

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 253  
HOUSE BILL 395

AN ACT TO REVISE THE CHARTER OF THE TOWN OF HOOKERTON.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Hookerton is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF HOOKERTON.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Sec. 1.1. (a) The Town of Hookerton and the inhabitants thereof shall continue to be a municipal body politic and corporate under the name and style of the 'Town of Hookerton', hereinafter referred to at times as the 'Town'.

(b) The Town shall have all the powers, duties, rights, privileges and immunities which are now or hereafter may be conferred, either expressly or by implication, upon the Town specifically or upon towns generally by this Charter, by the Constitution or by general or local act.

"ARTICLE II. CORPORATE BOUNDARIES.

"Sec. 2.1. Until changed in accordance with law, the corporate boundaries of the Town of Hookerton are as follows:

BEGINNING at the mouth of Rainbow Branch at Contentnea Creek and runs thence up Rainbow Branch S 33°-46'-00" W 292.633 feet, S 16°-34'-31" W 148.264 feet, S 86°-30'-55" W 145.373 feet, S 63°-09'-07" W 174.096 feet, S 10°-40'-34" W 148.837 feet to the center of a concrete bridge and the centerline of North Carolina Secondary Road 1438; thence, continuing up the run of Rainbow Branch S 39°-52'-15" E 192.467 feet, S 76°-52'-41" W 77.329 feet, S 81°-43'-04" W 152.823 feet to a concrete monument; thence, leaving Rainbow Branch, S 00°-24'-01" E 727.957 feet to a concrete monument; thence N 89°-37'-57" E 299.984 feet to a concrete monument; thence S 00°-22'-43" E 588.559 feet to a concrete monument in the northern line of Greene Street; thence with the northern line of Greene Street S 88°-21'-49" W 109.979 feet to a concrete monument; thence with the western line of Seventh Street S 00°-00'-28" W 986.545 feet to a concrete monument; thence with the south line of Stephenson Street N 89°-09'-59" E 200.003 feet to a concrete monument; thence S 00°-47'-46" W 501.378 feet to a concrete monument; thence the same course continued S 00°-47'-46" W 10.000 feet to an oak tree; thence N 89°-11'-41" E 10.000 feet to a concrete monument; thence the same course continued N 89°-11'-41" E 489.258 feet to a concrete monument in the western line of Kinston Street; thence with the western line of Kinston Street S 00°-49'-09" W 500.240 feet to a concrete monument, said monument being located N 04°-21'09" W 687.817 feet from a concrete monument marking North Carolina Geodetic

Survey Station Beamon; thence crossing Kinston Street S 86°-17'-51" E 52.444 feet to a concrete monument; thence S 89°- 34'-11" E 347.643 feet to an iron pipe; thence N 00°-51'-43" E 1509.598 feet to an iron pipe at the southeastern corner of Fourth Street and Ormond Street intersection; thence S 86°-31'- 53" E 652.649 feet to a concrete monument in an old railroad bed; thence N 17°-10'-12" E 654.934 feet with railroad bed to a concrete monument; thence N 84°-08'-24" E 717.468 feet to a concrete monument; thence N 15°-19'-28" E 347.903 feet to a brass cap set in the centerline of North Carolina Secondary Road 1430; thence N 04°-01'-21" E 1122.313 feet through a pond to a concrete monument; thence N 03°-38'-23" W 112.285 feet to a concrete monument, said monument being located S 56°-35'-15" E 132.142 feet from North Carolina Geodetic Survey Station Pittman; thence N 02°-35'-03" W 263.011 feet to a railroad spike set in the southeastern line of Main Street; thence crossing Main Street N 02°-35'-03" W 253.973 feet to a concrete monument; thence N 02°- 35'-03" W 430.505 feet to a concrete monument on the bank of Contentnea Creek; thence up Contentnea Creek as defined by the following meander courses: S 42°-19'-31" W 892.364 feet, S 87°- 40'-58" W 1510.092 feet, N 56°-54'-23" W 286.487 feet to the point of beginning according to a survey entitled Corporate Limits Survey, Town of Hookerton dated December 19, 1983 by McDavid Associates, Inc., and recorded in Map Book 22 page 232 Greene County Registry.

