GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 384
HOUSE BILL 797

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

The General Assembly of North Carolina enacts:

Section 1. The Charter of the Town of Autryville is revised and consolidated to read:

"THE CHARTER OF THE TOWN OF AUTRYVILLE.

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

"Section 1.1. **Incorporation.** The Town of Autryville, North Carolina, in Sampson County and the inhabitants therof shall continue to be a municipal body politic and corporate, under the name of the 'Town of Autryville,' also referred to as the 'Town.'

"Sec. 1.2. **Powers.** The Town has and may exercise all of the powers, duties, rights, privileges and immunities conferred upon the Town of Autryville 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.

"Sec. 1.3. **Corporate Limits.** The corporate limits are 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 boundaries, is maintained permanently in the office of the Town Clerk and is available for public inspection. Immediately upon alteration of the corporate limits made 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 Sampson County Register of Deeds and the appropriate board of elections.

"ARTICLE II. GOVERNING BODY.

"Sec. 2.1. **Mayor and Board of Commissioners.** The Mayor and the Board of Commissioners, hereinafter referred to as the 'Board,' comprise the governing body of the Town.

"Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board is composed of five Commissioners elected by all the qualified voters of the Town for staggered terms of four years or until their successors are elected and qualified.

"Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor is elected by all the qualified voters of the Town for a term of two years or until a successor is elected and qualified. The Mayor is the official head of the Town government and presides at meetings of the Board; has the right to vote only when there is an equal division on any question or matter before the Board; and exercises the powers and duties conferred by law or as directed by the Board.

"Sec. 2.4. **Mayor Pro Tempore.** At the organizational meeting following each regular municipal election, the Board shall elect one of its members as Mayor Pro Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in accordance with general law. The Mayor Pro Tempore shall serve in that capacity until the organizational meeting following the next regular municipal election, despite the contrary provisions of G.S. 160A-70.

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

"Sec. 2.6. **Voting Requirements; Quorum.** Official actions of the Board and all votes are taken in accordance with the applicable provisions of general law, particularly G.S. 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

"Sec. 2.7. **Compensation; Qualifications for Office; Vacancies.** The compensation and qualifications of the Mayor and Commissioners are as provided by general law. Vacancies that occur in any elective office of the Town shall be filled for the remainder of the unexpired term.

"ARTICLE III. ELECTIONS.

"Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in each odd-numbered year in accordance with the uniform municipal election laws of the State. Elections are conducted on a nonpartisan basis and the results determined using the nonpartisan plurality method as provided in G.S. 163-292.

"Sec. 3.2. **Election of Board of Commissioners.** The Commissioners serving on the date of ratification of this Charter shall serve until the expiration of their terms or until their successors are elected and qualified. Three Commissioners shall be elected at the regular municipal election in 1991 and every four years thereafter. Two Commissioners shall be elected at the regular municipal election in 1993 and every four years thereafter.

"Sec. 3.3. **Election of Mayor.** A Mayor shall be elected in each regular municipal election.

"Sec. 3.4. **Special Elections and Referendums.** Special elections and referendums may be held only as provided by law.

"ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

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

"Sec. 4.2. **Town Clerk**. The Board shall appoint a Town Clerk to keep a journal of the proceedings of the Board; to maintain official records and documents; to give notice of meetings; and to perform such other duties required by law or as the Board may direct.

"Sec. 4.3. **Tax Collector.** The Board shall appoint a Tax Collector pursuant to G.S. 105-349 to collect all taxes owed to the Town, subject to general law, this Charter and Town ordinances.

"Sec. 4.4. **Town Attorney.** The Board shall appoint a Town Attorney licensed to practice law in North Carolina. It shall be the duty of the Town Attorney to represent

the Town, advise Town officials and perform other duties required by law or as the Board may direct.

"Sec. 4.5. **Other Administrative Officers and Employees.** The Board may authorize other positions and may organize the Town government as deemed appropriate, subject to the requirements of general law.

"ARTICLE V. ALCOHOLIC BEVERAGES.

"Sec. 5.1. **Sale of Alcoholic Beverages Prohibited.** It shall be a misdemeanor for any person to sell spirituous or fermented liquors within one mile of the corporate limits of the Town, as provided in Section 18 of Chapter 191, Private Laws of 1891."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Autryville and to consolidate certain acts concerning the property, affairs, and government of the Town. 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.

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

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

Chapter 191, Private Laws of 1891, except for Section 18

Chapter 540, Public-Local Laws of 1937

Chapter 70, Session Laws of 1975.

Sec. 5. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 6. All existing ordinances, resolutions, and other provisions of the Town of Autryville not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

Sec. 7. No action or proceeding pending on the effective date of this act by or against the Town or any of its departments or agencies shall be abated or otherwise affected by this act.

Sec. 8. If any provision or application of this act is held invalid, 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. 9. Whenever a reference is made in this act to a particular provision of the General Statutes, and such provision is later amended, superseded, or recodified, the reference shall be deemed amended to refer to the amended General Statute, or to the General Statute which most clearly corresponds to the statutory provision which is superseded or recodified.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives