

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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2

HOUSE BILL 888
Second Edition Engrossed 4/21/93

Short Title: Enfield Charter Revision.

(Local)

Sponsors: Representative D. Brown.

Referred to: Local and Regional Government I.

April 12, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
3 ENFIELD.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Enfield is revised and consolidated to
6 read:

7 "TOWN CHARTER.

8 "CHAPTER I.

9 "INTRODUCTION.

10 "Section 1-1. **Enfield to Remain Body Politic and Corporate.** The inhabitants of
11 the Town of Enfield as the boundaries and limits of the said Town are herein
12 established, shall be and constitute as heretofore they have been, a body politic,
13 incorporated under and to be known by the name and style of the 'Town of Enfield',
14 with such powers, rights, and duties as are herein provided or as are provided by
15 Chapter 160A of the General Statutes.

16 "Sec. 1-2. **Corporate Limits.** The corporate limits of the Town of Enfield are as
17 follows: Beginning at a point on the northerly side of East Franklin Street, said point
18 being located exactly twenty-five hundred feet easterly down said street from the center
19 of the southbound (original) track of the Atlantic Coast Line Railroad; thence
20 south forty-two degrees thirteen minutes sixteen seconds west (calling as of July 1,
21 1986) and in a line parallel with and twenty-five hundred feet easterly from said railroad
22 four thousand three hundred twenty three and forty one hundredths feet to an iron stake

1 located on map 129 lot 31; thence north forty-seven degrees forty-six minutes forty-four
2 seconds west (calling as of July 1, 1986) along the southerly edge of Randolph Street
3 and beyond the end of said street for a total distance of forty-eight hundred feet to an
4 iron stake; thence north forty-two degrees thirteen minutes sixteen seconds east (calling
5 as of July 1, 1986) one thousand ninety-five and thirty-three one hundredths feet to an
6 iron stake located approximately one hundred fifty feet westerly from the western edge
7 of Holliday Drive; thence north seven degrees forty-five minutes fourteen seconds west
8 (calling as of July 1, 1986) eight hundred fifty-six and twenty-eight one hundredths feet
9 to an iron stake at the southerly edge of the right-of-way of N.C. Highway 481; thence
10 north seventy-eight degrees forty-five minutes fifty-three seconds east along the
11 southerly edge of N.C. Highway 481 (calling as of July 1, 1986) six hundred seventy-
12 seven and ninety-six one hundredths feet to an iron stake; thence crossing said highway
13 and running along the easterly edge of the Enfield-Ringwood Road (N.C. Secondary
14 Road No. 1002) north sixty-four degrees eleven minutes fifty-four seconds west (calling
15 as of July 1, 1986) four hundred forty-one and forty-eight one hundredths feet to a ditch;
16 thence continuing along the easterly edge of the right-of-way of said Enfield-Ringwood
17 Road (N.C. Secondary Road No. 1002) north sixty-four degrees twelve minutes fifteen
18 seconds west (calling as of July 1, 1986) seven hundred thirty-six and seventy one
19 hundredths feet to an iron stake just beyond the road leading to the Enfield Middle
20 School athletic field; thence leaving said Enfield-Ringwood Road (N.C. Secondary
21 Road No. 1002) and running north 00 degrees forty-eight minutes fifty-four seconds
22 west (calling as of July 1, 1986) four hundred seventy-four and thirty one hundredths
23 feet to an iron stake just beyond the point that said road makes an easterly turn; thence
24 north eighty-three degrees forty-one minutes fourteen seconds east (calling as of July 1,
25 1986) along the road leading to the back of the Enfield Middle School building one
26 thousand four hundred eighty-five and seventy-seven one hundredths feet to an iron
27 stake located just north of said school; thence north seventy-seven degrees twenty-six
28 minutes fourteen seconds east (calling as of July 1, 1986) eleven hundred feet to a stake
29 in Elmwood Cemetery; thence north eighty-seven degrees twenty-two minutes twenty
30 seconds east (calling July 1, 1986) two hundred forty-seven and forty-four one
31 hundredths feet to an iron stake at the westerly edge of Franklin Street (N.C. Secondary
32 Road No. 1001); thence crossing said Franklin Street (N.C. Secondary Road No. 1001)
33 and running north forty-two degrees thirteen minutes sixteen seconds east (calling as of
34 July 1, 1986) one thousand seven hundred sixty-six and ten one hundredths feet to an
35 iron stake; thence north seventy-one degrees thirty-eight minutes sixteen seconds east
36 (calling as of July 1, 1986) one thousand thirty feet to an iron stake; thence south forty-
37 seven degrees forty-six minutes forty-four seconds east (calling as of July 1, 1986)
38 twenty-five hundred feet to an iron stake; thence south ten degrees thirteen minutes
39 sixteen seconds west (calling as of July 1, 1986) three thousand two hundred twenty feet
40 to the beginning.

