

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 94
HOUSE BILL 314

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF WALLACE

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES

"Section 1.1. **Incorporation.** The Town of Wallace, North Carolina, in Duplin and Pender Counties and the inhabitants thereof, shall continue to be a municipal body politic and corporate, under the name of the 'Town of Wallace,' 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 Wallace 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 or in a written description, and as they may be altered from time to time in accordance with law. An accurate delineation of the current boundaries shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection, as provided in G.S. 160A-22. Immediately upon alteration of the corporate limits, the appropriate filings shall be made in the offices of the Secretary of State, the Duplin or Pender County Register of Deeds, and the appropriate boards of elections, as required by general law.

"ARTICLE II. GOVERNING BODY

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

"Section 2.2. **Council; Composition; Terms of Office.** The Council shall be composed of five members elected by all the qualified voters of the Town for staggered terms of four years.

"Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified voters of the Town for a term of two 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.

"Section 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.

"Section 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.

"Section 2.6. **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. The quorum provisions of G.S. 160A-74 shall apply.

"Section 2.7. **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 as provided in G.S. 160A-63.

"ARTICLE III. ELECTIONS

"Section 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 on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Section 3.2. **Election of Council Members.** Two or three Council members shall be elected in each regular municipal election as the respective terms expire.

"Section 3.3. **Election of the Mayor.** A Mayor shall be elected in each regular municipal election.

"Section 3.4. **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

"Section 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.

"Section 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.

"Section 4.3. **Town Clerk.** The Town Manager 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.

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

"Section 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.

"Section 4.6 **Other Administrative Officers and Employees.** The Council may authorize additional offices and positions, to be filled by appointment of the Town Manager. The Council may organize the Town government as deemed appropriate, including combining any of the offices provided for in this Article, subject to the requirements of general law.

"ARTICLE V. ADDITIONAL PROVISIONS

"Section 5.1. **Alcoholic Beverage Control Stores.** Alcoholic Beverage Control Stores shall operate within the Town of Wallace as provided in Chapter 1004, Session Laws of 1965, as amended, and Chapter 18B of the General Statutes.

"Section 5.2. **Airport Property.** The Council is authorized, in its discretion, to lease, as lessor, sell or exchange at private sale any lands now owned or hereafter acquired by the Town adjoining the lands now owned by the Town for the Wallace Municipal Airport upon such terms and conditions as the Council deems reasonable and necessary. The Council is further authorized, in its discretion, to purchase or lease, as lessee, from the owners thereof any lands or any interest in lands adjoining the lands now owned or hereafter acquired by the Town for the Wallace Municipal Airport upon such terms and conditions as the governing body deems reasonable and necessary."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Wallace 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 local acts concerning the Town of Wallace which were ratified before March 28, 1949, are repealed, but only to the extent that they concern the Town of Wallace. The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

- Chapter 596, Session Laws of 1949
- Chapter 1166, Session Laws of 1949
- Chapter 742, Session Laws of 1951
- Chapter 84, Session Laws of 1951
- Chapter 212, Session Laws of 1953
- Chapter 891, Session Laws of 1957
- Chapter 663, Session Laws of 1957
- Chapter 664, Session Laws of 1957
- Chapter 793, Session Laws of 1959
- Chapter 280, Session Laws of 1959
- Chapter 807, Session Laws of 1961
- Chapter 299, Session Laws of 1963
- Chapter 876, Session Laws of 1963
- Chapter 959, Session Laws of 1965
- Chapter 958, Session Laws of 1965

Chapter 613, Session Laws of 1967

Chapter 429, Session Laws of 1967

Chapter 729, Session Laws of 1971

Sec. 5. Chapter 1004, Session Laws of 1965, is amended to change each reference to particular sections or articles of former Chapter 18 of the General Statutes to refer to the provisions of current Chapter 18B of the General Statutes which most closely correspond, and as they may be later amended or recodified.

Sec. 6. The Mayor and Commissioners serving on the date of ratification of this act shall serve until the expiration of their terms. Thereafter those offices shall be filled as provided in Article II and III of the Charter contained in Section 1 of this act.

Sec. 7. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 8. All existing ordinances, resolutions and other provisions of the Town of Wallace not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 9. 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. 10. 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. 11. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded or recodified, 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 superseded or recodified.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of April, 1987.