

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 681

Short Title: Roxboro Charter.

(Local)

Sponsors: Representative Wilkins.

Referred to: Local and Regional Government II, if favorable, Finance.

March 31, 1997

A BILL TO BE ENTITLED

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE CITY OF ROXBORO.

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

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

"Section 1.2. **Powers.** The City shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the City of Roxboro 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.

"Section 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the time of ratification of this Charter, as set forth on the official map of the City and as they may be altered from time to time in accordance with law. An official

1 map of the City, showing the current municipal boundaries, shall be maintained
2 permanently in the office of the City Clerk and shall be available for public inspection.
3 Upon alteration of the corporate limits pursuant to law, the appropriate changes to the
4 official map shall be made and copies shall be filed in the office of the Secretary of State,
5 the Person County Register of Deeds, and the appropriate board of elections.

6 **"ARTICLE II. GOVERNING BODY.**

7 "Section 2.1. **City Governing Body; Composition.** The City Council, hereinafter
8 referred to as the 'Council', and the Mayor shall be the governing body of the City.

9 "Section 2.2. **City Council; Composition; Terms of Office.** The Council shall be
10 composed of five members to be elected by all the qualified voters of the City voting at
11 large for terms of two years, or until their successors are elected and qualified.

12 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
13 qualified voters of the City for a term of two years or until a successor is elected and
14 qualified. The Mayor shall be the official head of the city government and shall preside
15 at meetings of the Council, shall have the right to vote only when there is an equal
16 division on any question or matter before the Council, and shall exercise the powers and
17 duties conferred by law or as directed by the Council.

18 "Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members as
19 Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or
20 disability, in accordance with general law. The Mayor Pro Tempore shall serve in such
21 capacity at the pleasure of the Council.

22 "Section 2.5. **Meetings; Quorum.** In accordance with general law, the Council shall
23 establish a suitable time and place for its regular meeting. Special and emergency
24 meetings may be held as provided by general law. The quorum provisions of G.S. 160A-
25 74 shall apply.

26 "Section 2.6. **Meetings; Voting.** An affirmative vote equal to a majority of the
27 members of the Council not excused from voting on the issue (i.e., assuming no member
28 is excused, three Council members) shall be required to adopt an ordinance, take any
29 action having the effect of an ordinance, or make, ratify, or authorize any contract on
30 behalf of the City. In addition, no ordinance nor any action having the effect of any
31 ordinance may be finally adopted on the date on which it is introduced except by an
32 affirmative vote equal to or greater than two-thirds of the actual membership of the
33 Council (excluding vacant seats), unless the Council has first held a public hearing on the
34 ordinance. Therefore, assuming no vacant seats, unless the Council first holds a public
35 hearing on an ordinance, that ordinance may not be adopted on the date it is introduced
36 except by an affirmative vote of four Council members. For purposes of this section, an
37 ordinance shall be deemed to have been introduced on the date the subject matter is first
38 voted on by the Council. This section does not modify G.S. 159-17.

39 "Section 2.7. **Qualification for Office; Compensation; Vacancies.** The
40 qualifications and compensation of the Mayor and Council members shall be in
41 accordance with general law. Vacancies shall be filled as provided in G.S. 160A-63.

42 **"ARTICLE III. ELECTIONS.**

1 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
2 held in each odd-numbered year in accordance with the uniform municipal election laws
3 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
4 determined using the nonpartisan election and runoff election method as provided in G.S.
5 163-279(a)(4) and G.S. 163-293.

6 "Section 3.2. **Election of Mayor.** A Mayor shall be elected in each regular
7 municipal election.

8 "Section 3.3. **Election of Council Members.** Five Council members shall be elected
9 in each regular municipal election.

10 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may
11 be held only as provided by general law or applicable local acts of the General Assembly.

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

13 "Section 4.1. **Form of Government.** The City shall operate under the council-
14 manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of
15 the General Statutes.