41 "CHAPTER II.

42 "GENERAL ADMINISTRATION.

43 "Sec. 2-1. Powers of Town Vested in Mayor and Commissioners; Mayor to Vote in
44 Case of Tie; Mayor Pro Tem; Vacancies.

1 (a) All powers conferred upon the Town of Enfield and the administration of the
2 government thereof shall be exercised by and vested in a principal executive officer
3 styled the Mayor, and five Commissioners, who shall serve in a legislative capacity and
4 who are designated the Board of Town Commissioners. All elections shall be
5 nonpartisan with winners determined by a plurality.

6 (b) For purposes of Town elections, the Town is divided into two districts.
7 District A consists of the area east of the CSX railroad tracks Precinct No. 2 and District
8 B consists of the area west of the railroad tracks.

9 (c) Elections for Commissioners shall be conducted as follows:

10 (1) Two Commissioners shall be elected to represent District A for four-
11 year terms. One shall be elected in 1993 and every four years
12 thereafter. The other shall be elected in 1995 and every four years
13 thereafter. Only voters residing in District A shall be eligible to vote
14 for these seats.

15 (2) Two Commissioners shall be elected to represent District B for four-
16 year terms. Only voters residing in District B shall be eligible to vote
17 for these seats. One shall be elected in 1993 and every four years
18 thereafter. One shall be elected in 1995 and every four years
19 thereafter.

20 (3) One Commissioner shall be elected at large by all the voters of the
21 Town. That Commissioner shall be elected in 1995 and every four
22 years thereafter.

23 (e) Commissioners presently on the Board are entitled to serve the remainder of
24 their terms.

25 (f) Elections for Mayor shall be held in 1993 and every four years thereafter. All
26 voters in the Town shall be eligible to vote for Mayor.

27 (g) The Mayor shall be the ex-officio Chairman of the Board of Town
28 Commissioners and shall have a right to vote in all cases where there is a tie vote of the
29 Board. The Board shall elect from its members a Mayor Pro Tem who shall perform the
30 duties of the office of Mayor if for any reason the Mayor is absent or unable to perform
31 those duties. If there is a vacancy in the office of Mayor, the Mayor Pro Tem shall hold
32 the office of Mayor until the next regularly scheduled election for Town officers, at
33 which time a new Mayor shall be elected to serve the remainder of the unexpired term.

34 (h) Whenever a vacancy occurs in the Board of Town Commissioners, the
35 remaining members of the Board shall appoint a person to fill the vacancy for the
36 remainder of the unexpired term. The person appointed to fill the vacancy must reside
37 in the same District as the departing member.

38 (i) A majority of the Board shall constitute a quorum at any meeting.

39 **"Sec. 2-2. Mayor and Commissioners to Take Oath; Officers May Be Removed**
40 **From Office by Board.** The Mayor and the Board of Town Commissioners of the
41 Town of Enfield shall before they enter upon the duties of their offices, each take the
42 oath prescribed for public officials of the State of North Carolina; and, in case any of
43 the officers shall be guilty of misconduct, inability, or willful neglect of the
44 performance of the duties of said office, the officer may be removed from office by the

1 Board of Town Commissioners of the Town of Enfield, after being given an opportunity
2 to be heard in defense, in person or by counsel.

3 "Sec. 2-3. **Board May Appoint Officers.** The Board of Town Commissioners may
4 employ or appoint any other official by whatever name designated as it may deem best
5 for the better administration of the laws and ordinances of the Town and for the
6 preservation and protection of the citizenry, the health, and the property of the Town.
7 These officers may be required to execute a bond for the faithful performance of the
8 duties of their respective offices in a sum fixed by the Board of Town Commissioners;
9 the Board shall prescribe the terms of their offices and their duties and fix their salaries
10 and compensation.

11 "Sec. 2-4. Town Administrator: Appointments, Compensation, Powers, Duties.

12 The Board of Town Commissioners shall appoint an officer whose title shall be
13 Town Administrator and who shall be the head of the administrative branch of the Town
14 government. The Town Administrator shall serve at the pleasure of the Board of Town
15 Commissioners and shall receive such salary as the Board shall fix, but will be taken
16 from the Pay Plan of the Town of Enfield. Additional compensation either in the form
17 of travel allowances, deferred compensation, and professional affiliation dues shall be
18 paid at the discretion of the Board of Town Commissioners of the Town of Enfield. As
19 Chief Administrative Officer of the Town of Enfield, the Town Administrator has the
20 following powers and duties:

- 21 (1) The Town Administrator reports to and is held directly accountable to
22 the Enfield Board of Town Commissioners (as a unified political
23 body).
- 24 (2) The Town Administrator's direct Supervisor will be the Mayor of
25 Enfield, who, when questions and problems arise, will work directly
26 with each other.
- 27 (3) The Town Administrator will receive a yearly personnel evaluation
28 and job review by the full Board of Town Commissioners for the
29 Town of Enfield within 30 days of his/her employment/anniversary
30 date.
- 31 (4) The Town Administrator's salary may be adjusted accordingly as the
32 Board of Commissioners deem necessary. Additional work or duties
33 may be assigned as required with no consideration made for salary
34 increases, should the Board so desire.
- 35 (5) All departments heads, including the Town Clerk, will report directly
36 to the Town Administrator, and the Town Administrator shall be the
37 individual charged with direct administrative responsibility to ensure
38 that the operation of the Town is managed in a professional manner. It
39 shall be the responsibility of the Town Administrator to discipline,
40 train, and evaluate Town Staff. Hiring and termination of department
41 heads for any reason shall require prior Board approval.
- 42 (6) The Town Administrator shall hold department heads responsible for
43 ensuring that each department is managed to promptly and efficiently
44 complete regular and designated duties.

- 1 (7) The Town Administrator shall evaluate each department head of the
2 Town of Enfield based on the job performance of the department and
3 how well the department head has managed resources and personnel.
4 This evaluation will be on an annual basis.

5 The Town Administrator shall be designated the Town Budget Officer and assigned
6 the primary responsibility of compiling and programming the Town's Annual Budget
7 for all funds.

8 The Board of Town Commissioners may appoint the Town Administrator to boards
9 and committees where the presence and appointment of the Town Administrator would
10 be in the best interest of the Town of Enfield and its citizens. This includes, but is not
11 limited to, Economic Development Council, Regional L Council of Governments, and
12 Halifax County Mayors and Managers Association.

13 "Sec. 2-5. **Town Clerk: Appointments, Duties.** The Board of Town
14 Commissioners may employ a Clerk and, upon the recommendation by the Town
15 Administrator, prescribe the term of office, duties, and fix salary. The Clerk may
16 delegate a part of his duties to the Deputy Town Clerk and may also delegate to the
17 various department heads the right to make purchases for their departments up to, but
18 not in excess of, one hundred dollars (\$100.00). The Clerk shall act as Secretary to the
19 Board of Commissioners, and he shall also issue all licenses and permits granted by the
20 Town, such as privilege, franchise, etc., and collect the same; list and compute all taxes;
21 collect all water and light payments; act as purchasing agent for the Town of Enfield
22 responsible for the procurement of all property, supplies, and material of whatever kind
23 or nature, and when so purchased the bills therefor shall be processed in a manner to
24 effect timely payments; and to perform such other duties as may be from time to time
25 prescribed by the Town Administrator or the Board of Commissioners of the Town of
26 Enfield.

27 "Sec. 2-6. **Town Attorney: Qualifications, Terms, Compensation, Duties.** The
28 Board of Town Commissioners shall appoint a Town Attorney who shall be an attorney-
29 at-law licensed to engage in the practice of law in North Carolina. It is not required that
30 the designee be a resident of the Town of Enfield during his tenure. The Town Attorney
31 shall serve at the pleasure of the Board and shall receive such compensation as the
32 Board shall determine.

33 It shall be the duty of the Town Attorney to prosecute and defend suits for and
34 against the Town; to advise the Mayor, Board of Town Commissioners, Town
35 Administrator, and all other Town officials with respect to the affairs of the Town; to
36 draft all legal documents relating to the affairs of the Town; to draft proposed
37 ordinances and resolutions when requested to do so; to inspect and pass all agreements,
38 contracts, franchises, and other instruments with which the Town may be concerned; to
39 attend all meetings of the Board of Town Commissioners when required by the Board;
40 and to perform such other duties as may be required of him by virtue of his position as
41 Town Attorney.

42 "Sec. 2-7. **Sundry Powers of Town.** The Town of Enfield is made a body politic
43 and corporation by this act, and shall have perpetual succession, and may use a common
44 seal, may sue and be sued; may contract and be contracted with; may plead and be

1 impleaded in all courts and places and in all manner whatsoever; and, under such name
2 and style of 'Town of Enfield', is hereby invested with all the property and rights of
3 property which now belong to the corporation under any other corporate name or names
4 heretofore used, and by this name may acquire and hold for the purpose of its
5 government, welfare, and improvements, all such estates as may be devised,
6 bequeathed, or conveyed to it; and may from time to time sell, dispose of, and invest as
7 shall be deemed advisable by the proper authorities of the corporation; and may take,
8 hold, and purchase land as may be needed for the corporate purposes of the said Town,
9 including the right to acquire property for utility easements and constructions; and may
10 acquire by purchase or condemnation any real estate in connection therewith, and also
11 rights-of-way which may be necessary for the erection of poles, wires, etc., and for the
12 purpose of laying pipes, sewer lines, etc.; and shall have the power of eminent domain
13 and the right to condemn private property for public use when necessary to carry into
14 effect the provisions of this Charter; and shall have the power to open, change, widen,
15 discontinue streets when promotive of the interest of the public; and shall have the
16 power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse,
17 care for, sell, pave, supervise, maintain, improve, establish, and ornament the streets,
18 alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate or
19 close the same; to put drains and sewers herein; to provide for and regulate opening
20 thereof, the digging therein, and the interference therewith in any manner whatsoever;
21 and may place therein pipes, poles, wires, fixtures, and appliances of every kind,
22 whether on, above, or beneath the surface thereof; to regulate and control the use thereof
23 by any and all persons, animals, and vehicles, in whatsoever way and purposes; to
24 prevent, abate, and remove encroachments obstructions, pollution, or other letter
25 therein; to open new streets and highways and sidewalks, and to make and enforce any
26 and all regulations in respect thereof as the Board of Town Commissioners of the said
27 Town may deem proper or expedient to promote and ensure the health, comfort, safety,
28 and convenience of the inhabitants or property and public of the said Town.

29 "Sec. 2-8. **Board of Commissioners May Pass Ordinances.** The Board of Town
30 Commissioners shall have full power and authority to make ordinances, bylaws, rules,
31 and regulations for the better government of the Town of Enfield, not inconsistent with
32 the laws of the State of North Carolina, as the Board may deem necessary and in the
33 interest of the public welfare, and may enforce them by imposing fines and penalties on
34 such as violate them; and may compel the performance of the duties imposed upon
35 others by suitable penalties.

36 "Sec. 2-9. **Duties of the Mayor.** The Mayor shall be the principal executive officer
37 of the Town with duties as follows:

- 38 (1) Preside at meetings of the Board of Town Commissioners.
- 39 (2) Vote at meetings of the Board of Town Commissioners when there is a
40 tie.
- 41 (3) Appoint committees when needed to assist in carrying out directives or
42 in making investigations requested by the Board of Town
43 Commissioners.

