

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 18

State and Local Government Committee Substitute Adopted 3/29/99

Short Title: Carthage Charter Consolidation.

(Local)

Sponsors:

Referred to:

February 2, 1999

A BILL TO BE ENTITLED
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
CARTHAGE.

The General Assembly of North Carolina enacts:

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

**"THE CHARTER OF THE TOWN OF CARTHAGE.
"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND
BOUNDARIES.**

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

1 they may be altered from time to time in accordance with law. An official map of the
2 Town, showing the current municipal boundaries, shall be maintained permanently in the
3 office of the Town Clerk and shall be available for public inspection. Upon alteration of
4 the corporate limits pursuant to law, the appropriate changes to the official map shall be
5 made and copies shall be filed in the office of the Secretary of State, the Moore County
6 Register of Deeds, and the appropriate board of elections.

7 **"ARTICLE II. GOVERNING BODY.**

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

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

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

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

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

26 "Section 2.6. **Quorum; Voting.** Official actions of the Council and all votes shall be
27 taken in accordance with the applicable provisions of general law, particularly G.S.
28 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

29 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The
30 compensation and qualifications of the Mayor and Council members shall be in
31 accordance with general law. Vacancies that occur in any elective office of the Town
32 shall be filled by majority vote of the remaining members of the Council and shall be
33 filled for the remainder of the unexpired term, despite the contrary provisions of G.S.
34 160A-63.

35 **"ARTICLE III. ELECTIONS.**

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

40 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in the regular municipal
41 election in 1999 and each four years thereafter.

42 "Section 3.3. **Election of Council Members.** In the regular municipal election in
43 1997, the three candidates for Council member who received the highest numbers of

1 votes shall be elected for four-year terms, while the two candidates who receive the next
2 highest numbers of votes shall be elected for two-year terms. In the regular municipal
3 election in 1999, and in each regular municipal election thereafter, persons shall be
4 elected to serve four-year terms in those positions whose terms are then expiring.

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

7 "ARTICLE IV. TOWN MANAGER.

8 "Section 4.1. **Form of Government.** The Town shall operate under the council-
9 manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of
10 the General Statutes.

11 "Section 4.2. **Town Manager; Appointment; Powers and Duties.** The Council
12 shall appoint a Town Manager who shall be responsible for the administration of all
13 departments of the Town government. The Town Manager shall have all the powers and
14 duties conferred by general law, except as expressly limited by the provisions of this
15 Charter, and the additional powers and duties conferred by the Council, so far as
16 authorized by general law.

17 "Section 4.3. **Settlement of Claims by Town Manager.** The Council may authorize
18 the Town Manager to settle claims against the Town for (i) personal injuries or
19 damages to property when the amount involved does not exceed the sum of two thousand
20 five hundred dollars (\$2,500) and does not exceed the actual loss sustained, including
21 loss of time, medical expenses, and any other expenses actually incurred; and (ii) the
22 taking of small portions of private property which are needed for the rounding of corners
23 at intersections of streets, when the amount involved in any such settlement does not
24 exceed two thousand five hundred dollars (\$2,500) and does not exceed the actual loss
25 sustained. Settlement of a claim by the Town Manager pursuant to this section shall
26 constitute a complete release of the Town from any and all damages sustained by the
27 person involved in such settlement in any manner arising out of the incident, occasion, or
28 taking complained of. All such settlements and all such releases shall be approved in
29 advance by the Town Attorney.

30 "ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.

31 "Section 5.1. **Town Attorney.** The Council shall appoint a Town Attorney licensed
32 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent
33 the Town, advise Town officials, and perform other duties required by law or as the
34 Council may direct.

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

39 "Section 5.3. **Tax Collector.** The Town shall have a Tax Collector to collect all
40 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
41 other duties as prescribed by law or assigned by the Town Manager. Notwithstanding the
42 contrary provisions of G.S. 105-349, the Manager may appoint and remove the Tax
43 Collector and one or more Deputy Tax Collectors.

1 "Section 5.4. **Other Administrative Officers and Employees.** The Council may
2 authorize other positions to be filled by appointment by the Town Manager, and may
3 organize the Town government as deemed appropriate, subject to the requirements of
4 general law.

