

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1091

Short Title: Norwood Charter Revised & Consolidated. (Local)

Sponsors: Representative Burr.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I

June 11, 2018

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"THE CHARTER OF THE TOWN OF NORWOOD.

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

"Section 1.1. **Incorporation.** The Town of Norwood, and the inhabitants thereof, shall continue to be a municipal body politic and corporate under the name of the "Town of Norwood," hereinafter at times referred to as the "Town."

"Section 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties, rights, privileges, and immunities conferred upon the Town of Norwood 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 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 municipal boundaries, shall be maintained permanently in the Office of the Town Clerk and shall be available for public inspection. Upon alteration of the corporate limits 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 Stanly County Register of Deeds, and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Section 2.1. **Town Governing Body; Composition.** The governing body of the Town of Norwood is the Mayor and Town Council, hereinafter referred to as the "Council."

"Section 2.2. **Town Council; Composition; Terms of Office.** The Town Council shall be composed of four members, to be elected by the qualified voters of the Town, for staggered terms of four years, or until their successors are elected and qualified.

"Section 2.3. **Mayor; Term of Office; Duties.** Except as provided in Section 3.3 of this Charter, the Mayor shall be elected by the qualified voters of the Town for a term of four years. The Mayor shall be the official head of the Town government, shall preside at meetings of the Council, shall have the right to vote on any question or matter before the Council, and shall exercise the powers and duties conferred by law or as directed by the Council.



1 "Section 2.4. **Mayor Pro Tempore.** The Council shall, from among their members, elect a
2 Mayor Pro Tempore to perform the duties of the Mayor during his or her absence or disability,
3 in accordance with general law. The Mayor Pro Tempore shall serve in such capacity at the
4 pleasure of the Council.

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

8 "Section 2.6. **Quorum; Voting.** Official actions of the Council and all votes shall be taken
9 in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The
10 quorum provisions of G.S. 160A-74 shall apply.

11 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and
12 qualifications of the Mayor and Council members shall be in accordance with general law.
13 Notwithstanding the provisions of G.S. 160A-63, vacancies that occur in any elective office of
14 the Town shall be filled by majority vote of the remaining members of the Council and shall be
15 filled for the remainder of the unexpired term.

16 "Section 2.8. **Establishment of Committees and Boards; Appointment.** The Council or the
17 Mayor, if the Mayor is delegated the power by the Council, may establish and appoint members
18 for such temporary and standing town committees and boards as needed to help carry on the work
19 of the Town government. Appointed members of a temporary or standing committee or board
20 are not required to be members of the Council, unless required by general or local law.

21 "ARTICLE III. ELECTIONS.

22 "Section 3.1. **Regular Elections.** Regular elections in the Town shall be held in each
23 even-numbered year. Elections shall be conducted in the general election on a nonpartisan basis
24 and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

25 "Section 3.2. **Election of Council Members.** The Council members shall be elected to
26 four-year terms by the qualified voters of the entire Town. In 2018, and quadrennially thereafter,
27 two Council members shall be elected for four-year terms. In 2020, and quadrennially thereafter,
28 two Council members shall be elected for four-year terms.

29 "Section 3.3. **Election of Mayor.** In 2018, the Mayor shall be elected by the qualified voters
30 of the entire Town to serve a two-year term. In 2020, and quadrennially thereafter, the Mayor
31 shall be elected by the qualified voters of the entire Town to serve a four-year term.

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

34 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

35 "Section 4.1. **Form of Government.** The Town shall operate under the mayor-council form
36 of government in accordance with Part 3 of Article 7 of Chapter 160A of the General Statutes.

37 "Section 4.2. **Town Administrator.** The Council may appoint a Town Administrator to
38 perform such duties as assigned by the Council.

39 "Section 4.3. **Town Attorney.** The Council shall appoint a Town Attorney licensed to
40 practice law in North Carolina. It shall be the duty of the Town Attorney to represent the Town,
41 advise Town officials, and perform other duties required by law or as the Council may direct.

42 "Section 4.4. **Town Clerk.** The Council shall appoint a Town Clerk to keep a journal of the
43 proceedings of the Council, to maintain official records and documents, to give notice of
44 meetings, and to perform such other duties required by general or local law or as the Council
45 may direct.

46 "Section 4.5. **Tax Collector.** The Council shall appoint a Tax Collector to collect all taxes
47 owed to the Town, perform those duties specified in G.S. 105-350, and such other duties as
48 prescribed by law.