- 1 (4) Suggest programs and projects to the Board of Town Commissioners
2 and make recommendations concerning all phases of Town business.
3 (5) See that all duties of various Town officers are faithfully performed.
4 (6) In time of danger or emergencies, he may take command of the police
5 and maintain order and enforce laws, and for this purpose, may
6 deputize such assistant policemen as may be necessary.
7 (7) Do any and all other acts customarily done and performed by the
8 Mayor under a Mayor-Commissioner form of government of the type
9 provided for by this act.

10 "Sec. 2-10. **Duties of the Mayor Pro Tem.** The Board of Town Commissioners
11 shall elect from its members, a majority of the members present, a Mayor Pro Tem.
12 During the absence or inability of the Mayor to act, the Mayor Pro Tem shall possess
13 the powers and discharge the duties of the Mayor. While serving in the place of the
14 Mayor, the Mayor Pro Tem may vote as a member of the Board of Town
15 Commissioners.

16 "Sec. 2-11. **Matters Not Provided For in Charter Governed by State Law.** All
17 matters pertaining to the administration of the government of the Town of Enfield, and
18 not provided for in this act, shall be governed by the general laws of the State of North
19 Carolina.

20 "CHAPTER III.

21 "FINANCIAL.

22 "ARTICLE I.

23 "BOARD OF COMMISSIONERS.

24 "Sec. 3-1. **Board of Commissioners to Maintain Accounting System for Town.**
25 The Board of Town Commissioners shall devise and maintain an accounting system
26 which shall exhibit the condition of the Town assets and liabilities, the value of its
27 several properties and state of its several funds. Said accounting system maintained
28 shall conform to those employed by progressive business concerns and approved by the
29 best usage, and shall conform to the requirements set out in the Local Government
30 Budget and Fiscal Control Act, as amended, in G.S. 159-7 **et seq.** and Chapter 160A of
31 the General Statutes; the Board of Town Commissioners shall have the power to employ
32 accountants to assist in devising and maintaining said accounting system.

33 "Sec. 3-2. **Board of Town Commissioners to Levy and Collect Taxes.** The Board
34 of Town Commissioners shall annually levy and cause to be collected for municipal
35 purposes an ad valorem tax not exceeding the limit expressed in G.S. 160A-206 on all
36 real and personal property within the municipality and for said purpose shall annually
37 set a tax rate. In addition thereto the Board of Town Commissioners may, in its
38 discretion, levy annually on all taxable property within the municipality any special
39 taxes authorized under Chapter 160A of the General Statutes. The Board of Town
40 Commissioners may annually lay a tax on all trades, professions, and franchises carried
41 on or enjoyed within the municipality, unless prohibited from doing so by State law.
42 The Board of Town Commissioners may also lay a tax on all shows and exhibitions as
43 are taxed by the General Assembly and on all dogs. All taxes levied by the municipality
44 shall be uniform as to each class of property taxed, except property exempted by the

1 constitution. The Board of Town Commissioners may in their discretion use copies of
2 the tax scrolls taken and prepared by Halifax County for the purpose of levying ad
3 valorem taxes on real estate and personal property within the municipality and also for
4 the purpose of levying dog taxes. In the levying and collecting of taxes the municipality
5 shall have all of the rights and privileges given to and provided for municipalities in
6 North Carolina under Chapters 105 and 160A of the General Statutes and shall adhere to
7 and carry out all of the duties and procedures required of municipalities in those
8 Chapters of the General Statutes, including the giving of all required notices to
9 taxpayers, the proper advertising and notices prior to the sale of tax certificates and
10 prior to the sale of property for delinquent taxes.

11 **"ARTICLE II.**

12 **"TREASURER/FINANCE OFFICER AND TAX COLLECTOR.**

13 "Sec. 3-11. **Town Treasurer/Finance Officer and Tax Collector.** The Board of
14 Town Commissioners shall appoint a Town Treasurer/Finance Officer and a Town Tax
15 Collector, but both positions may be held by one person. The person or persons so
16 appointed shall be bonded in an amount to be set by the Board of Town Commissioners.

