

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 681

Committee Substitute Favorable 4/23/97

Senate State Government, Local Government and Personnel Committee Substitute  
Adopted 5/21/97

Short Title: Roxboro Charter.

(Local)

Sponsors:

Referred to: Finance.

March 31, 1997

A BILL TO BE ENTITLED  
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF  
ROXBORO.

The General Assembly of North Carolina enacts:

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

**"THE CHARTER OF THE CITY OF ROXBORO.**

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

"Section 1.1. **Incorporation.** The City of Roxboro, North Carolina, in Person  
County and the inhabitants thereof shall continue to be a municipal body politic and  
corporate, under the name of the 'City of Roxboro', 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 Roxboro 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.

1 "Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those  
2 existing at the time of ratification of this Charter, as set forth on the official map of the  
3 City and as they may be altered from time to time in accordance with law. An official  
4 map of the City, showing the current municipal boundaries, shall be maintained  
5 permanently in the office of the City Clerk and shall be available for public inspection.  
6 Upon alteration of the corporate limits pursuant to law, the appropriate changes to the  
7 official map shall be made, and copies shall be filed in the office of the Secretary of  
8 State, the Person County Register of Deeds, and the appropriate board of elections.

9 **"ARTICLE II. GOVERNING BODY.**

10 "Section 2.1. **City Governing Body; Composition.** The City Council, hereinafter  
11 referred to as the 'Council', and the Mayor shall be the governing body of the City.

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

15 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the  
16 qualified voters of the City for a term of two years or until a successor is elected and  
17 qualified. The Mayor shall be the official head of the city government and shall preside  
18 at meetings of the Council, shall have the right to vote only when there is an equal  
19 division on any question or matter before the Council, and shall exercise the powers and  
20 duties conferred by law or as directed by the Council.

21 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as  
22 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or  
23 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such  
24 capacity at the pleasure of the Council.

25 "Section 2.5. **Meetings; Quorum.** In accordance with general law, the Council shall  
26 establish a suitable time and place for its regular meeting. Special and emergency  
27 meetings may be held as provided by general law. The quorum provisions of G.S. 160A-  
28 74 shall apply.

29 "Section 2.6. **Meetings; Voting.** An affirmative vote equal to a majority of the  
30 members of the Council not excused from voting on the issue (i.e., assuming no member  
31 is excused, three Council members) shall be required to adopt an ordinance, take any  
32 action having the effect of an ordinance, or make, ratify, or authorize any contract on  
33 behalf of the City. In addition, no ordinance nor any action having the effect of any  
34 ordinance may be finally adopted on the date on which it is introduced except by an  
35 affirmative vote equal to or greater than two-thirds of the actual membership of the  
36 Council (excluding vacant seats), unless the Council has first held a public hearing on the  
37 ordinance. Therefore, assuming no vacant seats, unless the Council first holds a public  
38 hearing on an ordinance, that ordinance may not be adopted on the date it is introduced  
39 except by an affirmative vote of four Council members. For purposes of this section, an  
40 ordinance shall be deemed to have been introduced on the date the subject matter is first  
41 voted on by the Council. This section does not modify G.S. 159-17.

1 "Section 2.7. **Qualification for Office; Compensation; Vacancies.** The  
2 qualifications and compensation of the Mayor and Council members shall be in  
3 accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

4 **"ARTICLE III. ELECTIONS.**

5 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be  
6 held in each odd-numbered year in accordance with the uniform municipal election laws  
7 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results  
8 determined using the nonpartisan election and runoff election method as provided in G.S.  
9 163-279(a)(4) and G.S. 163-293.

10 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular  
11 municipal election.

12 "Section 3.3. **Election of Council Members.** Five Council members shall be elected  
13 in each regular municipal election.

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

16 **"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.**

17 "Section 4.1. **Form of Government.** The City shall operate under the council-  
18 manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of  
19 the General Statutes.

