

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 853

Short Title: Bridgeton Charter Revised.

(Local)

Sponsors: Representatives Perdue, Anderson, and Lilley.

Referred to: Government.

March 27, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 BRIDGETON AND TO REPEAL PRIOR LOCAL ACTS.

4 The General Assembly of North Carolina enacts:

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

7 **"THE CHARTER OF THE TOWN OF BRIDGETON.**

8 **"ARTICLE 1. INCORPORATION, CORPORATE POWERS AND**
9 **BOUNDARIES.**

10 "Sec. 1.1. **Incorporation.** - The Town of Bridgeton, North Carolina in Craven
11 County, and the inhabitants thereof, shall continue to be a municipal body politic and
12 corporate, under the name and style of the 'Town of Bridgeton', hereinafter at times
13 referred to as the 'Town'.

14 "Sec. 1.2. **Powers.** - The Town of Bridgeton shall have and may exercise all of the
15 powers, duties, rights, privileges and immunities, which are now, or hereafter may be
16 conferred, either expressly or by implication, upon the Town of Bridgeton specifically,
17 or upon municipal corporations generally, by this Charter, by the State Constitution, or
18 by general or local law.

19 "Sec. 1.3. **Corporate Limits.** - The corporate limits of the Town of Bridgeton shall
20 be those existing at the time of ratification of this Charter, as the same are set forth on
21 the official map of the Town, and as the same may be altered from time to time in
22 accordance with law. An official map of the Town, showing the current Town
23 boundaries, shall be maintained permanently in the office of the Town Clerk, and shall

1 be available for public inspection. Appropriate changes to the official map of the Town
2 shall be made after any alterations of the corporate limits made pursuant to law.

3 **"ARTICLE 2. MAYOR AND BOARD OF COMMISSIONERS.**

4 "Sec. 2.1. **Governing Body.** - The Mayor and Board of Commissioners, elected and
5 constituted as herein set forth, shall be the governing body of the Town. On behalf of
6 the Town, and in conformity with applicable laws, the Mayor and Board may provide
7 for the exercise of all municipal powers, and shall be charged with the general
8 government of the Town.

9 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** - The Board
10 of Commissioners shall be composed of four members, each of whom shall be elected
11 for terms of two years in the manner provided by Article 3 of this Charter, to serve until
12 their successors are elected and qualified.

13 "Sec. 2.3. **Election of the Mayor; Term of Office; Duties.** - The Mayor shall be
14 elected directly by the voters of the Town in the manner provided by Article 3 of this
15 Charter for a term of two years; provided, the Mayor shall serve until his successor is
16 elected and qualified. The Mayor shall be the official head of the Town government
17 and shall preside at all meetings of the Board of Commissioners. He shall have the right
18 to vote only if there are an equal number of votes in the affirmative and the negative on
19 any matter before the Board. The Mayor shall exercise such powers and perform such
20 duties as presently are or hereafter may be conferred upon him by the General Statutes,
21 by this Charter, and by the ordinances of the Town.

22 "Sec. 2.4. **Mayor Pro Tempore.** - In accordance with applicable State laws, the
23 Board of Commissioners shall appoint one of its members to act as Mayor pro tempore
24 to perform the duties of the Mayor in the Mayor's absence or disability. The Mayor pro
25 tempore as such shall have no fixed term of office, but shall serve in such capacity at the
26 pleasure of the remaining members of the Board.

27 "Sec. 2.5. **Meetings of the Board.** - In accordance with the General Statutes of
28 North Carolina, the Board of Commissioners shall establish a suitable time and place for
29 its regular meetings. Special meetings may be held according to the applicable
30 provisions of the General Statutes.

31 "Sec. 2.6. **Ordinances and Resolutions.** - The adoption, amendment, repeal,
32 pleading, or proving of Town ordinances and resolutions shall be in accordance with the
33 applicable provisions of the general laws of North Carolina not inconsistent with this
34 Charter.

35 "Sec. 2.7. **Voting and Quorum Requirements.** - Official action of the Board of
36 Commissioners shall in every instance be by majority vote, provided that a quorum,
37 consisting of a majority of the actual membership of the Board is present. Vacant seats
38 are to be subtracted from the normal Board membership to determine the actual
39 membership.

40 "Sec. 2.8. **Qualifications for Office; Vacancies; Compensation.** - The
41 compensation of Board members, the filling of vacancies on the Board, and the
42 qualifications of Board members shall be in accordance with applicable provisions of
43 the General Statutes.