17 **"ARTICLE III.**

18 **"GRANTING OF FRANCHISES.**

19 "Sec. 3-22. **Town May Grant Franchises.** The Town of Enfield may grant
20 franchises to companies who wish to provide services to the citizens when and if the
21 type of franchise to be granted is authorized by State law. In granting the said
22 franchises the Town must use the procedures set out in Chapter 160A of the General
23 Statutes.

24 **"CHAPTER IV.**

25 **"PUBLIC SAFETY**

26 **"ARTICLE I.**

27 **"POLICE.**

28 "Sec. 4-1. **Board of Commissioners May Appoint a Chief of Police.** The Board
29 of Town Commissioners may appoint a Chief of Police, prescribe the terms of office
30 and duties, and fix the salary or compensations, which will be taken from the Pay Plan
31 of the Town of Enfield. The Police Chief, who may be recommended by the Town
32 Administrator, may be chosen from among the residents of the Town of Enfield or from
33 any other place as the said Board may deem best; however, the Chief of Police may be
34 required to establish Enfield residency. The officers assigned to the Chief of Police
35 may execute all process and precepts issued to them, when properly directed, anywhere
36 in the County of Halifax, and the officers may be required by the Board of Town
37 Commissioners to execute a bond, in a sum fixed by said Board, for the faithful
38 performance of the duties of their office.

39 **"ARTICLE II.**

40 **"FIRE PROTECTION AND PREVENTION.**

41 "Sec. 4-11. **The Town May Establish Fire Department or Contract for Fire**
42 **Protection.** The Board of Town Commissioners may provide for the establishment,
43 organization, equipment, and government of a fire company or companies, or, in their

1 discretion, may contract with an existing volunteer fire department to provide the
2 necessary fire protection within their municipality.

3 "Sec. 4-12. **Fire Limits and Sundry Fire Regulations.** The Mayor and Chief of
4 the Fire Department and one of the board of Town Commissioners, or three of the said
5 Commissioners, who are present at any fire in the said Town, may order the destruction
6 of any house or houses when it is necessary in their opinion for the arrest of the progress
7 of the said fire, and no person shall incur any liability, civil or criminal, for obeying said
8 order. The Board of Town Commissioners shall establish fire limits within the Town of
9 Enfield, and may regulate and prohibit the erection, building, placing, or repairing of
10 wooden or dangerous buildings within such limits and may prohibit the removal of any
11 wooden or dangerous building from one place to another in the said limits or the
12 repairing of the same; and may direct and prescribe that all buildings within said limits,
13 when built or when they become dangerous, shall be made or constructed of fire-proof
14 material, the kind and character and the quality and dimensions to be fixed by the rules
15 and regulations of the Town; and may declare all buildings within the fire limits to be
16 nuisances when they become old, dilapidated, and dangerous, and compel the removal
17 of same or the proper repair thereof; and may prescribe limits within which only
18 fireproof roofing may be used; and may prescribe penalties and impose the same for the
19 violation of any such rules and regulations.

20 "CHAPTER VI.

21 "BUSINESS AND TRADE.

22 "Sec. 6-1. **Board of Commissioners May Levy License and Franchise Taxes.**
23 The Board of Town Commissioners may license and regulate all businesses or
24 occupations whatsoever which, in the opinion of the Board of Town Commissioners,
25 should be proper subjects for police regulations. Any person, firm, or corporation
26 desiring to engage in any business or occupation or to do any act upon which a special
27 tax is imposed by the Board of Town Commissioners shall, before engaging therein,
28 obtain a license from the Town Clerk; and any person engaging in any such business,
29 trade, occupation, profession, etc., without first obtaining said license shall be guilty of
30 an offense against the ordinances of the Town, and may be punished as provided
31 therein. No license shall be issued for longer period than one year, and no license shall
32 be assignable, except by permission of the Board of Town Commissioners.

33 "CHAPTER VII.

34 "MUNICIPALLY OWNED UTILITIES.