20 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall  
21 appoint a City Manager who shall be responsible for the administration of all departments  
22 of the City government. The City Manager shall have all the powers and duties conferred  
23 by general law, except as expressly limited by the provisions of this Charter, and the  
24 additional powers and duties conferred by the Council, so far as authorized by general  
25 law. The Council may require the City Manager to reside within the City during the City  
26 Manager's tenure of office. In case of the absence or disability of the City Manager, the  
27 Council may designate a qualified administrative officer of the City to perform the duties  
28 of the City Manager during such absence or disability.

29 "Section 4.3. **City Clerk.** The Council shall appoint a City Clerk to keep a journal of  
30 the proceedings of the Council, to maintain official records and documents, to give notice  
31 of meetings, and to perform such other duties required by law or as the Council may  
32 direct. The City Clerk shall be subject to the supervisory authority of the City Manager.

33 "Section 4.4. **Finance Director.** The City Manager shall appoint a Finance Director  
34 to perform the duties designated in G.S. 159-25 and such other duties as may be  
35 prescribed by law or assigned by the Manager.

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

39 "Section 4.6. **City Attorney.** The Council shall appoint a City Attorney licensed to  
40 practice law in North Carolina. It shall be the duty of the City Attorney to represent the  
41 City, advise City officials, and perform other duties required by law or as the Council  
42 may direct. The Council may appoint one or more Assistant City Attorneys to assist the

1 City Attorney and to serve in the City Attorney's absence or incapacity and who shall  
2 have the same qualifications and duties as the City Attorney.

3 "Section 4.7. **Other Administrative Officers and Employees.** The Council may  
4 authorize other positions to be filled by appointment by the City Manager and may  
5 organize the City government as deemed appropriate, subject to the requirements of  
6 general law.

#### 7 "ARTICLE V. STREETS.

8 "Section 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In  
9 addition to any authority granted by general law, the Council may, without the necessity  
10 of a petition, order street improvements according to standards and specifications of the  
11 City, and assess the total costs or a portion thereof against abutting property, exclusive of  
12 the costs incurred at street intersections, according to one or more of the assessment bases  
13 set forth in Article 10 of Chapter 160A of the General Statutes, upon the following  
14 findings of fact:

- 15 (1) The street improvement project does not exceed 1,200 linear feet; and  
16 (2) a. The street or part thereof is unsafe for vehicular traffic or creates a  
17 safety or health hazard, and it is in the public interest to make such  
18 improvement; or  
19 b. It is in the public interest to connect two streets or portions of a  
20 street already improved; or  
21 c. It is in the public interest to widen a street, or part thereof, which  
22 is already improved. Assessments for widening any street or  
23 portion of a street without a petition shall be limited to the cost of  
24 widening and otherwise improving such street in accordance with  
25 street classification and improvement standards established by  
26 the City's thoroughfare or major street plan for the particular  
27 street or part thereof.

28 "Section 5.2. **Street Improvement Defined.** For the purposes of this Article, the  
29 term 'street improvement' shall include grading, regrading, surfacing, resurfacing,  
30 widening, paving, repaving, and the construction or reconstruction of curbs, gutters, and  
31 street drainage facilities.

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

39 "Section 5.4. **Property Owner's Responsibility.** The Council shall have authority to  
40 require every property owner in the City to cut and remove limbs, branches, and parts of  
41 trees or shrubbery extending upon or overhanging the streets.

42 "Section 5.5. **City Cutting and Removal; Costs Become Lien.** The Council may,  
43 by ordinance, establish a procedure whereby City forces may cut and remove limbs,

1 branches, and parts of trees or shrubbery extending upon or overhanging the streets after  
2 failure of the abutting property owner after 10 days' notice to do so. In such event, the  
3 cost of such cutting and removal shall become a lien upon the abutting property equal to  
4 the lien for ad valorem taxes and may thereafter be collected either by suit in the name of  
5 the City or by foreclosure of the lien in the same manner and subject to the same rules,  
6 regulations, costs, and penalties as provided by law for the foreclosure of the lien on real  
7 estate for ad valorem taxes.

