative service of the Town, except as provided by this Charter. Except for the purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the Town Board and its members shall deal with officers and employees in the administrative service of the Town only through the Town Manager, Acting Manager, or Interim Manager, and neither the Mayor nor the Town Board nor any of its members shall give orders or directions to any subordinate of the Town Manager, Acting Manager, or Interim Manager, either publicly or privately."

**SECTION 2.** The purpose of this act is to revise the Charter of the Town of China Grove 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.

**SECTION 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.

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

- Chapter 180, Private Laws of 1889
- Chapter 292, Private Laws of 1901
- Chapter 309, Private Laws of 1903
- Chapter 190, Private Laws of 1909
- Chapter 68, Private Laws of 1925
- Chapter 278, Public-Local Laws of 1937
- Chapter 2, Public-Local Laws of 1939
- Chapter 433, Session Laws of 1983
- S.L. 1999-7
- S.L. 2000-10.

**SECTION 5.** The Mayor and Aldermen 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. Thereafter, those offices shall be filled as provided in Articles II and III of the Charter of the Town of China Grove as contained in Section I of this act.

**SECTION 6.** This act does not affect any rights or interests that arose under any provisions repealed by this act.

**SECTION 7.** All existing ordinances, resolutions, and other provisions of the Town of China Grove not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

**SECTION 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.

**SECTION 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 that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**SECTION 10.** Whenever a reference is made in this act to a particular provision of the North Carolina General Statutes, and the provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended law or the law which most clearly corresponds to the statutory provision that is amended, superseded, or recodified.

**SECTION 11.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 29<sup>th</sup> day of  
July, 2002.

s/ Beverly E. Perdue  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives