

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 686

Short Title: Walnut Cove Charter Revised.

(Local)

Sponsors: Representatives Diamont; and Wilmoth.

Referred to: Local and Regional Government II.

April 11, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WALNUT COVE.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF WALNUT COVE.

"ARTICLE I. INCORPORATION, CORPORATE POWERS, AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Walnut Cove, North Carolina, in Stokes County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Walnut Cove,' also referred to as the 'Town.'

"Sec. 1.2. **Powers.** The Town has and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Walnut Cove 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 are 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, is maintained permanently in the office of the Town Clerk and is 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 office of the Secretary of State, the Stokes County Register of Deeds and the appropriate board of elections.

**"ARTICLE II. GOVERNING BODY.**

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2 "Sec. 2.1. **Mayor and Board of Commissioners.** The Mayor and the Board of  
3 Commissioners, hereinafter referred to as the 'Board' comprise the governing body of  
4 the Town.

5 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board  
6 is composed of four Commissioners elected by all the qualified voters of the Town for  
7 staggered terms of four years or until their successors are elected and qualified.

8 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the  
9 qualified voters of the Town for a term of two years or until a successor is elected and  
10 qualified; is the official head of the Town government and presides at meetings of the  
11 Board; has the right to vote only when there is an equal division on any question or  
12 matter before the Board; and exercises the powers and duties conferred by law or as  
13 directed by the Board.

14 "Sec. 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as  
15 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or  
16 disability, in accordance with general law. The Mayor Pro Tempore shall serve in that  
17 capacity until the organizational meeting following the next regular municipal election,  
18 despite the contrary provisions of G.S. 160A-70.

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

22 "Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Board and all  
23 votes are taken in accordance with the applicable provisions of general law, particularly  
24 G.S. 160A-75. The quorum provisions of G.S. 160A-74 apply.

25 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation  
26 and qualifications of the Mayor and Commissioners are in accordance with general law.  
27 Vacancies that occur in any elective office of the Town are filled as provided in G.S.  
28 160A-63.

**"ARTICLE III. ELECTIONS.**

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

34 "Sec. 3.2. **Election of Board of Commissioners.** The Commissioners serving on  
35 the date of ratification of this Charter shall serve until the expiration of their terms or  
36 until their successors are elected and qualified. Four Commissioners shall be elected at  
37 the regular municipal election in 1991. The two persons receiving the highest numbers  
38 of votes shall be elected to four-year terms, and the two persons receiving the next  
39 highest numbers of votes shall be elected to two-year terms. In 1993, and quadrennially  
40 thereafter, two Commissioners shall be elected to four-year terms. In 1995, and  
41 quadrennially thereafter, two Commissioners shall be elected to four-year terms.

42 "Sec. 3.3. **Election of Mayor.** A Mayor shall be elected in each regular municipal  
43 election.

1 "Sec. 3.4. **Special Elections and Referendums.** Special elections and referendums  
2 may be held only as provided by general law or applicable local acts of the General  
3 Assembly.

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

5 "Sec. 4.1. **Form of Government.** The Town operates under the council-manager  
6 form of government, in accordance with Part 2 of Article 7 of Chapter 160A of the  
7 General Statutes.

8 "Sec. 4.2. **Town Manager.** The Board shall appoint a Town Manager who shall be  
9 responsible for the administration of all departments of the Town government. The  
10 Town Manager has all the powers and duties conferred by general law, except as  
11 expressly limited by the provisions of this Charter, and has the additional powers and  
12 duties conferred by the Board, so far as authorized by general law.

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

17 "Sec. 4.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector  
18 pursuant to G.S. 105-349 to collect all taxes owed to the Town, subject to general law,  
19 this Charter and Town ordinances.

20 "Sec. 4.5. **Town Attorney.** The Board shall appoint a Town Attorney licensed to  
21 practice law in North Carolina. It shall be the duty of the Town Attorney to represent  
22 the Town, advise Town officials and perform other duties required by law or as the  
23 Board may direct.

24 "Sec. 4.6. **Other Administrative Officers and Employees.** The Board may  
25 authorize other positions to be filled by appointment by the Town Manager, and may  
26 organize the Town government as deemed appropriate, subject to the requirements of  
27 general law.

28 **"ARTICLE V. ADDITIONAL PROVISIONS.**

29 "Sec. 5.1. **Alcoholic Beverage Control Stores.** Alcoholic Beverage Control Stores  
30 shall operate within the Town of Walnut Cove as provided in Chapter 832, Session  
31 Laws of 1969, as amended by Chapter 307, Session Laws of 1973, and Chapter 289,  
32 Session Laws of 1985."

33 Sec. 2. The purpose of this act is to revise the Charter of the Town of Walnut  
34 Cove and to consolidate certain acts concerning the property, affairs, and government of  
35 the Town. It is intended to continue without interruption those provisions of prior acts  
36 which are expressly consolidated into this act, so that all rights and liabilities which  
37 have accrued are preserved and may be enforced.

38 Sec. 3. This act does not repeal or affect any acts concerning the property,  
39 affairs or government of public schools, or acts validating official actions, proceedings,  
40 contracts or obligations of any kind.

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

44 Chapter 60, Private Laws of 1889

1 Chapter 296, Private Laws of 1907

2 Chapter 224, Private Laws of 1915

3 Chapter 65, Private Laws of 1923

4 Chapter 584, Session Laws of 1945

5 Chapter 924, Session Laws of 1947

6 Chapter 1139, Session Laws of 1949

7 Chapter 417, Session Laws of 1971.

8 Sec. 5. The Mayor and Board members serving on the date of ratification of  
9 this act shall serve until the expiration of their terms. Thereafter those offices shall be  
10 filled as provided in Articles II and III of the Charter contained in Section 1 of this act.

11 Sec. 6. This act does not affect any rights or interest that arose under any  
12 provisions repealed by this act.

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

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

19 Sec. 9. If any provision or application of this act is held invalid, such  
20 invalidity shall not affect other provisions or applications of this act which can be given  
21 effect without the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

23 Sec. 10. Whenever a reference is made in this act to a particular provision of  
24 the General Statutes, and such provision is later amended, superseded or recodified, the  
25 reference shall be deemed amended to refer to the amended General Statute, or to the  
26 General Statute which most clearly corresponds to the statutory provision which is  
27 superseded or recodified.

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