#### 8 **"ARTICLE VI. SIDEWALKS.**

9 **"Section 6.1. Assessments for Sidewalk Improvements; Petition Unnecessary.** In  
10 addition to any authority granted by general law, the Council may, without the necessity  
11 of a petition, order sidewalk improvements or repairs according to standards and  
12 specifications of the City, and assess the total costs or a portion thereof against abutting  
13 property, according to one or more of the assessment bases set forth in Article 10 of  
14 Chapter 160A of the General Statutes. Regardless of the assessment basis or bases  
15 employed, the Council may order the costs of sidewalk improvements made only on one  
16 side of a street to be assessed against property abutting both sides of the street. In  
17 ordering sidewalk improvements or repairs without a petition and assessing the costs  
18 thereof under authority of this Article, the Council shall comply with the procedures  
19 provided by Article 10 of Chapter 160A of the General Statutes, except those provisions  
20 relating to petitions of property owners and the sufficiency thereof. The effect of levying  
21 assessments under authority of this Article shall be the same as if the assessments were  
22 levied under authority of Article 10 of Chapter 160A of the General Statutes.

23 **"Section 6.2. Property Owner's Responsibility.** The Council shall have the  
24 authority to require every property owner in the City to keep clean and free of debris,  
25 trash, and other obstacles or impediments the sidewalks abutting the owner's property and  
26 to require every property owner in the City to cut and remove limbs, branches, and parts  
27 of trees or shrubbery extending upon or overhanging the sidewalks abutting the owner's  
28 property.

29 **"Section 6.3. City Cleaning or Repair; Costs Become Lien.** The Council may, by  
30 ordinance, establish a procedure whereby City forces may clean any sidewalk, remove  
31 therefrom any debris or trash, or cut and remove limbs, branches, and parts of trees or  
32 shrubbery extending upon or overhanging any sidewalk after failure of the abutting  
33 property owner after 10 days' notice to do so. In such event, the cost of the repair,  
34 cleaning, cutting, or removal shall become a lien upon the abutting property equal to the  
35 lien for ad valorem taxes and may thereafter be collected either by suit in the name of the  
36 City or by foreclosure of the lien in the same manner and subject to the same rules,  
37 regulations, costs, and penalties as provided by law for the foreclosure of the lien on real  
38 estate for ad valorem taxes.

#### 39 **"ARTICLE VII. WATER AND SEWER.**

40 **"Section 7.1. Construction Outside Corporate Limits.** In addition to any authority  
41 granted by general law, the City is authorized to construct or reconstruct water and sewer  
42 lines and facilities outside the corporate limits of the City as the Council may deem

1 appropriate, to furnish water and sewer services to industries outside the city limits, and  
2 to make such charges for the services as the Council may deem reasonable.

3 "Section 7.2. **Acquisition of Existing Facilities.** In addition to any authority granted  
4 by general law, the City is authorized to acquire, by purchase, gift, or exchange existing  
5 water and sewer lines and facilities located outside of the corporate limits of the City.

6 **"ARTICLE VIII. TAXATION.**

7 "Section 8.1. **Motor Vehicles Tax.** The City may levy a license or privilege tax  
8 upon motor vehicles resident therein in an amount up to ten dollars (\$10.00) per year, or  
9 the amount prescribed by G.S. 20-97, whichever is greater.

10 **"ARTICLE IX. CITY LAKE REGULATION.**

11 "Section 9.1. **Regulation of City Lakes.** In addition to any authority granted by  
12 general law, the City is authorized, by ordinance, to regulate, restrict, or prohibit the use  
13 of any lakes owned by the City, to prescribe rules under which fishing, boating, and other  
14 uses may be permitted thereon, to fix charges for such uses, and to otherwise provide for  
15 their operation in accordance herewith. The provisions of any ordinance adopted under  
16 authority of this section shall not conflict with applicable State laws, rules, or regulations.

