

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 815  
HOUSE BILL 1461

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
EDENTON.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF EDENTON.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Sec. 1.1. Incorporation. The Town of Edenton, North Carolina, in Chowan County, and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the 'Town of Edenton,' hereinafter at times referred to as the 'Town.'

"Sec. 1.2. Powers. The Town shall have and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Edenton 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 Town, and as they may be altered from time to time in accordance with law. An official map of the Town, showing the current boundaries, shall be maintained permanently in the office of the Town 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 offices of the Secretary of State, the Chowan County Register of Deeds and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. Mayor and Council. The Mayor and Council shall be the governing body of the Town.

"Sec. 2.2. Council; Composition; Terms of Office. The Council shall be composed of six members elected for staggered terms of four years. One Council member shall be elected by the qualified voters of each of the four wards. Each person so elected shall have resided in the respective ward for a period of not less than 30 days next preceding the date of the election. Two Council members shall be elected by all the qualified voters of the Town.

"Sec. 2.3. Mayor; Term of Office; Duties. The Mayor shall be elected by all the qualified voters of the Town for a term of four years; shall be the official head of the Town government and preside at meetings of the Council; shall have the right to vote

only when there is an equal division on any question or matter before the Council; and shall exercise the powers and duties conferred by law or as directed by the Council.

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

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

"Sec. 2.6. Ordinances and Resolutions. The adoption, amendment, repeal, pleading and proving of Town ordinances and resolutions shall be in accordance with general law. All ordinances and resolutions shall be effective upon adoption unless otherwise provided.

"Sec. 2.7. Voting Requirements; Quorum. Official actions of the Council and all votes shall be taken in accordance with applicable provisions of general law, particularly G.S. 160A-75. A majority of the members of the Council, excluding vacancies, shall constitute a quorum.

"Sec. 2.8. Compensation; Qualifications for Office; Vacancies. The compensation and qualifications of the Mayor and Council members shall be in accordance with general law. Vacancies that occur in any elective office of the Town shall be filled by appointment of the Council for the remainder of the unexpired term.

### "ARTICLE III. ELECTIONS.

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

"Sec. 3.2. Wards; Revision. The four wards established for the purpose of elections and their respective boundaries shall be those existing at the time of ratification of this Charter and set forth on the official map of the Town, as required by G.S. 160A-23. The Council may revise ward boundaries as provided in G.S. 160A-23 by adoption of an appropriate ordinance. The Council may make other revisions, including changing the number of wards, by following the procedure set out in G.S. Chapter 160A, Article 5, Part 4, and applicable provisions of State and federal law.

"Sec. 3.3. Election of Council Members. The Council members serving on the date of ratification of this Charter shall serve until the expiration of their terms. In the municipal election in 1987 and every four years thereafter, one Council member shall be elected at large, one Council member shall be elected by and from the First Ward and one Council member shall be elected by and from the Second Ward. In the municipal election in 1989 and every four years thereafter, one Council member shall be elected at large, one Council member shall be elected by and from the Third Ward and one Council member shall be elected by and from the Fourth Ward.

"Sec. 3.4. Election of the Mayor. The Mayor serving on the date of ratification of this Charter shall serve until the expiration of his or her term. At the municipal election

in 1987 and every four years thereafter, there shall be elected a Mayor to serve as provided in Article II.

"Sec. 3.5. Special Elections and Referendums. Special elections and referendums may be held only as provided by general law or applicable local acts of the General Assembly.

#### "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

"Sec. 4.1. Form of Government. The Town shall operate under the council-manager form of government, in accordance with G.S. Chapter 160A, Article 7, Part 2.

"Sec. 4.2. Town Manager. The Council shall appoint a Town Manager who shall be responsible for the administration of all departments of the Town government. The Town Manager shall have all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter.

"Sec. 4.3. Town Clerk. The Council shall appoint a Town Clerk to keep a journal of the proceedings of the Council; to maintain official records and documents; to give notice of meetings; and to perform such other duties required by law or as the Council may direct.

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

"Sec. 4.5. Town Attorney. The Council 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 Council may direct.

"Sec. 4.6. Other Administrative Officers and Employees. The Council may provide for appointment of other officers and employees, and may organize the Town government as deemed appropriate, subject to the requirements of general law.

#### "ARTICLE V. SPECIAL ASSESSMENT PROVISIONS.

##### "Part 1. Streets and Sidewalks.

"Sec. 5.1. Authority to assess for street improvements. In addition to the authority granted by general law, the Council is authorized to order street improvements and to assess fifty percent of the total costs against abutting property owners in accordance with the provisions of this Article, without the necessity of a petition of property owners.