35 "Sec. 7-1. **Town May Own and Operate Electric, Gas, Water and Sewerage**
36 **Systems and Maker Regulations for Said Operation.** The Town of Enfield may buy,
37 own, construct, establish, maintain and operate systems of electricity, gas, sewerage,
38 and water; and may make, regulate, and establish public wells, cisterns, hydrants,
39 reservoir, pumping and filtering plants, pipe lines, sewerage disposal plants, stations,
40 and standpipes anywhere within the Town or beyond the limits hereof, for the use of the
41 Town, and may make such rules and regulations as it may deem proper for the
42 management of said water, gas, electric, and sewer systems. The Town may require the
43 owners, tenants, or occupants of all property which may be located upon or near any
44 street or alley along which may extend any municipal sewer or water system to connect

1 with the sewer and water systems, all water closets, bathrooms, privies, tubs, sinks, or
2 drains located upon their respective property or premises, and upon failure to do so the
3 owner, tenant, or occupant of said property may be fined or imprisoned, as provided by
4 ordinance of the Town. The board of Town Commissioners may appoint and employ a
5 Director of Public Works and Utilities whose duty it shall be to supervise the operation
6 of any and all of the above systems and to supervise the maintenance of the streets and
7 other public works carried on by the Town.

8 **"CHAPTER VIII.**

9 **"PUBLIC WORKS.**

10 **"Sec. 8-1. The Town May Improve Streets and Sidewalks.** The Town of Enfield
11 may grant and improve its public streets and sidewalks and may employ such person or
12 persons as it may deem necessary for the purpose of constructing and improving said
13 streets and sidewalks and may pave and improve the same in such manner and with
14 such material as the Board of Town Commissioners may in their discretion deem best;
15 and it may construct such drainage and gutters along the streets and across the sidewalks
16 and through the lands of the abutting owners as the officials of the Town may deem to
17 be the best interest of the public. Persons interfering in any way with such
18 improvements or drainage or with the officers or employees of the Town while it works
19 upon the same, shall be fined for each offense not more than fifty dollars (\$50.00) or
20 imprisoned not more than 30 days, as provided by ordinance of the Town.

21 **"Sec. 8-2. Town May Assess Abutting Property Owners One-half Cost of**
22 **Streets and Sidewalks.** The Town of Enfield may charge the owners of abutting
23 property one-half the cost of curbing and guttering and of paving and surfacing
24 sidewalks and streets and the same shall be a specific lien upon said abutting property
25 against all and every owner, mortgagee, trustee or lessee thereof, and if the said costs
26 are not paid within 90 days after the completion of the said work or if satisfactory
27 arrangements have not been made under the provisions hereinafter contained, the same
28 may be enforced and collected by suit instituted by the Town of Enfield in a Magistrates
29 Court, a District Court, or the Superior Court, where the owners and other interested
30 parties shall have the right to present their defense; and the issue raised shall be tried
31 and the case disposed of according to the law and the course of practice of the court.
32 The lien herein created shall follow the land, and the Town, in bringing the aforesaid
33 suit to enforce same, may name subsequent owners, who are the owners of said property
34 at the time the suit is brought, as defendants. The Town of Enfield may, if it so elects,
35 use any other procedure to bring about the collection of aforesaid costs provided by the
36 General Statutes of the State of North Carolina for the collection of municipal
37 assessments.

38 **"Sec. 8-3. Eminent Domain and Condemnation of Land.** When, in the opinion
39 of the governing body of the Town, lands are needed for public utilities, streets,
40 sidewalks, parks, playgrounds, or municipal buildings, and the governing body is unable
41 to acquire same by private purchase, condemnation of the same for public use may be
42 made in the manner and under the procedure as is provided in Chapters 40A and 160A
43 of the General Statutes.

