

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 194  
HOUSE BILL 282

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
LAKE LURE.

The General Assembly of North Carolina enacts:

**Section 1.** The Charter of the Town of Lake Lure is hereby revised and consolidated to read as follows:

"THE CHARTER OF THE TOWN OF LAKE LURE

"ARTICLE I. INCORPORATION, POWERS AND BOUNDARIES

"Section 1.1. **Incorporation.** The inhabitants of the Town of Lake Lure, in Rutherford County, are a body corporate and politic, under the name 'Town of Lake Lure.' Under that name, they have all the powers, duties, rights, privileges and immunities conferred and imposed on the Town by this Charter or on cities by the general law. The term 'general law' is employed herein as defined in G. S. 160A-1.

"Section 1.2. **Town Boundaries.** The boundaries of the Town are those existing at the time of ratification of this Charter, as set forth on the official map entitled 'Boundary Map of the Town of Lake Lure, N. C.,' maintained as required by G.S. 160A-22. Immediately upon modification of the boundaries in accordance with law, the appropriate changes to the official map shall be made, copies shall be filed in the offices of the Secretary of State, the Rutherford County Register of Deeds and the appropriate board of elections, as required by general law.

"ARTICLE II. GOVERNING BODY

"Section 2.1. **Structure; Number of Members.** The governing body of the Town is the Board of Commissioners, which has four (4) members, and the Mayor.

"Section 2.2. **Manner of Electing Board.** The qualified voters of the entire Town elect the members of the Board.

"Section 2.3 **Term of Office of Board Members.** Members of the Board are elected to four-year staggered terms. The Board 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, two members of the Board shall be elected. In the municipal election in 1989 and every four years thereafter, two members of the Board shall be elected.

"Section 2.4. **Election of Mayor; Term of Office.** The qualified voters of the entire Town elect the Mayor. The Mayor is elected for a term of two years. The Mayor shall have the right to vote on matters before the Board only when there are equal numbers of votes in the affirmative and in the negative.

"ARTICLE III. ELECTIONS

"Section 3.1. **Nonpartisan Plurality Method.** Town officers are elected on a nonpartisan basis, and the results determined by a plurality, as provided in G.S. 163-292.

#### "ARTICLE IV. ADMINISTRATION

"Section 4.1. **Form of Government.** The Town operates under the council-manager form of government, as provided in Chapter 160A of the General Statutes, Article 7, Part 2.

"Section 4.2. **Town Manager.** The Board appoints a Town Manager who is responsible for the administration of all departments of the Town government. The Town Manager has all the powers and duties conferred by general law, except as expressly limited by the provisions of this Charter.

"Section 4.3. **Town Clerk.** The Board appoints a Town Clerk to perform the duties required by law and as the Board may direct.

"Section 4.4. **Tax Collector.** The Board appoints a Tax Collector to perform the duties required by law and as the Board may direct.

"Section 4.5. **Town Attorney.** The Board appoints a Town Attorney licensed to practice law in North Carolina. The Town Attorney represents the Town, advises Town officials and performs other duties required by law and as the Board may direct.

"Section 4.6. **Finance Officer.** The Board appoints a Finance Officer to perform the duties provided by law and other appropriate duties.

"Section 4.7. **Other Officers and Employees.** The Board may authorize other offices and positions to be filled by appointment of the Town Manager, and may organize the Town government and combine offices as deemed appropriate, subject to the requirements of general law.

#### "ARTICLE V. ADDITIONAL PROVISIONS

"Section 5.1. **Termination of Utility Service; Charges Become Liens.** (a) Notwithstanding the provisions of G.S. 160A-314, or any other provisions of law, in case any charges for water service or sewerage service due and owing to the Town of Lake Lure are not paid, then such charges and any penalties assessed for nonpayment shall become a lien upon the property served or in connection with which service is used, upon compliance with the procedure set out in this section; provided, however, no such charges shall become a lien unless the same were incurred by the owner of the particular property.

(b) Upon nonpayment, the Town shall give the customer a fair opportunity to avoid termination of utility service and application of the charges and penalties as a lien against the property, by paying charges due or showing that the charges are in error. As soon as possible following the specified past due date, written notice of delinquency shall be sent to the customer by first-class mail.

- (c) The notice required by subsection (b) shall contain the following information:
- (1) The amount which must be paid to avoid termination;
  - (2) The date on which termination will occur, which must be at least 10 days after the mailing date;
  - (3) A statement that the customer may appear at Town Hall between the hours of 9:00 a.m. and 4:00 p.m. on any business day and request an

informal hearing with the Town Manager or designee, for the purpose of showing error or working out a satisfactory extended payment arrangement; and

- (4) A statement that failure by the customer to appear and show error, make payment or work out a satisfactory extended payment arrangement shall result in the charges and penalties being applied as a lien against the real property, which may be enforced by sale of the real property as provided by law.

(d) The employee responsible for mailing the notice as provided in subsections (b) and (c) shall certify the date on which the notice was mailed, on a form or in a record book or electronic medium designed for that purpose.

(e) If the customer does not make acceptable payment arrangements and fails to show cause why service should not be terminated and the charges and penalties applied as a lien against the property, service may be terminated on or after the date specified in the notice of termination, and the charges and penalties may be applied as a lien against the property. Service may be terminated between the hours of 8:30 a.m. and 4:00 p.m. on business days from Monday through Thursday only. If the customer fails to comply with the agreed upon extended payment arrangements, service may be terminated without further notice and the charges and penalties may be applied as a lien.

