

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1020
HOUSE BILL 1587

AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF
HOOKERTON, NORTH CAROLINA

The General Assembly of North Carolina enacts:

Section 1. Incorporation and Corporate Powers. The inhabitants of the Town of Hookerton, North Carolina, within the boundaries as established in Section 3 of this Charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name of the Town of Hookerton, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require, and except as prohibited by the Constitution of North Carolina or restricted by Charter, the Town of Hookerton shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature, whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Hookerton by this section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services, to purchase, hire, construct, own, maintain and operate or lease local public utilities, to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvements and to sell or lease such excess property with restrictions, in order to protect and preserve the improvements.

(4) To sell any real or personal property in accordance with Article 12 of Chapter 160A of the General Statutes of North Carolina.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

(7) To organize and administer public recreation facilities and to appoint a Commissioner or committees to administer same, not prohibited by the General Statutes of the State of North Carolina.

Sec. 2. Enumerated Powers Not Exclusive. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Hookerton shall have and may exercise all powers, which, under the Constitution of North Carolina, it would be competent for this Charter specifically to enumerate. All powers of the Town, whether expressed or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed therein, then in the manner provided by Ordinance or Resolution of the Board of Commissioners.

Sec. 3. Corporate Boundaries. The Corporate Boundaries of the Town shall be as follows:

"BEGINNING at the mouth of Rainbow Run where said Rainbow Run empties into Contentnea Creek, formerly known as Moccasin River and runs up said Rainbow Run as it meanders to a concrete monument on East side of Rainbow Run; thence leaving said Run S 5-00 W 772' to center line Church Street; thence with Church Street S 85-00 E 300' thence S 5-00 W 588.5' to Northern right of way Greene Street; thence with Northern right of way Greene Street N 86-15 W 110' to an iron stake on Western right of way of Seventh Street formerly Rainbow Street; thence S 5-23 W with said Western right of way of Seventh Street 987' to iron stake on Southern right of way of Stephenson Street; thence with said right of way S 86-15 E 200' to iron stake; thence S 5-23 W 511.5' to an iron stake; thence S 86-15 E 500' to iron stake on Western right of way of Highway N. C. 123 on Fifth Street; thence with said right of way S 5-23 W 500' to concrete post; thence S 84-37 E 400' to a stake; thence N 5-23 E 1509.9' to the Southeastern corner of Fourth and Ormond Street; thence S 82-00 E 465.5' to a stake in old ditch or old Railroad bed; thence N 24-15 E 655' with said ditch or Railroad bed to a stake; thence S 85-00 E 722.2' to a stake on ditch; thence N 24-04 E 348.15' with ditch to center line N. C. S. R. 1430; thence continuing with ditch through pond N 6-02 E 714.5' to center line Branch; thence continuing N 6-02 E 111.75' to iron stake cemetery corner; thence due North 243' with cemetery line to a stake thence NO-15E 1169' to a stake on Contentnea Creek, thence up said Creek to the mouth of Rainbow Run the beginning."

Sec. 4. Creation, Salary and Composition of Mayor and Board of Commissioners. Except as otherwise provided in this Charter all powers of the Town shall be vested in a Board of Commissioners, consisting of four members and a Mayor, nominated and elected from the Town at large in the manner hereinafter provided. The term of office of the Mayor and the Board of Commissioners shall be as hereinafter provided and until their successors are elected and qualified, and shall begin on the first day of December next following their election. If a vacancy occurs in the office of Mayor or Commissioners, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the Board of Commissioners.

The Mayor and each member of the Board of Commissioners shall receive a salary, the amount of which shall be prescribed by Ordinance, in accordance with G.S. 160A-64. Provided, however, that the present Mayor and Board of Commissioners shall continue to receive the same salary until the same is changed as provided herein.

Members of the Board of Commissioners shall be qualified electors of the Town. A member of the Board of Commissioners ceasing to possess all of the qualifications specified in Article VI, Section 2 of the Constitution of North Carolina shall immediately forfeit his office.