44 **"CHAPTER IX.**

"PLANNING AND REGULATION OF DEVELOPMENT.**"Sec. 9-1. Planning Committee, Zoning Ordinance, and Building Inspection.**

The Town of Enfield may appoint a Planning Committee, Board, Commission to plan for the organized growth and development of the Town. It shall be the duty of this committee to report its findings and recommendations to the Board of Town Commissioners. The Board of Town Commissioners may adopt, amend, or repeal a Town Zoning Ordinance and may authorize the Town Code Enforcement Officer to enforce its provisions and may appoint a Board of Adjustment to review any action taken by the said Code Enforcement Officer. The Board of Town Commissioners may adopt an ordinance requiring Building and Inspection Permits and authorizing the charging of a fee for same and the providing of a penalty for the construction of buildings without a permit. The Code Enforcement Officer shall inspect all new buildings and repairs for which permits are issued and shall have the authority to stop any construction when it is not being done according to law or when in his opinion it would be unsafe. He shall also have the authority to condemn any and all buildings that are in his opinion unsafe and a hazard to the public. In the event no Code Enforcement Officer is appointed by the Board of Town Commissioners or for any reason the Code Enforcement Officer's employment is terminated, the Code Enforcement Officer's duty will be performed by the Halifax County Building Inspector's Office until such time that a Code Enforcement Officer is appointed. In the absence of the Board of Town Commissioners adopting a Town Building and Electric Code, the State Building and Electric Codes shall serve as the Building and Electric Codes for the Town of Enfield.

"Sec. 9-2. Recreation.

The Board of Town Commissioners may appropriate moneys for and operate a municipal recreation program including the establishment and maintenance of municipal parks. The municipal recreation program shall be operated as a department of the Town Staff. The program shall in all respects meet the requirements of and be operated in accordance with the provisions contained in Chapter 160A of the General Statutes entitled 'Cities and Towns'.

"Sec. 9-3. Industrial Location.

The Board of Town Commissioners may appropriate money from nontax funds to be used to finance a program designed to improve the economy of the Town by acquiring additional industries and may join with Halifax County and the other municipalities in said County in employing a person or persons to work with industrial prospects and attempt to persuade them to locate within the County. The Board of Town Commissioners may also appoint a committee, board, or commission of local citizens, who, under the guidance of the Board of Town Commissioners, will work toward locating industrial prospects and attempt to persuade them to locate in or near the Town of Enfield."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Enfield 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.

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

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

6 Chapter 165, Private Laws of 1860-61

7 Chapter 82, Private Laws of 1885

8 Chapter 146, Private Laws of 1897

9 Chapter 103, Private Laws of 1907

10 Chapter 89, Private Laws of 1909

11 Chapter 145, Private Laws of 1911

12 Chapters 46 and 73, Private Laws of 1919

13 Chapter 193, Private Laws of 1923

14 Chapter 56, Private Laws of 1933

15 Chapters 432 and 446, Session Laws of 1947

16 Chapter 714, Session Laws of 1949

17 Chapter 1171, Session Laws of 1951

18 Chapter 460, Session Laws of 1953

19 Chapters 25 and 747, Session Laws of 1955

20 Chapters 560 and 763, Session Laws of 1957

21 Chapters 162 and 249, Session Laws of 1959

22 Chapter 970, Session Laws of 1967

23 Chapter 1253, Session Laws of 1969

24 Chapter 310, Session Laws of 1981

25 Section 6.4 of Chapter 549, Session Laws of 1987.

26 Sec. 4.1. This act does not repeal the following acts:

27 Chapter 14, Private Laws of 1933

28 Chapter 357, Public-Local Laws of 1941

29 Chapters 750 and 751, Session Laws of 1967.

30 Sec. 4.2. This act does not revive any act previously repealed.

31 Sec. 5. The Mayor and Commissioners serving on the date of ratification of
32 this act shall serve until the expiration of their terms. Thereafter those offices shall be
33 filled as provided in Chapter II of the Charter contained in Section 1 of this act.

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

36 Sec. 7. All existing ordinances, resolutions, and other provisions of the Town
37 of Enfield not inconsistent with the provisions of this act shall continue in effect until
38 repealed or amended.

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

42 Sec. 9. If any provision or application of this act is held invalid, such
43 invalidity shall not affect other provisions or applications of this act which can be given

1 effect without the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

3 Sec. 10. Whenever a reference is made in this act to a particular provision of
4 the General Statutes, and such provision is later amended, superseded, or recodified, the
5 reference shall be deemed amended to refer to the amended General Statute, or to the
6 General Statute which most clearly corresponds to the statutory provision which is
7 superseded or recodified.

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