49 "Section 4.6. **Finance Officer.** The Council shall appoint a Finance Officer who shall
50 perform the duties prescribed by Chapter 159 of the General Statutes, this Charter, and any other
51 duties as may be directed by the Council.

1 "Section 4.7. **Other Administrative Officers and Employees.** The Council may authorize
2 other positions to be filled by appointment and may organize the Town government as deemed
3 appropriate, subject to the requirements of general law.

4 "ARTICLE V. PUBLIC ENTERPRISE SERVICES.

5 "Section 5.1. **Collection of Delinquent Bills.** If any fee charged by the Town for a public
6 enterprise service under Article 16 of Chapter 160A of the General Statutes remains unpaid for
7 a period of at least 90 days, the Town may collect it in any manner by which delinquent personal
8 or real property taxes can be collected.

9 "Section 5.2. **Liens.** If the delinquent fees are collected in the same manner as delinquent real
10 property taxes, the delinquent fees are a lien on the real property owned by the person contracting
11 with the Town for the service. If a lien is placed on real property, the lien shall be valid from the
12 time of filing in the office of the clerk of superior court of the county in which the service was
13 provided and shall include a statement containing the name and address of the person against
14 whom the lien is claimed, the name of the Town, the specific service that was provided, the
15 amount of the unpaid charge for that service, and the date and place of furnishing that service. A
16 lien on real property is not effective against an interest in real property conveyed after the fees
17 become delinquent if the interest is recorded in the office of the register of deeds prior to the
18 filing of the lien for delinquent fees. No lien under this Article shall be valid unless filed in
19 accordance with this section after 90 days of the date of the failure to pay for the service or
20 availability fees and within 180 days of the date of the failure to pay for the service or fees. The
21 lien may be discharged as provided in G.S. 44-48. The Town shall adopt an appeals process
22 providing notice and an opportunity to be heard in protest of the imposition of such liens. The
23 county tax office, once notified of the Town's lien, shall include the lien amount on any tax bills
24 printed subsequent to the notification. The county tax office shall add or remove liens from the
25 tax bill at the request of the Town, such as in the case of an appeal where the Town decides to
26 cancel the lien.

27 "Section 5.3. **Remedies Not Exclusive.** The remedies authorized in this Article are not
28 exclusive, and the Town may use any and all other collection procedures authorized by general
29 law, including, but not limited to, the debt setoff provisions of Chapter 105A of the General
30 Statutes."

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

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

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

41 Chapter 212 of the 1905 Private Laws
42 Chapter 96 of the 1919 Private Laws
43 Chapter 46 of the 1935 Private Laws
44 Chapter 703 of the 1945 Session Laws
45 Chapter 1122 of the 1965 Session Laws
46 Chapter 91 of the 1983 Session Laws
47 Chapter 468 of the 1991 Session Laws
48 S.L. 2001-15
49 S.L. 2002-46, Section 2 only
50 S.L. 2002-127, Section 2 only
51 S.L. 2004-43

1 S.L. 2007-71
2 S.L. 2015-253, Section 6 only.

3 **SECTION 5.** Notwithstanding any other provision of this act, the following acts,
4 including any amendments thereto, are not repealed and the provisions of these acts remain
5 effective as to the Town of Norwood as if this act had not been enacted:

6 S.L. 1997-410, Section 10
7 S.L. 2003-121
8 S.L. 2009-256.

9 **SECTION 6.** This act does not repeal by implication any local acts otherwise
10 applicable to the Town of Norwood.

11 **SECTION 7.** This act does not affect any rights or interests that arose under any
12 provisions repealed by this act.

13 **SECTION 8.** All existing ordinances, resolutions, and other provisions of the Town
14 of Norwood not inconsistent with the provisions of this act shall continue in effect until repealed
15 or amended.

16 **SECTION 9.** No action or proceeding pending on the date of ratification of this act
17 by or against the Town or any of its departments or agencies shall be abated or otherwise affected
18 by this act.

19 **SECTION 10.** Whenever a reference is made in this act to a particular provision of
20 the General Statutes, and such provision is later amended, superseded, or recodified, the reference
21 shall be deemed amended to refer to the amended General Statute or to the General Statute that
22 most clearly corresponds to the statutory provision which is superseded or recodified.

23 **SECTION 11.** This act is effective when it becomes law.