5 "Section 5.5. **Manager's Authority; Role of Elected Officials.** As chief
6 administrator, the Town Manager shall have the power to appoint, suspend, and remove
7 all nonelected officers, department heads, and employees of the Town, except the Town
8 Attorney, who shall be appointed as provided in Section 5.1 of this Charter. Neither the
9 Mayor nor the Council nor any of its committees or members shall take part in the
10 appointment or removal of officers, department heads, and employees in the
11 administrative service of the Town, except as provided by this Charter. Except for the
12 purpose of inquiry, or for consultation with the Town Attorney, the Mayor and the
13 Council and its members shall deal with officers and employees in the administrative
14 service only through the Manager, Acting Manager, or Interim Manager, and neither the
15 Mayor nor the Council nor any of its members shall give orders or directions to any
16 subordinate of the Manager, Acting Manager, or Interim Manager, either publicly or
17 privately.

18 **"ARTICLE VI. REMOVAL OF MOTOR VEHICLES.**

19 "Section 6.1. **Liens for Removal of Motor Vehicles.** Pursuant to the authority
20 granted by G.S. 160A-303 and G.S. 160A-303.2 and Chapter 451 of the Session Laws of
21 1987, the Council may establish reasonable towing fees for the cost of removing junked
22 motor vehicles from private property. When the town causes the removal of a junked
23 motor vehicle from private property pursuant to the authority granted by G.S. 160A-303
24 and G.S. 160A-303.2 and Chapter 451 of the Session Laws of 1987, and the owner of the
25 vehicle fails to pay the towing fee within 30 days after it becomes due, the towing fee
26 shall become a lien against the real property from which the vehicle was removed
27 provided the owner of the real property from which the vehicle was removed was also the
28 owner of the junked motor vehicle; said cost shall be placed upon the Town's tax books
29 against the property and may be collected and foreclosed in the same manner as taxes are
30 collected and foreclosed, or by suit, as the Town may determine.

31 **"ARTICLE VII. EXTRATERRITORIAL POWERS.**

32 "Section 7.1. **Extraterritorial Jurisdiction.** The Town shall have and may exercise
33 all of the powers granted by Article 19 of Chapter 160A of the General Statutes within an
34 extraterritorial area which it shall define. Despite the contrary provisions of G.S. 160A-
35 360, the Town may, with the approval of the board of county commissioners, extend its
36 extraterritorial area up to two miles outside the corporate limits.

37 Section 2. The purpose of this act is to revise the Charter of the Town of
38 Carthage and to consolidate certain acts concerning the property, affairs, and government
39 of the Town. It is intended to continue without interruption those provisions of prior acts
40 which are expressly consolidated into this act, so that all rights and liabilities which have
41 accrued are preserved and may be enforced.

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

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

6 Chapter 85, Private Laws of 1796

7 Chapter 28, Private Laws of 1803

8 Chapter 113, Private Laws of 1812

9 Chapter 74, Private Laws of 1818, except for Section 1

10 Chapter 89, Private Laws of 1827-28

11 Chapter 30, Private Laws of 1832-33

12 Chapter 207, Private Laws of 1847

13 Chapter 124, Private Laws of 1871-72

14 Chapter 176, Private Laws of 1874-75

15 Chapter 32, Private Laws of 1881

16 Chapter 248, Private Laws of 1901

17 Chapter 299, Private Laws of 1903

18 Chapter 482, Private Laws of 1907, except for Sections 50 through 64

19 Chapter 166, Private Laws of 1909

20 Chapter 209, Private Laws of 1913

21 Chapter 33, Private Laws of 1924 (Extra Session)

22 Chapter 203, Private Laws of 1925

23 Chapter 862, Session Laws of 1945

24 Chapter 962, Session Laws of 1965.

25 Section 5. The Mayor and Council members serving on the date of ratification
26 of this act shall serve until the expiration of their terms or until their successors are
27 elected and qualified. Thereafter those offices shall be filled as provided in Articles II
28 and III of the Charter contained in Section 1 of this act.

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 Town of Carthage not inconsistent with the provisions of this act or State law shall
33 continue in effect until repealed or amended.

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

37 Section 9. If any provision of this act or application thereof is held invalid,
38 such invalidity shall not affect other provisions or applications of this act which can be
39 given effect without the invalid provision or application, and to this end the provisions of
40 this act are declared to be severable.

41 Section 10. Whenever a reference is made in this act to a particular provision
42 of the General Statutes, and such provision is later amended, superseded, or recodified,
43 the reference shall be deemed amended to refer to the amended General Statute, or to the

- 1 General Statute which most clearly corresponds to the statutory provision which is
- 2 superseded or recodified.
- 3 Section 11. This act is effective when it becomes law.