16 "Section 4.2. **City Manager; Appointment; Powers and Duties.** The Council shall
17 appoint a City Manager who shall be responsible for the administration of all departments
18 of the City government. The City Manager shall have all the powers and duties conferred
19 by general law, except as expressly limited by the provisions of this Charter, and the
20 additional powers and duties conferred by the Council, so far as authorized by general
21 law. The Council may require the City Manager to reside within the City during the City
22 Manager's tenure of office. In case of the absence or disability of the City Manager, the
23 Council may designate a qualified administrative officer of the City to perform the duties
24 of the City Manager during such absence or disability.

25 "Section 4.3. **City Clerk.** The Council shall appoint a City Clerk to keep a journal of
26 the proceedings of the Council, to maintain official records and documents, to give notice
27 of meetings, and to perform such other duties required by law or as the Council may
28 direct. The City Clerk shall be subject to the supervisory authority of the City Manager.

29 "Section 4.4. **Finance Director.** The City Manager shall appoint a Finance Director
30 to perform the duties designated in G.S. 159-25 and such other duties as may be
31 prescribed by law or assigned by the Manager.

32 "Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector pursuant to
33 G.S. 105-349 to collect all taxes owed to the City, subject to general law, this Charter,
34 and City ordinances.

35 "Section 4.6. **City Attorney.** The Council shall appoint a City Attorney licensed to
36 practice law in North Carolina. It shall be the duty of the City Attorney to represent the
37 City, advise City officials, and perform other duties required by law or as the Council
38 may direct. The Council may appoint one or more Assistant City Attorneys to assist the
39 City Attorney and to serve in the City Attorney's absence or incapacity and who shall
40 have the same qualifications and duties as the City Attorney.

41 "Section 4.7. **Other Administrative Officers and Employees.** The Council may
42 authorize other positions to be filled by appointment by the City Manager and may

1 organize the City government as deemed appropriate, subject to the requirements of
2 general law.

3 **"ARTICLE V. STREETS.**

4 "Section 5.1. **Assessments for Street Improvements; Petition Unnecessary.** In
5 addition to any authority granted by general law, the Council may, without the necessity
6 of a petition, order street improvements according to standards and specifications of the
7 City, and assess the total costs or a portion thereof against abutting property, exclusive of
8 the costs incurred at street intersections, according to one or more of the assessment bases
9 set forth in Article 10 of Chapter 160A of the General Statutes, upon the following
10 findings of fact:

- 11 (1) The street improvement project does not exceed 1,200 linear feet; and
12 (2) a. The street or part thereof is unsafe for vehicular traffic or creates a
13 safety or health hazard and it is in the public interest to make such
14 improvement; or
15 b. It is in the public interest to connect two streets or portions of a
16 street already improved; or
17 c. It is in the public interest to widen a street, or part thereof, which
18 is already improved. Assessments for widening any street or
19 portion of a street without a petition shall be limited to the cost of
20 widening and otherwise improving such street in accordance with
21 street classification and improvement standards established by
22 the City's thoroughfare or major street plan for the particular
23 street or part thereof.

24 "Section 5.2. **Street Improvement Defined.** For the purposes of this Article, the
25 term 'street improvement' shall include grading, regrading, surfacing, resurfacing,
26 widening, paving, repaving, and the construction or reconstruction of curbs, gutters, and
27 street drainage facilities.

28 "Section 5.3. **Procedure; Effect of Assessment.** In ordering street improvements
29 without a petition and assessing the costs thereof under authority of this Article, the
30 Council shall comply with the procedures provided by Article 10 of Chapter 160A of the
31 General Statutes, except those provisions relating to petitions of property owners and the
32 sufficiency thereof. The effect of levying assessments under authority of this Article
33 shall be the same as if the assessments were levied under authority of Article 10 of
34 Chapter 160A of the General Statutes.

35 "Section 5.4. **Property Owner's Responsibility.** The Council shall have authority to
36 require every property owner in the City to cut and remove limbs, branches, and parts of
37 trees or shrubbery extending upon or overhanging the streets.