Sec. 5. Meetings of the Board of Commissioners. At 7:00 o'clock P.M. on the first Monday in December, following a regular municipal election, the Board of Commissioners shall meet at the usual place for holding its meeting and newly elected members shall assume the duties of office. Thereafter the Board of Commissioners shall meet at such times as may be prescribed by Ordinance or Resolution, but not less frequently than once each month. Special meetings shall be called by the Clerk upon request by the Mayor or two members of the Board of Commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the Board of Commissioners and of committees thereof shall be open to the public, and the rules of the Board of Commissioners shall provide that citizens of the Town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat.

Sec. 6. Mayor and Mayor Pro Tem. At its first meeting in the month of December following a regular municipal election, the Board of Commissioners shall choose one of its members as Vice-Chairman, who shall act as Mayor Pro Tem. The Mayor shall preside at meetings of the Board of Commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this Charter, and the Ordinances of the Town. He shall be recognized as the head of the Town Government for all ceremonial purposes, by the Courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency, the Mayor shall, if so authorized and directed by vote of the Board of Commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the Mayor, the Mayor Pro Tem shall act as Mayor during the continuance of the absence or disability.

Sec. 7. Board of Commissioners - Rules. The Board shall determine its own rules and order of business and keep a journal of its proceedings.

Sec. 8. Quorum. A majority of the members elected to the Board of Commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the Board of Commissioners shall be necessary to adopt any ordinances, resolutions, order, or vote; except that a vote to adjourn, or regarding the attendance of absent members may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving

the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions. Ordinances and resolutions shall be introduced in the Board of Commissioners only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Board of Commissioners. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE TOWN OF HOOKERTON—".

Sec. 10. When Ordinances and Resolutions Take Effect - Emergency Measures. Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of Town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this Charter, all other ordinances and resolutions passed by the Board of Commissioners shall take effect at the time indicated therein, but not less than ten days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health, or safety in which the emergency claimed is set forth and defined in the preamble thereto.

No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared as an emergency by the Board of Commissioners except as defined in this section, and it is the intention of this Charter that such definition shall be strictly construed by the Courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions. Upon its final passage each ordinance or resolution shall be authenticated by the signature of the Mayor and the Town Clerk and shall be recorded in a book kept for that purpose.

Sec. 12. Election Laws. That for the purpose of selecting a mayor and members of the Board of Commissioners of said Town, there shall be held on the first Tuesday after the first Monday in November of 1975 and biennially thereafter a nonpartisan election, which election shall be held under the rules and regulations as prescribed by State law except as follows:

1. The candidate running for the office of mayor who receives the highest number of votes shall be elected.
2. The term of office of the mayor shall be for two years; provided that anyone who serves as mayor shall be eligible for reelection.
3. The four candidates running for the office of commissioner receiving the highest number of votes shall be elected.
4. The two commissioners elected with the highest vote at the election to be held on the first Tuesday after the first Monday in November, 1975, shall be elected and shall hold office for four years or until their successors are elected, and the two commissioners elected with the lowest votes shall be elected and hold office for a period

of two years or until their successors are elected; and the election thereafter held on the first Tuesday after the first Monday in November, 1977, shall be for the election of a Mayor for a two-year term and for the election of two commissioners for a term of four years, to succeed the two commissioners elected in 1975 for a two-year term. Thereafter the municipal election shall be held biennially as above provided for a Mayor and for two commissioners.

Sec. 13. Appointment of Officers and Employees. The Board of Commissioners may appoint a Town Clerk, a Treasurer, a Tax Collector, an Accountant, a Town Attorney, a Chief of Police, a Fire Chief, and such other officers and employees as may be necessary, none of whom need be a resident of the Town at the time of appointment; provided, that the Board of Commissioners may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the Board of Commissioners and shall perform such duties as may be prescribed by the Board of Commissioners.

The Board of Commissioners shall fix salaries, prescribe bonds and require such oaths as they may deem necessary or as by law provided.

Sec. 14. Town Clerk. The Board of Commissioners shall choose a Town Clerk. The Town Clerk shall keep the records of the Board of Commissioners and perform such other duties as may be required by law or by the Board of Commissioners, including those set forth in Section 16 hereof.