17 **"ARTICLE X. CLAIMS AGAINST THE CITY.**

18 "Section 10.1. **Settlement of Claims by City Manager.** The Council may authorize  
19 the City Manager to settle claims against the City for: (i) personal injuries or  
20 damages to property when the amount involved does not exceed the sum of five thousand  
21 dollars (\$5,000) and does not exceed the actual loss sustained; and (ii) the taking of small  
22 portions of private property which are needed for the rounding of corners at intersections  
23 of streets when the amount involved in any such settlement does not exceed five thousand  
24 dollars (\$5,000) and does not exceed the actual loss sustained. Settlement of a claim by  
25 the City Manager pursuant to this section shall constitute a complete release of the City  
26 from any and all damages sustained by the person involved in such settlement in any  
27 manner arising out of the incident, occasion, or taking complained of. All settlements  
28 and all releases shall be approved by the City Attorney.

29 **"ARTICLE XI. PROPERTY DISPOSITION.**

30 "Section 11.1. **Disposal of Surplus Personal Property.** The City may dispose of  
31 surplus personal property valued at less than two thousand dollars (\$2,000) for any one  
32 item or group of items using the procedures authorized in G.S. 160A-266(c)."

33 Section 2. The purpose of this act is to revise the Charter of the City of  
34 Roxboro and to consolidate certain acts concerning the property, affairs, and government  
35 of the City. It is intended to continue without interruption those provisions of prior acts  
36 which are expressly consolidated into this act, so that all rights and liabilities which have  
37 accrued are preserved and may be enforced.

38 Section 3. This act does not repeal or affect any acts concerning the property,  
39 affairs, or government of public schools or any acts validating official actions,  
40 proceedings, contracts, or obligations of any kind.

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

43 Chapter 253, Private Laws of 1854-55

- 1 Chapter 268, Private Laws of 1854-55  
2 Chapter 109, Private Laws of 1879  
3 Chapter 92, Private Laws of 1881  
4 Chapter 168, Private Laws of 1887  
5 Chapter 71, Private Laws of 1899  
6 Chapter 134, Private Laws of 1901  
7 Chapter 303, Private Laws of 1903  
8 Chapter 762, Public Laws of 1905  
9 Chapter 142, Private Laws of 1907  
10 Chapter 909, Public Laws of 1907  
11 Chapter 244, Private Laws of 1913  
12 Chapter 137, Private Laws of 1915  
13 Chapter 125, Private Laws, Extra Session of 1921  
14 Chapter 175, Private Laws of 1925  
15 Chapter 84, Private Laws of 1927  
16 Chapter 211, Public-Local Laws of 1941  
17 Chapter 288, Session Laws of 1943, except for Section 3  
18 Chapter 12, Session Laws of 1953  
19 Chapter 502, Session Laws of 1955  
20 Chapter 510, Session Laws of 1955  
21 Chapter 42, Session Laws of 1957  
22 Chapter 425, Session Laws of 1961  
23 Chapter 619, Session Laws of 1963  
24 Chapter 643, Session Laws of 1965, except for Section 5  
25 Chapter 978, Session Laws of 1965.

26 Section 5. The Mayor and Council members serving on the date of ratification  
27 of this act shall serve until the expiration of their terms or until their successors are  
28 elected and qualified.

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

31 Section 7. All existing ordinances, resolutions, and other provisions of the  
32 City of Roxboro not inconsistent with the provisions of this act shall continue in effect  
33 until repealed or amended.

34 Section 8. No action or proceeding pending on the effective date of this act by  
35 or against the City or any of its departments or agencies shall be abated or otherwise  
36 affected by this act.

37 Section 9. Whenever a reference is made in this act to a particular provision of  
38 the General Statutes, and such provision is later amended, superseded, or recodified, the  
39 reference shall be deemed amended to refer to the amended General Statute, or to the  
40 General Statute which most clearly corresponds to the statutory provision which is  
41 superseded or recodified.

42 Section 10. This act is effective when it becomes law.