

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 832
HOUSE BILL 332

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
CROSSNORE IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Incorporation and General Powers. The inhabitants of the Town of Crossnore in Avery County shall continue to be a body politic and corporate under the name of the "Town of Crossnore", and shall continue to be vested with all property and rights which now belong to the town; shall have perpetual succession; may have a common seal and alter and renew the same at pleasure; may sue and be sued; may contract; may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed or dedicated to it, or otherwise acquired by it, and may from time to time hold or invest, sell, or dispose of the same; and shall have and may exercise in conformity with this Act all powers, functions, rights, privileges, and immunities of every name and nature which are granted by law to municipal corporations.

Sec. 2. Exercise of Powers. All powers, functions, rights, privileges, and immunities of the town, its officers, agencies, or employees, shall be carried into execution as provided by this Act, or, if this Act makes no provision, as provided by ordinance or resolution of the Board of Aldermen and as provided by the general laws of North Carolina pertaining to municipal corporations.

Sec. 3. Corporate Boundaries. The corporate boundaries of the Town of Crossnore shall be a circle with a radius of three-eighths of a mile, centering on the center of the State Highway bridge over Crossnore Creek.

Sec. 4. Mayor and Board of Aldermen. (a) The Board of Aldermen shall consist of five members to be elected by the qualified voters of the town at large in the manner provided by Section 9 of this Act.

(b) Four members of the Board of Aldermen shall serve for terms of four years, and one member shall serve for a term of two years, as provided in Section 9, and the Mayor shall serve for a term of two years; provided, they shall serve until their successors are elected and qualified.

(c) No person shall be eligible to be a candidate or be elected as Mayor or as a member of the Board of Aldermen, or to serve in such capacity, unless he is a resident and a qualified voter of the town.

(d) If any elected Mayor or Alderman shall refuse to qualify, or if there shall be any vacancy in the office of Mayor or Alderman after election and qualification, the remaining members of the Board shall by majority vote appoint some qualified person to serve for the unexpired term.

Sec. 5. Mayor Pro Tempore. The Board of Aldermen shall choose one of its members to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Board.

Sec. 6. Compensation of Mayor and Aldermen. The Mayor shall receive for his services such salary as the Board of Aldermen shall from time to time determine, and the Board may establish and from time to time change the salaries of its members.

Sec. 7. Organization of Board; Oaths of Office. The Mayor and Board of Aldermen shall meet and organize at the first regular meeting following each biennial election. Before entering upon their offices, the Mayor and each Alderman shall take the following oath of office: "I , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully perform the duties of the office on which I am about to enter, according to my best skill and ability; so help me, God."

Sec. 8. Meetings of Board. The Board of Aldermen shall fix suitable times for its regular meetings, which shall be as often as once monthly. Special meetings may be held on the call of the Mayor or two members of the Board of Aldermen, and those not joining in the call shall be notified in writing by the Town Clerk. Any business may be transacted at a special meeting that might be transacted at a regular meeting.

Sec. 9. Regular Municipal Elections. Regular elections shall be held on the Tuesday after the first Monday in May of each odd-numbered year. In each election there shall be elected a Mayor to serve for a term of two years. In the 1967 election, there shall be elected five Aldermen, and the two candidates receiving the largest numbers of votes shall serve for terms of four years and the three candidates receiving the next largest numbers of votes shall serve for terms of two years. In the 1969 election, and biennially thereafter, there shall be elected three Aldermen, and the two candidates receiving the largest numbers of votes shall serve for terms of four years and the candidate receiving the next largest number of votes shall serve for a term of two years.

Each voter shall be entitled to vote for one candidate for Mayor and for three candidates for Alderman; provided, in the 1967 election each voter shall be entitled to vote for five candidates for Alderman. In case of a tie between opposing candidates for any office or term, the result shall be determined by lot.

Sec. 10. Filing of Candidates. Each qualified person who would offer himself as a candidate for the office of Mayor or Alderman shall file with the Town Clerk a written and signed statement giving notice of his candidacy. Such notice shall be filed not later than 5:00 p.m. on the third Friday preceding the election at which he offers his

candidacy, and shall be substantially in the following form: "I, do hereby give notice that I am a candidate for election to the office of to be voted on at the election to be held on , and I hereby request that my name be placed on the official ballot for such office. I certify that I am a resident and qualified voter of the Town of Crossnore, residing at " ."

Sec. 11. Regulations of Elections. All town elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

Sec. 12. Town Attorney. The Board of Aldermen shall appoint a Town Attorney who shall be an attorney at law licensed to engage in the practice of law in North Carolina and who need not be a resident of the town during his tenure. The Town Attorney shall serve at the pleasure of the Board of Aldermen and shall receive such compensation as the Board shall determine. It shall be the duty of the Town Attorney to prosecute and defend suits for and against the town; to advise the Mayor, Board of Aldermen, and other town officials with respect to the affairs of the town; to draw all legal documents relating to the affairs of the town; to draw proposed ordinances when requested to do so; to inspect and pass upon all agreements, contracts, franchises and other instruments with which the town may be concerned; to attend all meetings of the Board of Aldermen; and to perform such other duties as may be required of him by virtue of his position as Town Attorney.

Sec. 13. Town Clerk. The Board of Aldermen shall appoint a Town Clerk to keep a journal of the proceedings of the Board and to maintain in a safe place all records and documents pertaining to the affairs of the town, and to perform such other duties as may be required by law or as the Board may direct.

Sec. 14. Appointment of Officers and Employees. The Board of Aldermen may appoint a Tax Collector, and Accountant, a Chief of Police, a Fire Chief, and such other officers and may, in its discretion, consolidate any two or more of such positions, or may assign the functions of any one or more of such positions to the holder or holders of any other of such positions, and may designate a single employee to perform any or all of such functions.

Sec. 15. Claims Against the Town. All claims or demands against the Town of Crossnore arising in tort shall be presented to the Board of Aldermen in writing, signed by the claimant or his attorney or agent, within 90 days after such claim or demand is due or the cause of action accrues. No suit or action shall be brought on such a claim or demand within 10 days or after the expiration of 12 months from the time such claim or demand is presented. Unless the said claim or demand is so presented within 90 days, and unless suit is brought within 12 months thereafter, any action thereon shall be barred.

Sec. 16. The purpose of this Act is to revise the Charter of the Town of Crossnore and to consolidate into it the prior Acts concerning the property, affairs, and government of the town. It is intended to continue in force without interruption those

provisions of prior Acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 17. The following Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

- (a) Chapter 86 of the Private Laws of 1925;
- (b) Chapter 672 of the Session Laws of 1963.

Sec. 18. If any provision of this Act or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 19. All ordinances, resolutions, actions, and proceedings of the Board of Aldermen of the Town of Crossnore heretofore adopted, had, and taken are hereby in all respects legalized, ratified, approved, validated, and confirmed.

Sec. 20. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 21. This Act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1967.