Sec. 15. Duties of the Town Attorney. The Town Attorney shall be an Attorney at Law who shall have qualified to practice in the State of North Carolina. He shall be the chief legal advisor of and attorney for the Town and all departments, and officers thereof in matters relating to their official powers and duties. It shall be his duty, either personally or by such assistants as he may designate to perform all services incident to the department of law; to attend all meetings of the Board of Commissioners when requested and to give advice in writing when requested, to the Board of Commissioners or the directors of any department; to prosecute or defend, as the case may be, all suits or cases to which the Town may be a party; to prepare all contracts, bonds, and other instruments in writing in which the Town is concerned, and to endorse on each, his approval of the form and correctness thereof, and to perform such other duties of a legal nature as the Board of Commissioners may require. In addition to the duties imposed upon the Town Attorney by this Charter or required by ordinance or resolution of the Board of Commissioners, he shall perform any duties imposed upon the chief legal officers of municipalities by law.

Sec. 16. Fiscal affairs. The adoption and administration of the annual budget ordinance and the administration of the Town's fiscal affairs generally shall be governed by the Local Government Budget and Fiscal Control Act, Article 2 of Chapter 159 of the General Statutes of North Carolina.

Sec. 17. Town Tax Collector. A Tax Collector, who may also be the Clerk, shall have the powers and perform the duties conferred and imposed on municipal tax collectors by the Machinery Act.

Sec. 18. Custody of Town Money. All money received by any department or agency of the Town for or in connection with the business of the Town government

shall be paid promptly into the Town depository. Such institution or institutions shall be designated, and deposits therein shall be secured, as provided by the Local Government Budget and Fiscal Control Act. All interest on moneys belonging to the Town shall accrue to the benefit of the Town government. All moneys belonging to the Town government shall be disbursed only on vouchers signed by the Mayor and countersigned by the Town Clerk or Treasurer, if any.

Sec. 19. Issuance of Bonds. The Town may issue bonds for the purpose and in the manner prescribed by the General Laws of North Carolina for the issuance of bonds by municipalities.

Sec. 20. Purchase Procedure. Purchases for equipment and materials may be made by the Town for the purpose and in the manner prescribed by the General Laws of the State of North Carolina.

Sec. 21. Contracts for Town Improvements. Contracts for Town improvements may be made by the Town for the purpose and in the manner prescribed by the General Laws of the State of North Carolina.

Sec. 22. Independent Audit. As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the Town government by qualified public accountants, selected by the Board of Commissioners, who have no personal interest directly or indirectly in the financial affairs of the Town government or of any of its officers.

Sec. 23. Publicity of Records. All records and accounts of every office and department of the Town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the Board of Commissioners.

Sec. 24. Oath of Office. Every officer of the Town shall, before entering upon the duties of his office, take and subscribe the oath prescribed by Article VI, Section 7, of the Constitution of North Carolina.

Sec. 25. Continuance of Contracts. All contracts entered into by the Town or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or Charter provisions existing at the time this Charter takes effect may be carried to completion in accordance with the provisions of such existing laws and Charter provisions.

Sec. 26. Saving Clause. If any part of this Charter shall be declared invalid by a Court of competent jurisdiction, such judgement shall not invalidate the remainder of the Charter. The provisions of this Charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Hookerton is affected thereby.

Sec. 27. All Acts and Clauses of Acts in Conflict. All Charter provisions heretofore enacted by and for the Town of Hookerton, North Carolina, be and the same are hereby repealed.

Sec. 28. Police Jurisdiction. The Town of Hookerton Police shall have jurisdiction to make arrest and investigations anywhere within the confines of Hookerton Township.

Sec. 29. Zoning. The Board of Commissioners of the Town of Hookerton shall have authority and power to adopt, alter, extend, and amend a zoning ordinance for the Town, and also may adopt an ordinance regulating the areas outside the Town within the provisions of the general laws of the State of North Carolina, pertaining to zoning outside the city limits.

Sec. 30. Appointment of Boards, Committees, and Commissions. The Board of Commissioners shall have authority to appoint various Boards, Committees, and Commissions, deemed necessary to conduct the business of the Town and its various departments and shall have the power to direct and control their activities and to set salaries for their services, not inconsistent with the general laws of the State of North Carolina.

Sec. 31. This Act. This act shall be in full force and effect from and after its ratification provided that the Mayor and the Board of Commissioners in office at the time this Charter takes effect shall continue until their successors are elected and qualified.

Sec. 32. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 33. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 21st day of March, 1974.