

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 730

Short Title: Franklinton Charter.

(Local)

Sponsors: Senator Speed.

Referred to: Local Government and Regional Affairs.

April 7, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 FRANKLINTON.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Franklinton is revised and
6 consolidated to read as follows:

7 **"THE CHARTER OF THE TOWN OF FRANKLINTON.**

8 **"ARTICLE I.**

9 **"INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.**

10 "Section 1.1. **Incorporation.** The Town of Franklinton, North Carolina in Franklin
11 County and the inhabitants thereof shall continue to be a municipal body politic and
12 corporate, under the name of the 'Town of Franklinton', hereinafter at times referred to
13 as the 'town'.

14 "Sec. 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties,
15 rights, privileges, and immunities conferred upon the Town of Franklinton specifically
16 by this Charter or upon municipal corporations by general law. The term 'general law'
17 is employed herein as defined in G. S. 160A-1.

18 "Sec. 1.3. **Corporate Limits.** The corporate limits shall be those existing at the
19 time of ratification of this Charter, as set forth on the official map of the Town and as
20 they may be altered from time to time in accordance with law. An official map of the
21 Town, showing the current boundaries, shall be maintained permanently in the office of
22 the Town Clerk and shall be available for public inspection. Immediately upon
23 alteration of the corporate limits made pursuant to law, the appropriate changes to the

1 official map shall be made and copies shall be filed in the office of the Secretary of
2 State, the Franklin County Register of Deeds, and the appropriate board of elections.

3 **"ARTICLE II.**

4 **"GOVERNING BODY.**

5 "Sec. 2.1. **Town Governing Body; Composition.** The Mayor and the Board of
6 Commissioners, hereinafter referred to as the 'Board', shall be the governing body of the
7 Town.

8 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board
9 shall be composed of five Commissioners elected by all the qualified voters of the Town
10 for staggered terms of four years or until their successors are elected and qualified.

11 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
12 qualified voters of the Town for a term of four years or until his or her successor is
13 elected and qualified. The Mayor shall be the official head of the Town government
14 and preside at meetings of the Board, shall have the right to vote only when there is an
15 equal division on any question or matter before the Board, and shall exercise the powers
16 and duties conferred by law or as directed by the Board.

17 "Sec. 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as
18 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
19 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
20 capacity until the organizational meeting following the next regular municipal election,
21 despite the contrary provisions of G.S. 160A-70.

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

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

28 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The
29 compensation and qualifications of the Mayor and Board shall be in accordance with
30 general law. Vacancies that occur in any elective office of the Town shall be filled for
31 the remainder of the unexpired term, despite the contrary provisions of G.S. 160A-63.

32 **"ARTICLE III.**

33 **"ELECTIONS.**

34 "Sec. 3.1. **Regular Municipal Election.** Regular municipal elections shall be held
35 in each odd-numbered year in accordance with the uniform municipal election laws of
36 North Carolina. Elections shall be conducted on a nonpartisan basis and the results
37 determined using the nonpartisan plurality method as provided in G.S. 163-292.

38 "Sec. 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal
39 election each four years.

40 "Sec. 3.3. **Election of Commissioners.** Two or three Commissioners shall be
41 elected in each regular municipal election, as the respective terms expire.

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

"ARTICLE IV.

"ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. **Form of Government.** The Town shall operate under the Mayor-Council form of government, in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

"Sec. 4.2. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board, to maintain official records and documents, to give notice of meetings, and to perform such other duties required by law or as the Board may direct.

"Sec. 4.3. **Tax Collector.** The Board shall appoint a Tax Collector to collect all taxes owed to the Town, subject to general law, this Charter, and Town ordinances.

"Sec. 4.4. **Town Attorney.** The 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 Board may direct.

"Sec. 4.5. **Other Administrative Officers and Employees.** The Board may authorize other positions and may organize the Town government as deemed appropriate, subject to the requirements of general law."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Franklinton 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. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 32, Private Laws of 1842-43

Chapter 311, Private Laws of 1850-51, except for Section 12

Chapter 282, Private Laws of 1854-55

Chapter 45, Private Laws of 1899

Chapter 92, Private Laws of 1905

Chapter 109, Private Laws of 1925

Chapter 162, Private Laws of 1929

Chapter 1095, Session Laws of 1947

Chapter 239, Session Laws of 1951

Chapter 818, Session Laws of 1951

Chapter 884, Session Laws of 1951

Chapter 1192, Session Laws of 1951

Chapter 333, Session Laws of 1953, except for Section 1

Chapter 836, Session Laws of 1955

Chapter 1222, Session Laws of 1955

Chapter 750, Session Laws of 1959.

1 Sec. 5. The Mayor and Commissioners serving on the date of ratification of
2 this act shall serve until the expiration of their terms. Thereafter those offices shall be
3 filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

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

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

9 Sec. 8. No action or proceeding pending on the effective date of this act by or
10 against the Town or any of its departments or agencies shall be abated or otherwise
11 affected by this act.

12 Sec. 9. If any provision or application of this act is held invalid, such
13 invalidity shall not affect other provisions or applications of this act which can be given
14 effect without the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

16 Sec. 10. Whenever a reference is made in this act to a particular provision of
17 the General Statutes, and such provision is later amended, superseded, or recodified, the
18 reference shall be deemed amended to refer to the amended General Statute, or to the
19 General Statute which most clearly corresponds to the statutory provision which is
20 superseded or recodified.

21 Sec. 11. This act is effective upon ratification.