

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 517
Committee Substitute Favorable 4/7/03

Short Title: Holly Springs Charter Revision.

(Local)

Sponsors:

Referred to:

March 17, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
HOLLY SPRINGS.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Holly Springs is revised and consolidated to read as follows:

"CHARTER OF THE TOWN OF HOLLY SPRINGS.

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

"Section 1.1. **Incorporation.** The Town of Holly Springs and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name of the 'Town of Holly Springs', 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 Holly Springs 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 Wake County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

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

"Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board shall be composed of five members, to be elected by all the qualified voters of the

1 Town, for staggered terms of four years and until their successors are elected and
2 qualified.

3 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
4 qualified voters of the Town for a term of four years and until a successor is elected and
5 qualified. The Mayor shall be the official head of the Town government and shall
6 preside at meetings of the Board. The Mayor shall have the right to vote only when
7 there is an equal division on any question or matter before the Board and shall exercise
8 the powers and duties conferred by law or as directed by the Board.

9 "Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall
10 elect one of its members to act as Mayor Pro Tempore to perform the duties of the
11 Mayor during his or her absence or disability.

12 "Section 2.5. **Meetings.** In accordance with general law, the Board shall establish a
13 suitable time and place for its regular meetings. Special and emergency meetings may
14 be held as provided by general law.

15 "Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be
16 taken in accordance with the applicable provisions of general law, particularly G.S.
17 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

18 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The
19 compensation and qualifications of the Mayor and Commissioners shall be in
20 accordance with general law.

21 "ARTICLE III. ELECTIONS.

22 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
23 held in each odd-numbered year in accordance with the uniform municipal election laws
24 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
25 determined by a plurality as provided in G.S. 163-292.

26 "Section 3.2. **Election of Mayor.** At the regular municipal election in 2005, and
27 quadrennially thereafter, a Mayor shall be elected to serve a term of four years.

28 "Section 3.3. **Election of Commissioners.** At the regular municipal election in 2003,
29 and quadrennially thereafter, two Commissioners shall be elected to four-year terms. At
30 the regular municipal election in 2005, and quadrennially thereafter, three
31 Commissioners shall be elected to four-year terms.

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

35 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

36 "Section 4.1. **Form of Government.** The Town shall operate under the
37 council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A
38 of the General Statutes.

39 "Section 4.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
40 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
41 the Town, advise Town officials, and perform other duties required by law or as the
42 Board may direct.

43 "Section 4.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal
44 of the proceedings of the Board, to maintain official records and documents, to give

1 notice of meetings, and to perform such other duties required by law or as the Board
2 may direct.

3 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector to collect all
4 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
5 other duties as prescribed by law or assigned by the Board.

6 "Section 4.5. **Other Administrative Officers and Employees.** The Board may
7 authorize other positions to be filled by appointment and may organize the Town
8 government as deemed appropriate, subject to the requirements of general law.

9 "ARTICLE V. MISCELLANEOUS POWERS.

10 "Section 5.1. **Tree Ordinances.**

11 (a) The Town may adopt ordinances to regulate the removal and preservation of
12 existing trees and shrubs prior to development within a perimeter buffer zone of up to
13 50 feet along public roadways and property boundaries adjacent to developed properties
14 and up to 25 feet along property boundaries adjacent to undeveloped properties.

15 (b) Ordinances adopted pursuant to this section shall:

