

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 967

Short Title: Selma Charter Revised.

(Local)

Sponsors: Senator Daughtry.

Referred to: Local Government and Regional Affairs.

May 27, 1992

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF SELMA.

"ARTICLE I. INCORPORATION, CORPORATE POWERS AND BOUNDARIES.

"Section 1.1. **Incorporation.** The Town of Selma, North Carolina in Johnston County and the inhabitants thereof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Selma,' hereinafter at times referred to as the 'Town.'

"Sec. 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Selma 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 shall be 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, shall be maintained permanently in the office of the Town Clerk and shall be available for public inspection. Immediately upon alteration of the corporate limits made pursuant to law, the appropriate changes to the

1 official map shall be made and copies shall be filed in the office of the Secretary of
2 State, the Johnston County Register of Deeds, and the appropriate board of elections.

3 **"ARTICLE II. GOVERNING BODY.**

4 "Sec. 2.1. **Town Council; Composition.** The Town Council, hereinafter referred to
5 as the 'Council,' shall be the governing body of the Town. The Council shall be
6 composed of four members and the Mayor.

7 "Sec. 2.2. **Council Members; Terms of Office.** Four Council members shall be
8 elected at large by all the qualified voters of the Town for staggered terms of four years
9 or until their successors are elected and qualified.

10 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
11 qualified voters of the Town for a term of two years or until his or her successor is
12 elected and qualified. The Mayor shall be the official head of the Town government
13 and preside at meetings of the Council, shall have the right to vote on all matters before
14 the Council, and shall exercise the powers and duties conferred by law or as directed by
15 the Council.

16 "Sec. 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
17 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or
18 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
19 capacity at the pleasure of the Council.

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

23 "Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Council and all
24 votes shall be taken in accordance with the applicable provisions of general law,
25 particularly G.S. 160A-75. A majority of the actual membership of the Council,
26 excluding vacant seats, shall constitute a quorum.

27 "Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The
28 compensation and qualifications of the Mayor and Council shall be in accordance with
29 general law. Vacancies that occur in any elective office of the Town shall be filled in
30 accordance with the provisions of G.S. 160A-63.

31 **"ARTICLE III. ELECTIONS.**

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

36 "Sec. 3.2. **Election of Mayor.** A Mayor shall be elected in each regular municipal
37 election.

38 "Sec. 3.3. **Election of Council.** Two Council members shall be elected in each
39 regular municipal election, as the respective terms expire.

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

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

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

4 "Sec. 4.2. **Town Manager.** The Council shall appoint a Town Manager who shall
5 be responsible for the administration of all departments of the Town government. The
6 Town Manager shall have all the powers and duties conferred by general law, except as
7 expressly limited by the provisions of this Charter, and the additional powers and duties
8 conferred by the Council, so far as authorized by general law.

9 "Sec. 4.3. **Town Clerk.** The Manager shall appoint a Town Clerk to keep a journal
10 of the proceedings of the Council; to maintain official records and documents; to give
11 notice of meetings; and to perform such other duties required by law or as the Manager
12 may direct.

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

15 "Sec. 4.5. **Town Attorney.** The Council shall appoint a Town Attorney licensed to
16 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
17 the Town, advise Town officials and perform other duties required by law or as the
18 Council may direct.

19 "Sec. 4.6. **Other Administrative Officers and Employees.** The council may
20 authorize other positions to be filled by appointment by the Town Manager, and may
21 organize the Town government as deemed appropriate, subject to the requirements of
22 general law.

23 **ARTICLE V. PUBLIC IMPROVEMENTS.**

24 "Sec. 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In
25 addition to any authority granted by general law, the Council may, without the necessity
26 of a petition, order street improvements and assess the total costs thereof against
27 abutting property, exclusive of the costs incurred at street intersections, according to one
28 or more of the assessment bases set forth in Article 10 of Chapter 160A of the General
29 Statutes, upon the following findings of fact:

- 30 (1) The street improvement project does not exceed 2,500 linear feet; and
31 (2) a. Such street or part thereof is unsafe for vehicular traffic or creates a
32 safety or health hazard and it is in the public interest to make such
33 improvements; or
34 b. It is in the public interest to connect two streets or portions of a
35 street already improved; or
36 c. It is in the public interest to widen a street, or part thereof,
37 which is already improved; provided that assessments for
38 widening any street or portion of a street without a petition shall
39 be limited to the cost of widening and otherwise improving
40 such street in accordance with street classification and
41 improvement standards established by the Town, as applied to
42 the particular street or part thereof.