"Sec. 5.2. Authority to assess for sidewalk improvements and repairs. In addition to the authority granted by general law, the Council is authorized to order sidewalk improvements or repairs according to standards and specifications of the Town, and to assess fifty percent of the total costs against abutting property owners, without the necessity of a petition of property owners.

"Sec. 5.3. Assessment procedure. In exercising the authority granted by this Article, the Council shall follow the procedure provided by the General Statutes relating to street and sidewalk assessments, except those provisions relating to the petition of property owners.

"Sec. 5.4. Effect of assessment. The effect of the act of levying assessments under authority of this Article shall for all purposes be the same as if the assessments were levied under authority of the General Statutes.

"Sec. 5.5. Exemption of corner lots. The Council shall have authority to exempt from assessment for street improvements for corner lots one hundred fifty feet of the frontage of any side of a corner lot when street improvements are installed along both sides of such lot, or exemptions may be made as provided in G.S. 160A-219.

"Part 2. Water and Sewer.

"Sec. 5.6. Authority to levy by alternate methods. In addition to the authority granted by general law for assessing the costs of water and sewer lines and laterals, the Council is authorized to levy any such assessments according to either of the following methods:

(1) equally against each of the lots capable of being served by such line or lines, or (2) on the basis of the frontage of land upon a public street by an equal rate per foot of such frontage.

"Sec. 5.7. Average costs. In lieu of assessing the total cost of a particular project as herein provided, the Council annually between the first days of January and July of each year, may determine the average cost of installing water and sewer mains or lines and on the basis of such determination may make assessments of such average cost of any portion thereof during the following fiscal year beginning July 1. The average cost of such installation shall include the cost of the particular size and material of lines completed during the preceding calendar year. It also may include the anticipated increase in labor and materials costs based upon the average of such increases during the preceding five calendar years. The assessment of the average cost of such line shall not be made until after the particular assessment project has been completed. The purpose of this is to distribute more equitably the cost of the installation of water and sewer lines throughout the Town; to permit a property owner to know in advance what the cost of installation of water and sewer lines benefitting his property will be; and to permit the most expeditious assessment of cost against property after completion of the installation of such lines. The actual cost of acquisition of rights-of-way also may be assessed as a part of the cost of an individual project. If the right-of-way costs have not been determined and assessed with the assessment of the average installation costs at the time of the completion of the project, such costs may be assessed separately when they are determined.

"Sec. 5.8. Subdivisions. If a lot or parcel of land used for a single-family residential purpose is assessed under this section and the lot or parcel of land is subdivided into additional lots for single-family occupancy, the Council may assess the additional lots or parcels of land into which the original parcel of land is from time to time divided on the basis of the average cost as determined under the provisions of this Part at the time the owner of the additional lot requests the utility service. Such assessment shall be made only after the owner of the newly created lot or lots has requested water or sewer service and an assessment against his property or has paid the amount of the assessment in cash. In the absence of such request or payment, the service shall be withheld from the property. If a lot or parcel of land is used for any purpose other than for single-family occupancy, the Council may assess the lot or parcel of land used for such other purpose in an amount equal to the multiple of the assessment for a single-family lot by the nearest number of times that the area so used is divisible by twenty thousand feet but

in no case shall the assessment be less than the assessment which would be made against a single-family dwelling lot.

"Sec. 5.9. Exemption of corner lots. The Council shall have authority to exempt from assessment for water and sewer extensions for corner lots one hundred fifty feet of the frontage of any side of a corner lot when water and sewer extensions are installed along both sides of such lot, or exemptions may be made as provided in G.S. 160A-219."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Edenton 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 acts validating official actions, proceedings, contracts or obligations of any kind.

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

Chapter 1013, Session Laws of 1961 Chapter 229, Session Laws of 1963 Chapter 338, Session Laws of 1965 Chapter 557, Session Laws of 1965 Chapter 191, Session Laws of 1967 Chapter 108, Session Laws of 1969 Chapter 381, Session Laws of 1969 Chapter 960, Session Laws of 1969 Chapter 497, Session Laws of 1971 Chapter 789, Session Laws of 1971 Chapter 491, Session Laws of 1975 Chapter 857, Session Laws of 1979 Chapter 321, Session Laws of 1981 Chapter 989, Session Laws of 1983 (1984 Session)

Sec. 5. This act does not repeal or affect the Supplemental Retirement Fund for Firemen established by Chapter 286, Session Laws of 1981, as amended.

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

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

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

Sec. 9. If any provision or application of this act 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. 10. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, repealed, superseded or recodified, the reference shall be deemed amended to refer to the amended General Statutes, or to the General Statute which most clearly corresponds to the statutory provision which is repealed, superseded or recodified.

Sec. 11. Article 5, Part 4 of G.S. Chapter 160A, shall not apply to the Town of Edenton for a period of two years after the date of ratification of this act.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1986.