

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 557

Short Title: Lowell Charter Revision.

(Local)

Sponsors: Senators Hoyle; and Forrester.

Referred to: Local Government and Regional Affairs.

March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
LOWELL.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF LOWELL.

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

"Section 1.1. **Incorporation.** The City of Lowell, North Carolina in Gaston County
and the inhabitants thereof shall continue to be a municipal body politic and corporate,
under the name of the 'City of Lowell,' hereinafter at times referred to as the 'City.'

"Sec. 1.2. **Powers.** The City shall have and may exercise all of the powers, duties,
rights, privileges and immunities conferred upon the City of Lowell 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.

"Sec. 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 City and as
they may be altered from time to time in accordance with law. An official map of the
City, showing the current boundaries, shall be maintained permanently in the office of
the City Clerk and shall be available for public inspection. Immediately upon alteration
of the corporate limits made 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 Gaston
County Register of Deeds and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

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2 "Sec. 2.1. **Mayor and City Council; Composition.** The Mayor and the City
3 Council, hereinafter referred to as the 'Council,' shall be the governing body of the City.

4 "Sec. 2.2. **Council Members; Terms of Office.** The Council shall be composed of
5 five members elected at large by all the qualified voters of the City for terms of two
6 years or until their successors are elected and qualified.

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

13 "Sec. 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
14 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
15 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
16 capacity at the pleasure of the Council.

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

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

23 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The
24 compensation and qualifications of the Mayor and Council shall be fixed in accordance
25 with general law. Vacancies that occur in any elective office of the City shall be filled
26 by appointment as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS.

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

32 "Sec. 3.2. **Election of Mayor.** A Mayor shall be elected in each regular municipal
33 election.

34 "Sec. 3.3. **Election of Council.** Council members shall be elected in each regular
35 municipal election, as their terms expire.

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

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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40 "Sec. 4.1. **Form of Government.** The City shall operate under the council-manager
41 form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the
42 General Statutes.

43 "Sec. 4.2. **City Manager.** The Council shall appoint a City Manager who shall be
44 responsible for the administration of all departments of the City government. The City

1 Manager shall have all the powers and duties conferred by general law, except as
2 expressly limited by the provisions of this Charter, and the additional powers and duties
3 conferred by the Council, so far as authorized by general law.

4 "Sec. 4.3. **City Clerk.** The Council shall appoint a City Clerk to keep a journal of
5 the proceedings of the Council, to maintain official records and documents, to give
6 notice of meetings, and to perform such other duties required by law or as the Council
7 may direct.

8 "Sec. 4.4. **Tax Collector.** The Council shall appoint a Tax Collector to collect all
9 taxes owed to the City, subject to general law, this Charter and City ordinances.

10 "Sec. 4.5. **City Attorney.** The Council shall appoint a City Attorney licensed to
11 practice law in North Carolina. It shall be the duty of the City Attorney to represent the
12 City, advise City officials and perform other duties required by law or as the Council
13 may direct.

14 "Sec. 4.6. **Other Administrative Officers and Employees.** The Council may
15 authorize other positions to be filled by appointment by the City Manager, and may
16 organize the City government as deemed appropriate, subject to the requirements of
17 general law.

18 "ARTICLE V. ADDITIONAL PROVISIONS.

19 "Sec. 5.1. **Police Power.** The City may adopt and enforce within its corporate
20 limits and within one mile thereof police power regulations not inconsistent with the
21 General Statutes of North Carolina and all amendments thereto."

22 Sec. 2. The purpose of this act is to revise the Charter of the City of Lowell
23 and to consolidate certain acts concerning the property, affairs, and government of the
24 City. It is intended to continue without interruption those provisions of prior acts which
25 are expressly consolidated into this act, so that all rights and liabilities which have
26 accrued are preserved and may be enforced.

27 Sec. 3. This act does not repeal or affect any acts validating official actions,
28 proceedings, contracts, or obligations of any kind.

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

31 Chapter 62, Private Laws of 1879

32 Chapter 166, Private Laws of 1889

33 Chapter 64, Private Laws of 1909

34 Chapter 212, Private Laws of 1927

35 Chapter 194, Private Laws of 1929

36 Chapter 283, Session Laws of 1955

37 Chapter 359, Section 1, Session Laws of 1955

38 Chapter 340, Session Laws of 1961

39 Chapter 497, Session Laws of 1963.

40 Sec. 5. The Mayor and Council members serving on the date of ratification
41 of this act shall serve until the expiration of their terms. Thereafter those offices shall
42 be filled as provided in Articles II and III of the Charter contained in Section 1 of this
43 act.

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

3 Sec. 7. All existing ordinances, resolutions, and other provisions of the City
4 of Lowell not inconsistent with the provisions of this act shall continue in effect until
5 repealed or amended.

6 Sec. 8. No action or proceeding pending on the effective date of this act by or
7 against the City or any of its departments or agencies shall be abated or otherwise
8 affected by this act.

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

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

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