

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1446
House Committee Substitute Favorable 7/18/90

Short Title: Newton Charter Consolidation.

(Local)

Sponsors:

Referred to:

May 31, 1990

1 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF
2 NEWTON.

3 The General Assembly of North Carolina enacts:

4 Section 1. The Charter of the City of Newton is hereby revised and
5 consolidated to read as follows:

6 **"THE CHARTER OF THE CITY OF NEWTON.**

7 **"ARTICLE I. INCORPORATION AND CORPORATE POWERS.**

8 "Section 1.1. **Incorporation and Corporate Powers.** The City of Newton shall
9 continue to be a body politic and corporate under the name of 'City of Newton', and
10 shall continue to be vested with all property which now belongs to the City, and shall
11 have all of the powers, duties, rights, privileges and immunities conferred and imposed
12 on cities by the general law of North Carolina.

13 "Section 1.2. **Powers Granted Supplementary.** The powers granted by this
14 Charter are supplementary to any powers heretofore or hereafter granted by any other
15 general law, local act or amendment to this Charter for the same or similar purposes.

16 **"ARTICLE II. CORPORATE BOUNDARIES.**

17 "Section 2.1. **Corporate Boundaries.** The boundaries of the City of Newton are set
18 out on a map entitled, 'Boundary Map of the City of Newton, North Carolina.' The map
19 is maintained in the office of the City Clerk, as required by G.S. 160A-22. All
20 extensions of the corporate boundaries shall be governed by the general law of North
21 Carolina.

22 **"ARTICLE III. GOVERNING BODY.**

1 "Section 3.1. **Structure of Governing Body; Number of Members.** The
2 Governing Body of the City of Newton is the Board of Aldermen, which has six
3 members, and the Mayor.

4 "Section 3.2. **Manner of Election of Board.** The qualified voters of the entire City
5 elect the members of the Board.

6 "Section 3.3. **Term of Office of Members of the Board.** Members of the Board
7 are elected to four-year terms. In 1991 and each four years thereafter, three members of
8 the Board shall be elected. In 1993 and each four years thereafter, three members of the
9 Board shall be elected.

10 "Section 3.4. **Election of Mayor; Term of Office.** The qualified voters of the
11 entire City elect the Mayor. A new Mayor shall be elected in 1991 and each two years
12 thereafter.

13 **"ARTICLE IV. ELECTIONS.**

14 "Section 4.1. **Conduct of City Elections.** City officers shall be elected on a
15 nonpartisan basis and the results determined by plurality, as provided by G.S. 163-292.

16 "Section 4.2. **Special Elections.** There shall be no special elections of any type
17 except those permitted under the general law of North Carolina.

18 **"ARTICLE V. ADMINISTRATION.**

19 "Section 5.1. **City to Operate Under Council-Manager Plan.** The City of
20 Newton operates under the council-manager plan as provided in Part 2 of Article 7 of
21 Chapter 160A of the General Statutes.

22 **"ARTICLE VI. PRESUMPTION OF TITLE IN THE CITY.**

23 "Section 6.1. **Presumption of Title in the City.** In the absence of any contracts
24 with the City in relation to the lands used or occupied by it for the purpose of streets,
25 sidewalks, alleys, or other public works of the City, signed by the owner thereof or his
26 agent, it shall be presumed that such land has been granted to the City by the owner or
27 owners thereof, and the City shall have good right and title thereto, and shall have, hold
28 and enjoy the same. Unless the owner or owners of such land, or those claiming under
29 them shall make claim or demand for compensation within two years next after such
30 land was taken, he, or they, shall be forever barred from recovering the land, or having
31 any compensation therefor; provided, nothing herein contained shall affect the rights of
32 infants until two years after the removal of their disabilities."

33 Sec. 2. The purpose of this act is to revise the Charter of the City of Newton
34 and to consolidate herein certain acts concerning the property, affairs, and government
35 of the City. It is intended to continue without interruption those provisions of prior acts
36 which are consolidated into this act, so that all rights and liabilities that have accrued are
37 preserved and may be enforced. This act does not affect the terms of office of elected
38 officials of the City of Newton holding office on the effective date of this act.

39 Sec. 3. This act shall not be deemed to repeal, modify, nor in any manner to
40 affect any of the following acts, portions of acts, or amendments thereto, whether or not
41 such acts, portions of acts, or amendments are expressly set forth herein:

- 42 (1) Sections 104 through 131 of Chapter 39, Private Laws of 1907;
- 43 (2) Sections 4 and 5 of Chapter 240, Private Laws of 1911;
- 44 (3) Chapter 48, Private Laws of 1919;

- 1 (4) Chapter 145, Private Laws of 1925;
- 2 (5) Chapter 200, Private Laws of 1935;
- 3 (6) Chapter 512, Session Laws of 1951;
- 4 (7) Chapter 731, Session Laws of 1955;
- 5 (8) Chapter 716, Session Laws of 1961;
- 6 (9) Chapter 363, Session Laws of 1969;
- 7 (10) Chapter 298, Session Laws of 1981;
- 8 (11) Chapter 503, Session Laws of 1983;
- 9 (12) Any other acts concerning the property, affairs, or government of
- 10 public schools in the City of Newton; and
- 11 (13) Any acts validating, confirming, approving, or legalizing official
- 12 proceedings, actions, contracts, or obligations of any kind.

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

- 15 (1) Chapter 112, Session Laws of 1967;
- 16 (2) Chapter 240, Session Laws of 1969;
- 17 (3) Section 1, Chapter 382, Session Laws of 1979; and
- 18 (4) Chapter 149, Session Laws of 1981.

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

- 21 (1) Now vested or accrued, in whole or in part, the validity of which might
- 22 be sustained or preserved by reference to any provisions of law
- 23 repealed by this act;
- 24 (2) Derived from, or which might be sustained or preserved in reliance
- 25 upon, action heretofore taken (including the adoption of ordinances or
- 26 resolutions) pursuant to or within the scope of any provision of law
- 27 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 City of Newton, and
34 all existing rules or regulations of departments or agencies of the City of Newton, not
35 inconsistent with the provisions of this act, shall continue in full force and effect until
36 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 City of Newton or any of its departments or agencies shall be abated or otherwise
40 affected by the adoption of this act.

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

1 provision or application, and to this end the provisions of this act are declared to be
2 severable.

3 Sec. 9. General Repeal. All laws and clauses of laws in conflict with the
4 provisions of this act are hereby repealed.

5 Sec. 10. This act is effective upon ratification.