38 "Section 5.5. **City Cutting and Removal; Costs Become Lien.** The Council may,
39 by ordinance, establish a procedure whereby City forces may cut and remove limbs,
40 branches, and parts of trees or shrubbery extending upon or overhanging the streets after
41 failure of the abutting property owner after 10-days' notice to do so. In such event, the
42 cost of such cutting and removal shall become a lien upon the abutting property equal to
43 the lien for ad valorem taxes and may thereafter be collected either by suit in the name of

1 the City or by foreclosure of the lien in the same manner and subject to the same rules,
2 regulations, costs, and penalties as provided by law for the foreclosure of the lien on real
3 estate for ad valorem taxes.

4 **"ARTICLE VI. SIDEWALKS.**

5 "Section 6.1. **Assessments for Sidewalk Improvements; Petition Unnecessary.** In
6 addition to any authority granted by general law, the Council may, without the necessity
7 of a petition, order sidewalk improvements or repairs according to standards and
8 specifications of the City, and assess the total costs or a portion thereof against abutting
9 property, according to one or more of the assessment bases set forth in Article 10 of
10 Chapter 160A of the General Statutes. Regardless of the assessment basis or bases
11 employed, the Council may order the costs of sidewalk improvements made only on one
12 side of a street to be assessed against property abutting both sides of the street. In
13 ordering sidewalk improvements or repairs without a petition and assessing the costs
14 thereof under authority of this Article, the Council shall comply with the procedures
15 provided by Article 10 of Chapter 160A of the General Statutes, except those provisions
16 relating to petitions of property owners and the sufficiency thereof. The effect of levying
17 assessments under authority of this Article shall be the same as if the assessments were
18 levied under authority of Article 10 of Chapter 160A of the General Statutes.

19 "Section 6.2. **Property Owner's Responsibility.** The Council shall have the
20 authority to require every property owner in the City to keep clean and free of debris,
21 trash, and other obstacles or impediments the sidewalks abutting the owner's property and
22 to require every property owner in the City to cut and remove limbs, branches, and parts
23 of trees or shrubbery extending upon or overhanging the sidewalks abutting the owner's
24 property.

25 "Section 6.3. **City Cleaning or Repair; Costs Become Lien.** The Council may, by
26 ordinance, establish a procedure whereby City forces may clean any sidewalk, remove
27 therefrom any debris or trash, or cut and remove limbs, branches, and parts of trees or
28 shrubbery extending upon or overhanging any sidewalk after failure of the abutting
29 property owner after 10-days' notice to do so. In such event, the cost of the repair,
30 cleaning, cutting, or removal shall become a lien upon the abutting property equal to the
31 lien for ad valorem taxes and may thereafter be collected either by suit in the name of the
32 City or by foreclosure of the lien in the same manner and subject to the same rules,
33 regulations, costs, and penalties as provided by law for the foreclosure of the lien on real
34 estate for ad valorem taxes.

35 **"ARTICLE VII. WATER AND SEWER.**

36 "Section 7.1. **Construction Outside Corporate Limits.** In addition to any authority
37 granted by general law, the City is authorized to construct or reconstruct water and sewer
38 lines and facilities outside the corporate limits of the City as the Council may deem
39 appropriate, to furnish water and sewer services to industries outside the city limits, and
40 to make such charges for the services as the Council may deem reasonable.

41 "Section 7.2. **Acquisition of Existing Facilities.** In addition to any authority granted
42 by general law, the City is authorized to acquire, by purchase, gift, or exchange existing
43 water and sewer lines and facilities located outside of the corporate limits of the City.

"ARTICLE VIII. TAXATION.

"Section 8.1. **Motor Vehicles Tax.** The City may levy a license or privilege tax upon motor vehicles resident therein in an amount up to ten dollars (\$10.00) per year, or the amount prescribed by G.S. 20-97, whichever is greater.

"Section 8.2. **Privilege License Tax.** The City may levy privilege license taxes on all trades, occupations, professions, and franchises carried on within the City unless the trade, occupation, profession, business, or franchise has been completely exempted from municipal privilege license taxes under State law, and may establish the amount of the tax based upon the gross receipts of such businesses.

"ARTICLE IX. CITY LAKE REGULATION.