44 **"ARTICLE 3. ELECTIONS.**

1 "Sec. 3.1. **Regular Municipal Elections; Conduct and Method of Election.** -
2 Regular municipal elections shall be held in the Town every two years in odd-numbered
3 years and shall be conducted in accordance with the uniform municipal election laws of
4 North Carolina. The Mayor and members of the Board of Commissioners shall be
5 elected according to the nonpartisan plurality method of elections. Municipal elections
6 shall be conducted by the County Board of Elections.

7 "Sec. 3.2. **Election of the Board of Commissioners.** - At the regular municipal
8 elections in 1989 and biennially thereafter, there shall be elected a Mayor and four
9 commissioners to fill the seats of those officers whose terms are then expiring.

10 **"ARTICLE 4. ORGANIZATION AND ADMINISTRATION.**

11 "Sec. 4.1. **Form of Government.** - The Town shall operate under the Mayor-
12 Council form of government, in accordance with the applicable provisions of the
13 General Statutes.

14 "Sec. 4.2. **Town Attorney.** - The Board of Commissioners shall appoint a Town
15 Attorney to serve at its pleasure and to be its legal adviser.

16 "Sec. 4.3. **Town Clerk.** - The Board of Commissioners shall appoint a Town Clerk
17 to keep a journal of the proceedings of the Board, to maintain in a safe place all records
18 and documents pertaining to the affairs of the Town, and to perform such other duties as
19 may be required by law or as the Board of Commissioners may direct.

20 "Sec. 4.4. **Town Finance Officer.** - The Board of Commissioners shall appoint a
21 Town Finance Officer to perform the duties of the finance officer as required by the
22 Local Government Budget and Fiscal Control Act.

23 "Sec. 4.5. **Town Budget Officer.** - The Board of Commissioners shall appoint a
24 Town Budget Officer to perform the duties of the budget officer as required by the
25 Local Government Budget and Fiscal Control Act.

26 "Sec. 4.6. **Town Tax Collector.** - The Board of Commissioners shall appoint a
27 Town Tax Collector to collect all taxes, licenses, fees and other moneys belonging to
28 the Town, subject to the General Statutes, the provisions of this Charter and the
29 ordinances of the Town. The Town Tax Collector shall diligently comply with and
30 enforce all the laws of North Carolina relating to the collection of taxes by
31 municipalities.

32 "Sec. 4.7. **Consolidation of Functions.** - The Board of Commissioners may
33 consolidate any two or more positions as Town Clerk, Town Tax Collector, Town
34 Budget Officer and Town Finance Officer, or may assign the functions of any one or
35 more of these positions to the holder or holders of any other of these positions, subject
36 to the Local Government Budget and Fiscal Control Act.

37 "Sec. 4.8. **Other Administrative Officers and Employees.** - Consistent with
38 applicable State laws, the Board of Commissioners may establish other positions,
39 provide for the appointment of other administrative officers and employees, and
40 generally organize the Town government in order to promote the orderly and efficient
41 administration of the affairs of the Town."

42 Sec. 2. The purpose of this act is to revise the Charter of the Town of
43 Bridgeton and to consolidate herein certain acts concerning the property, affairs, and
44 government of the Town. It is intended to continue without interruption those

1 provisions of prior acts which are consolidated into this act, so that all rights and
2 liabilities that have accrued are preserved and may be enforced.

3 Sec. 3. This act shall not be deemed to repeal, modify, or in any manner
4 affect any acts, portion of acts, or amendments thereto, validating, confirming,
5 approving, or legalizing official proceedings, actions, contracts, or obligations of any
6 kind, whether or not such acts, portions of acts, or amendments are expressly set forth
7 herein.

8 Sec. 4. The following acts or portions of acts, having served the purposes for
9 which they were enacted, or having been consolidated into this act are hereby repealed:

10 Chapter 208, Private Laws of 1907
11 Chapter 403, Private Laws of 1907
12 Chapter 327, Private Laws of 1909
13 Chapter 80, Private Laws of 1925
14 Chapter 58, Private Laws of 1935
15 Chapter 177, Public-Local Laws of 1937
16 Chapter 647, Session Laws of 1953
17 Chapter 240, Session Laws of 1957
18 Chapter 1119, Session Laws of 1959
19 Chapter 190, Session Laws of 1961

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

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

25 (2) Derived from, or which might be sustained or preserved in reliance
26 upon, action heretofore taken pursuant to or within the scope of any
27 provisions of law repealed by this act.

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

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

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

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

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

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

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

6 Sec. 10. All laws and clauses of laws in conflict with the provisions of this
7 act are hereby repealed.

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