43 "Sec. 5.2. **Street Improvements; Definition.** For the purposes of this Article, the
44 term 'street improvement' shall include grading, regrading, surfacing, resurfacing,

1 widening, paving, repaving, acquisition of right-of-way, and construction or
2 reconstruction of curbs, gutters, and street drainage facilities.

3 "Sec. 5.3. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In
4 addition to any authority granted by general law, the Council may, without the necessity
5 of a petition, order sidewalk improvements or repairs according to standards and
6 specifications of the Town, and assess the total costs thereof against abutting property,
7 according to one or more of the assessment bases set forth in Article 10 of Chapter
8 160A of the General Statutes; provided that regardless of the assessment basis or bases
9 employed, the Council may order the costs of sidewalk improvements made only on one
10 side of a street to be assessed against property abutting both sides of such street.

11 "Sec. 5.4. **Procedure; Effect of Assessment.** In ordering public improvements
12 without a petition and assessing the costs thereof under authority of this Article, the
13 council shall comply with the procedures required by Article 10 of Chapter 160A of the
14 General Statutes except those provisions relating to petitions of property owners and
15 sufficiency thereof. The effect of the act of levying assessments under authority of this
16 Article shall be the same as if the assessments were levied under authority of Article 10
17 of Chapter 160A of the General Statutes.

18 "ARTICLE VI. ADDITIONAL PROVISIONS.

19 "Sec. 6.1. **Firemen's Supplemental Retirement Fund.** The Selma Firemen's
20 Supplemental Retirement Fund shall continue as authorized by Chapter 614, Session
21 Laws of 1987."

22 Sec. 2. The purpose of this act is to revise the Charter of the Town of Selma
23 and to consolidate certain acts concerning the property, affairs, and government of the
24 Town. It is intended to continue without interruption those provisions of prior acts
25 which are expressly consolidated into this act, so that all rights and liabilities which
26 have accrued are preserved and may be enforced.

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

30 Sec. 4. The following acts, having served the purposes for which they were
31 enacted or having been consolidated into this act, are expressly repealed:

32 Chapter 16, Private Laws of 1872-73

33 Chapter 135, Private Laws of 1887

34 Chapter 67, Private Laws of 1897

35 Chapter 205, Private Laws of 1901

36 Chapter 186, Private Laws of 1911

37 Chapter 116, Private Laws of 1915

38 Chapter 30, Private Laws of 1919

39 Chapter 191, Private Laws of 1925

40 Chapter 214, Private Laws of 1925

41 Chapter 9, Private Laws of 1933

42 Chapter 54, Private Laws of 1933

43 Chapter 225, Private Laws of 1933

44 Chapter 145, Private Laws of 1935

- 1 Chapter 277, Public-Local Laws of 1937
2 Chapter 373, Session Laws of 1953
3 Chapter 1261, Session Laws of 1953
4 Chapter 967, Session Laws of 1955
5 Chapter 22, Session Laws of 1957
6 Chapter 112, Session Laws of 1959
7 Chapter 177, Session Laws of 1961
8 Chapter 379, Session Laws of 1963
9 Chapter 606, Session Laws of 1963
10 Chapter 458, Session Laws of 1965.

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

15 Sec. 6. This act does not affect any rights or interests which arose under any
16 provisions repealed by this act.

17 Sec. 7. All existing ordinances, resolutions, and other provisions of the Town
18 of Selma not inconsistent with the provisions of this act shall continue in effect until
19 repealed or amended.

20 Sec. 8. No action or proceeding pending on the effective date of this act by or
21 against the Town or any of its departments or agencies shall be abated or otherwise
22 affected by this act.

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

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

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