"Section 9.1. **Regulation of City Lakes.** In addition to any authority granted by general law, the City is authorized, by ordinance, to regulate, restrict, or prohibit the use of any lakes owned by the City, to prescribe rules under which fishing, boating, and other uses may be permitted thereon, to fix charges for such uses, and to otherwise provide for their operation in accordance herewith. The provisions of any ordinance adopted under authority of this section shall not conflict with applicable State laws, rules, or regulations.

"ARTICLE X. CLAIMS AGAINST THE CITY.

"Section 10.1. **Settlement of Claims by City Manager.** The Council may authorize the City Manager to settle claims against the City for: (i) personal injuries or damages to property when the amount involved does not exceed the sum of five thousand dollars (\$5,000) and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expenses actually incurred; and (ii) the taking of small portions of private property which are needed for the rounding of corners at intersections of streets when the amount involved in any such settlement does not exceed five thousand dollars (\$5,000) and does not exceed the actual loss sustained. Settlement of a claim by the City Manager pursuant to this section shall constitute a complete release of the City from any and all damages sustained by the person involved in such settlement in any manner arising out of the incident, occasion, or taking complained of. All settlements and all releases shall be approved by the City Attorney.

"ARTICLE XI. PROPERTY DISPOSITION.

"Section 11.1. **Disposal of Surplus Personal Property.** The City may dispose of surplus personal property valued at less than two thousand dollars (\$2,000) for any one item or group of items using the procedures authorized in G.S. 160A-266(c)."

Section 2. The purpose of this act is to revise the Charter of the City of Roxboro and to consolidate certain acts concerning the property, affairs, and government of the City. 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.

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

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

- 1 Chapter 253, Private Laws of 1854-55
- 2 Chapter 268, Private Laws of 1854-55
- 3 Chapter 109, Private Laws of 1879
- 4 Chapter 92, Private Laws of 1881
- 5 Chapter 168, Private Laws of 1887
- 6 Chapter 71, Private Laws of 1899
- 7 Chapter 134, Private Laws of 1901
- 8 Chapter 303, Private Laws of 1903
- 9 Chapter 762, Public Laws of 1905
- 10 Chapter 142, Private Laws of 1907
- 11 Chapter 909, Public Laws of 1907
- 12 Chapter 244, Private Laws of 1913
- 13 Chapter 137, Private Laws of 1915
- 14 Chapter 125, Private Laws, Extra Session of 1921
- 15 Chapter 175, Private Laws of 1925
- 16 Chapter 84, Private Laws of 1927
- 17 Chapter 211, Public-Local Laws of 1941
- 18 Chapter 288, Session Laws of 1943, except for Section 3
- 19 Chapter 12, Session Laws of 1953
- 20 Chapter 502, Session Laws of 1955
- 21 Chapter 510, Session Laws of 1955
- 22 Chapter 42, Session Laws of 1957
- 23 Chapter 425, Session Laws of 1961
- 24 Chapter 619, Session Laws of 1963
- 25 Chapter 643, Session Laws of 1965, except for Section 5
- 26 Chapter 978, Session Laws of 1965.

27 Section 5. The Mayor and Council members serving on the date of ratification
28 of this act shall serve until the expiration of their terms or until their successors are
29 elected and qualified.

30 Section 6. This act does not affect any rights or interests which arose under
31 any provisions repealed by this act.

32 Section 7. All existing ordinances, resolutions, and other provisions of the
33 City of Roxboro not inconsistent with the provisions of this act shall continue in effect
34 until repealed or amended.

35 Section 8. No action or proceeding pending on the effective date of this act by
36 or against the City or any of its departments or agencies shall be abated or otherwise
37 affected by this act.

38 Section 9. Whenever a reference is made in this act to a particular provision of
39 the General Statutes, and such provision is later amended, superseded, or recodified, the
40 reference shall be deemed amended to refer to the amended General Statute, or to the
41 General Statute which most clearly corresponds to the statutory provision which is
42 superseded or recodified.

43 Section 10. This act is effective when it becomes law.