

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

1

SENATE BILL 295*

Short Title: Marshville Charter Consolidation. (Local)

Sponsors: Senator Tucker.

Referred to: State and Local Government.

March 10, 2011

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF MARSHVILLE.

"ARTICLE I. INCORPORATION AND CORPORATE POWERS.

"Section 1.1. **Incorporation.** The Town of Marshville shall continue to be a body politic
and corporate under the name of "Town of Marshville." The term 'general law' is employed
herein as defined in G.S. 160A-1.

"ARTICLE II. CORPORATE BOUNDARIES.

"Section 2.1. **Corporate Powers.** The Town shall have and continue to have all of the
powers, duties, rights, privileges, and immunities conferred and imposed on towns and cities by
the general law of North Carolina.

"Section 2.2. **Corporate Boundaries.** The corporate limits of the Town of Marshville shall
be and continue to be those existing at the time of the ratification of this revised Charter, and as
the same may be altered from time to time in accordance with general law.

"ARTICLE III. GOVERNING BODY.

"Section 3.1. **Structuring of Governing Body.** The Town Council, hereinafter referred to
as the "Council," and the Mayor shall be the governing body of the town.

"Section 3.2. **Town Council; Composition; Terms of Office.** The qualified voters of the
entire town shall elect the Council. The Council shall be composed of five members to serve
staggered terms of four years and until their successors are elected and qualified. Three
members shall be elected in 2011 and quadrennially thereafter for four-year terms and two
members shall be elected in 2013 and quadrennially thereafter for four-year terms.

"Section 3.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by the qualified
voters of the town in 2011 and biennially thereafter for a term of two years and shall serve until
a successor is elected and qualified. The Mayor shall be the official head of the Town
government and shall preside at meetings of the Council. The Mayor shall have the right to
vote only when there is an equal division on any question or matter before the Council and
shall exercise the powers and duties conferred by law and as directed by the Council.

"Section 3.4. **Mayor Pro Tempore.** In accordance with general law, the Council shall elect
one of its members to act as Mayor Pro Tempore to perform the duties of the Mayor during the
Mayor's absence or disability.



1 "Section 3.5. **Meetings.** In accordance with general law, the Council shall establish a
2 suitable time and place for its regular meetings. Special and emergency meetings may be held
3 as provided by general law.

4 "Section 3.6. **Quorum; Voting.** Official actions of the Council and all votes shall be taken
5 in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The
6 quorum provisions of G.S. 160A-74 shall apply.

7 "Section 3.7. **Compensation; Qualifications for Office; Vacancies.** The compensation,
8 qualifications, and filing of vacancies of the Mayor and members of the Council shall be in
9 accordance with general law.

10 "ARTICLE IV. ELECTIONS.

11 "Section 4.1. **Regular Municipal Elections.** Regular municipal elections shall be held in
12 each odd-numbered year in accordance with the uniform municipal election laws of North
13 Carolina. Elections shall be conducted on a nonpartisan basis and the results determined by a
14 plurality as provided in G.S. 163-292.

15 "Section 4.2. **Special Elections and Referenda.** Special elections and referenda may be
16 held only as provided by general law.

17 "ARTICLE V. ADMINISTRATION.

18 "Section 5.1. **Council-Manager Form.** The Town of Marshville shall operate under a
19 council-manager form of government as provided in Part 2 of Article 7 of Chapter 160A of the
20 General Statutes.

21 "Section 5.2. **Town Attorney.** The Town Council shall appoint a Town Attorney licensed
22 to practice law in North Carolina. It shall be the duty of the Town Attorney to represent the
23 Town, advise Town officials, and perform other duties required by law or as the Council may
24 direct.

25 "Section 5.3. **Town Clerk.** The Town Manager shall appoint a Town Clerk to keep a
26 journal of the proceedings of the Council, to maintain official records and documents, to give
27 notice of meetings, and to perform such other duties required by law or as the Council may
28 direct.

29 "Section 5.4. **Tax Collector.** The Town Manager shall appoint a Tax Collector to collect all
30 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such other
31 duties as prescribed by law or assigned by the Council.

32 "Section 5.5. **Police Chief.** The Town Manager shall appoint a police chief to perform the
33 duties of Chief of Police for the Town.

34 "Section 5.6. **Administrative Head Appointment.** The Town Manager may appoint other
35 administration and department heads as permitted by Part 2 of Article 7 of Chapter 160A of the
36 General Statutes.

37 "Section 5.7. **Other Appointments.** The Town may authorize other positions to be filled by
38 appointment and organize the Town governance as deemed appropriate subject to requirements
39 of general law.

40 "ARTICLE VI. MISCELLANEOUS.

41 "Section 6.1. **Utility Billing and Termination.** The Town may provide that any fee
42 imposed pursuant to G.S. 160A-314 for the purpose of G.S. 160A-311(2), 160A-311(3), and
43 160A-311(6) may be billed together in one itemized statement. The Town Council may provide
44 by ordinance the order in which partial payments are to be applied among services. In the case
45 of nonpayment within a period of not less than 30 days, the town may terminate any or all such
46 service for which full payment has not been made."

47 **SECTION 2.** This act does not affect the terms of office of the current Mayor and
48 Town Council of the Town of Marshville.

49 **SECTION 3.** No action of proceeding by any nature (whether civil or criminal,
50 judicial or administrative, or otherwise) pending at the effective date of this act by or against

1 the Town of Marshville or any of its departments or agencies shall be abated or otherwise
2 affected by adoption of this act.

3 **SECTION 4.** The purpose of this act is to revise the Charter of the Town of
4 Marshville and to consolidate herein certain acts concerning the property affairs and
5 government of the Town.

6 **SECTION 5.** The following acts or portion of acts, having served the purposes for
7 which they were enacted or having been consolidated into this act, are hereby repealed:

- 8 (1) Chapter 313 of the Private Laws of 1913.
- 9 (2) Chapter 243 of the Private Laws of 1933.
- 10 (3) Chapter 195 of the Private Laws of 1935.
- 11 (4) Chapter 124 of the Public-Local Laws of 1941.
- 12 (5) Chapter 652 of the 1973 Session Laws.
- 13 (6) Chapter 842 of the 1973 Session Laws.
- 14 (7) Chapter 978 of the 1987 Session Laws.
- 15 (8) S.L. 2000-62.

16 **SECTION 6.** This act does not affect the following:

- 17 (1) Chapter 854 of the Session Laws of 1951, relating to bird sanctuaries.
- 18 (2) S.L. 2006-171, relating to zoning.
- 19 (3) S.L. 2008-25, relating to violators of the Town's overgrown vegetation
20 ordinance.

21 **SECTION 7.** All existing ordinances and resolutions of the Town of Marshville
22 and all existing rules and regulations of departments or agencies of the Town of Marshville not
23 inconsistent with the provisions of this act shall continue in full force and effect until repealed,
24 modified, or amended.

25 **SECTION 8.** If any provision of this act or the application thereof to any person or
26 circumstances is held invalid, such invalidity shall not affect other provisions or application of
27 this act which can be given effect without the invalid provision or application, and to this end
28 the provisions of this act are declared to be severable.

29 **SECTION 9.** This act is effective when it becomes law.