- 16 (1) Provide that the required buffer area shall not exceed twenty percent
17 (20%) of the area of the tract, net of public road rights-of-way and any
18 required conservation easements.
- 19 (2) Provide that buffer zones that adjoin public roadways shall be
20 measured from the edge of the public road right-of-way.
- 21 (3) Provide that tracts of two acres or less, net of public road
22 rights-of-way, that are zoned for single-family residential use are
23 exempt from the requirements of the ordinances.
- 24 (4) Provide that the ordinances are limited to situations where
25 undeveloped property is planned or zoned in accordance with adopted
26 municipal plans and zoning regulations.
- 27 (5) Provide that a survey of individual trees is not required.
- 28 (6) Include reasonable provisions for access onto and within the subject
29 property.
- 30 (7) Exclude normal forestry activities on property taxed under the
31 present-use value standard or conducted pursuant to a forestry
32 management plan prepared or approved by a forester registered
33 pursuant to Chapter 89B of the General Statutes. However, for such
34 properties, a municipality may deny a building permit or refuse to
35 approve a site or subdivision plan for a period of three years following
36 completion of the harvest if all or substantially all of the perimeter
37 buffer trees that should have been protected were removed from the
38 tract of land for which the permit or plan approval is sought. A
39 municipality may deny a permit or refuse to approve a site or
40 subdivision plan for a period of two years if the owner replants the
41 buffer area within 120 days of harvest with plant material that is
42 consistent with buffer areas required under the municipality's
43 ordinances.

1 (c) Before adopting an ordinance under this section, the governing board of the
2 municipality shall hold a public hearing on the proposed ordinance. Notice of the public
3 hearing shall be given in accordance with G.S. 160A-364.

4 (d) Nothing in this section shall be construed to limit or be limited by any other
5 existing laws or ordinances.

6 (e) This section applies to the Town and to property located within the Town's
7 corporate limits and extraterritorial planning jurisdiction under Article 19 of Chapter
8 160A of the General Statutes.

9 (f) This section becomes effective January 1, 2004."

10 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of
11 Holly Springs and to consolidate herein certain acts concerning the property, affairs, and
12 government of the Town.

13 **SECTION 3.** The following acts or portions of acts, having served the
14 purposes for which they were enacted, or having been consolidated into this act, are
15 hereby repealed:

16 Chapter 110, Session Laws of 1951

17 Chapter 121, Session Laws of 1953

18 Chapter 495, Session Laws of 1971

19 Chapter 331, Session Laws of 1985

20 Chapter 382, Session Laws of 1985

21 Chapter 941, Session Laws of 1985.

22 **SECTION 4.** No provision of this act is intended, nor shall be construed, to
23 affect in any way any rights or interests (whether public or private):

24 (1) Now vested or accrued, in whole or in part, the validity of which might
25 be sustained or preserved by reference to any provisions of law
26 repealed by this act.

27 (2) Derived from, or which might be sustained or preserved in reliance
28 upon, action heretofore taken pursuant to or within the scope of any
29 provisions of law repealed by this act.

30 **SECTION 5.** No law heretofore repealed expressly or by implication, and no
31 law granting authority which has been exhausted, shall be revived by:

32 (1) The repeal herein of any act repealing such law, or

33 (2) Any provision of this act that disclaims an intention to repeal or affect
34 enumerated or designated laws.

35 **SECTION 6.** All existing ordinances and resolutions of the Town of Holly
36 Springs and all existing rules or regulations of departments or agencies of the Town of
37 Holly Springs not inconsistent with the provisions of this act shall continue in full force
38 and effect until repealed, modified, or amended.

39 **SECTION 7.** No action or proceeding of any nature (whether civil or
40 criminal, judicial or administrative, or otherwise) pending at the effective date of this
41 act by or against the Town of Holly Springs or any of its departments or agencies shall
42 be abated or otherwise affected by the adoption of this act.

43 **SECTION 8.** If any part of this act or the application thereof to any person
44 or circumstance is held to be invalid, such invalidity shall not affect other provisions or

1 applications of this act which can be given effect without the invalid provision or
2 application, and to this end the provisions of this act are declared to be severable.

3 **SECTION 9.** Whenever a reference is made in this act to a particular
4 provision of the General Statutes and such provision is later amended, repealed, or
5 superceded, the reference shall be deemed amended to refer to the amended General
6 Statute or to the General Statute that most nearly corresponds to the statutory provision
7 amended, repealed, or superceded.

8 **SECTION 10.** This act is effective when it becomes law.