### "ARTICLE III. MAYOR AND BOARD OF COMMISSIONERS.

"Sec. 3.1. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided by law all powers of the Town shall be vested in a Board of Commissioners, consisting of four members and a Mayor, nominated and elected from the Town at large in the manner provided by this Charter. The term of office of the Mayor and the Board of Commissioners shall be as hereinafter provided and until their successors are elected and qualified. If a vacancy occurs in the office of Mayor or Commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Commissioners.

The Mayor and each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by ordinance, in accordance with G.S. 160A-64.

"Sec. 3.2. Board of Commissioners - Rules. The Board shall determine its own rules and order of business. The rules of the Board of Commissioners shall provide that citizens of the Town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

"Sec. 3.3. Mayor. In time of public danger or emergency, the Mayor shall, if so authorized and directed by vote of the Board of Commissioners, take command of the police, maintain order and enforce the law.

"Sec. 3.4. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of

Commissioners. The enacting clause of all ordinances shall be 'BE IT ORDAINED BY THE TOWN OF HOOKERTON'.

"Sec. 3.5. When Ordinances and Resolutions Take Effect - Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein, but not less than 10 days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety in which the emergency claimed is set forth and defined in the preamble thereto.

No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared as an emergency by the Board of Commissioners except as defined in this section, and it is the intention of this Charter that such definition shall be strictly construed by the Courts.

"Sec. 3.6. Elections. Elections in the Town of Hookerton shall be conducted in accordance with Subchapter IX of Chapter 163 of the General Statutes, and the results determined by the nonpartisan plurality method in accordance with G.S. 163-292.

A Mayor shall be elected in 1985 and biennially thereafter for a two-year term. Two Commissioners shall be elected in 1985 and quadrennially thereafter for four-year terms, and two Commissioners shall be elected in 1987 and quadrennially thereafter for four-year terms.

#### "ARTICLE IV. MISCELLANEOUS.

"Sec. 4.1. Police Jurisdiction. The Town of Hookerton Police shall have jurisdiction to make arrest and investigations anywhere within the confines of Hookerton Township.

"Sec. 4.2. Appointment of Boards, Committees, and Commissions. The Board of Commissioners shall have authority to appoint various Boards, Committees, and Commissions, deemed necessary to conduct the business of the Town and its various departments and shall have the power to direct and control their activities and to set salaries for their services, not inconsistent with the general laws of the State of North Carolina."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Hookerton and to consolidate herein 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 consolidated into this act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This act shall not be deemed to repeal, modify, or in any manner affect any acts validating, confirming, approving, or legalizing official proceedings, actions, contracts, or obligations of any kind.

Sec. 4. Chapter 1020, Session Laws of 1973 is repealed, except for Section 27 of that act, which is not repealed.

Sec. 5. No provision of this act is intended, nor shall be construed, to affect in any way, any rights or interest (whether public or private):

(1) now vested or accrued, in whole or in part, the validity of which might be sustained or preserved by reference to any provisions of law repealed by this act; or

(2) derived from, or which might be sustained or preserved in reliance upon, action heretofore taken (including the adoption of ordinances or resolutions) pursuant to or within the scope of any provision of law repealed by this act.

Sec. 6. No law heretofore repealed expressly or by implication, and no law granting authority which has been exhausted, shall be revived by:

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

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

Sec. 7. (a) All existing ordinances and resolutions of the Town of Hookerton and all existing rules or regulations of departments or agencies of the Town of Hookerton not inconsistent with the provisions of this act, shall continue in full force and effect until repealed, modified or amended.

(b) No action or proceeding of any nature (whether civil or criminal, judicial or administrative, or otherwise) pending at the effective date of this act by or against the Town of Hookerton or any of its departments or agencies shall be abated or otherwise affected by the adoption of this act.

Sec. 8. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed or superseded, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is repealed or superseded.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1985.