(f) Unpaid charges and penalties may at any time be collected by civil action in the name of the Town. In addition, the charges and penalties may be collected by the Town Tax Collector by sale of the property to which the lien attaches, as provided in G.S. 105-375, and the lien shall be treated as a property tax lien for the purposes of that statute. The lien shall attach on the date on which the certificate of charges due is docketed as provided in G.S. 105-375(d), and shall continue until the principal amount of the charges plus penalties, interest and costs allowed by law have been fully paid.

"Sec. 5.2. **Town Alcoholic Beverage Control Stores.** Town alcoholic beverage control stores shall operate as provided in Chapter 353, Session Laws of 1979, as amended.

"Sec. 5.3. **Rehabilitation and Maintenance of Lake Lure.** (a) The Town shall have the power to operate the electric power generating plant at Lake Lure and sell all the power produced thereby to a single utility, to lease the plant to any private person, firm or corporation under such terms and conditions and for such period or periods as the Board of Commissioners shall deem to be in the best interests of the Town.

(b) The rehabilitation and maintenance by the Town of the lake, trunk sewerage line, dam and electric power generating plant and ancillary facilities and the issuance of revenue bonds therefore are hereby declared to be proper public and municipal purposes.

"Sec. 5.4. **Sewage Assessments.** In addition to any authority granted by general or local law to the Town to finance sewage disposal facilities and sewage treatment facilities, the Board is hereby authorized to levy assessments upon all properties which are now or will hereafter be connected to any sewage disposal or treatment facilities owned or constructed by the Town, for the purpose of financing, in whole or in part, the construction and operation of sewage disposal or treatment facilities. Such assessments

shall apply uniformly within reasonable classifications to all properties now or hereafter connected to any disposal or treatment facilities owned or constructed by the Town; provided, however, the Board may establish higher assessments for property developed or to be developed for commercial, industrial, or institutional uses or purposes than those established for private residential use, and may base the assessments for residential property or hotel or motel property upon the number of dwelling units served or to be served by such disposal or treatment facility.

"Sec. 5.5. **Special Assessments.** (a) Streets.

- (1) In addition to the authority granted by general law, the Board is authorized to order street improvements and to assess the costs thereof against abutting property in accordance with the provisions of this section.
- (2) The Board may order street improvements and assess the total costs thereof against abutting property, exclusive of the costs incurred at street intersections, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes without the necessity of a petition, upon the following findings of fact:
  - (i) That the street improvement project does not exceed 1,200 linear feet; and
  - (ii) That such street or part thereof is unsafe for vehicular traffic and it is in the public interest to make such improvements; or
  - (iii) That it is in the public interest to connect two streets or portions of a street already improved; or
  - (iv) That it is in the public interest to widen a street, or part thereof, which is already improved; provided that assessments for widening any street or portion of a street without a petition shall be limited to the cost of widening and otherwise improving such street in accordance with the street classification and improvement standards established by the Town's thoroughfare or major street plan, as applied to the particular street or part thereof.
- (3) For the purposes of this Article, the term 'street improvement' includes grading, regrading, surfacing, resurfacing, widening, paving, repaving, acquisition of right-of-way and construction or reconstruction of curbs, gutters and street drainage facilities.

(b) Sidewalks. In addition to the authority granted by general law, the Board is authorized, without the necessity of petition, to order sidewalk improvements or repairs according to standards and specifications of the Town, and to assess the total costs thereof against abutting property, according to one or more of the assessment bases set forth in Article 10 of Chapter 160A of the General Statutes; provided that regardless of the assessment basis or bases employed, the Board may order the costs of sidewalk improvements made only on one side of a street to be assessed against property abutting both sides of such street.

(c) Procedure. In ordering street and sidewalk improvements without a petition and assessing the cost thereof under authority of this section, the Board shall comply with the procedures required by Article 10 of Chapter 160A of the General Statutes, except those provisions relating to petitions of property owners and sufficiency thereof. The effect of the act of levying assessments under authority of this section shall be the same as if assessments were levied under authority of Article 10 of Chapter 160A of the General Statutes."

**Sec. 2.** The purpose of this act is to revise the Charter of the Town of Lake Lure 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 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 179, Private Laws of 1927
- Chapter 71, Private Laws of 1929
- Chapter 205, Private Laws of 1935
- Chapter 228, Public-Local Laws of 1937
- Chapter 254, Public-Local Laws of 1937
- Chapter 738, Session Laws of 1943
- Chapter 739, Session Laws of 1943
- Chapter 1057, Session Laws of 1953
- Chapter 437, Session Laws of 1963
- Chapter 101, Session Laws of 1975
- Chapter 351, Session Laws of 1979
- Chapter 105, Session Laws of 1985

**Sec. 5.** Chapter 353, Session Laws of 1979 is amended to change each reference to "Chapter 18A" to "Chapter 18B", and to change each reference to a particular section of the former Chapter 18A of the General Statutes to refer to the provisions of the current Chapter 18B of the General Statutes which most closely correspond.

**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 Lake Lure 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, superseded or codified, the reference shall be deemed amended to refer to the amended General Statute or the General Statute which most closely corresponds to the statutory provision which is superseded or recodified.

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

In the General Assembly read three times and ratified this the 15th day of May, 1987.