

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1211  
Committee Substitute Favorable 6/17/96

Short Title: Kill Devil Hills Charter Rewrite.

(Local)

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Sponsors:

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Referred to:

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May 16, 1996

1 A BILL TO BE ENTITLED  
2 AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF  
3 KILL DEVIL HILLS.

4 The General Assembly of North Carolina enacts:

5 Section 1. The Charter of the Town of Kill Devil Hills is revised and  
6 consolidated to read as follows:

7 "THE CHARTER OF THE TOWN OF KILL DEVIL HILLS.  
8 "ARTICLE I. INCORPORATION, CORPORATE POWERS AND  
9 BOUNDARIES.

10 "Section 1.1. **Incorporation.** The Town of Kill Devil Hills, North Carolina, in Dare  
11 County and the inhabitants thereof shall continue to be a municipal body politic and  
12 corporate, under the name of the 'Town of Kill Devil Hills', hereinafter at times referred  
13 to as the 'Town'.

14 "Sec. 1.2. **Powers.** The Town shall have and may exercise all of the powers, duties,  
15 rights, privileges, and immunities conferred upon the Town of Kill Devil Hills  
16 specifically by this Charter or upon municipal corporations by general law. The term  
17 'general law' is employed herein as defined in G.S. 160A-1.

18 "Sec. 1.3. **Corporate Limits.** The corporate limits of the Town of Kill Devil Hills  
19 are those existing on the date this Charter is ratified, as set forth on the official map of the

1 Town, and as they may be altered from time to time in accordance with law. An official  
2 map of the Town, showing the current boundaries, shall be maintained permanently in the  
3 office of the Town Clerk and shall be available for public inspection. Upon alteration of  
4 the corporate limits or wards pursuant to law, the appropriate changes to the official map  
5 shall be made, and copies shall be filed in the offices of the Secretary of State, the Dare  
6 County Register of Deeds, and the appropriate board of elections.

#### 7 **"ARTICLE II. GOVERNING BODY.**

8 "Sec. 2.1. **Town Governing Body; Composition.** The Mayor and the Board of  
9 Commissioners shall be the governing body of the Town.

10 "Sec. 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board of  
11 Commissioners shall be composed of four members. Two commissioners shall be elected  
12 by the qualified voters of the entire town in 1997 and biennially thereafter for four-year  
13 terms and until their successors are elected and qualified.

14 "Sec. 2.3. **Mayor; Term of Office.** The Mayor shall be elected by the qualified  
15 voters of the entire town for a term of two years or until a successor is elected and  
16 qualified.

17 "Sec. 2.4. **Compensation of the Mayor and Board of Commissioners.** The Mayor  
18 and Board of Commissioners shall be justly compensated for their services in an amount  
19 determined by the Board of Commissioners in accordance with G.S. 160A-64.

#### 20 **"ARTICLE III. ELECTIONS.**

21 "Sec. 3.1. **Regular Municipal Elections.** Elections shall be conducted on a  
22 nonpartisan basis and the results determined using the nonpartisan plurality method as  
23 provided in G.S. 163-292. Elections in the Town shall be conducted by the Dare County  
24 Board of Elections in accordance with Subchapter IX of Chapter 163 of the General  
25 Statutes.

#### 26 **"ARTICLE IV. TOWN MANAGER.**

27 "Sec. 4.1. **Form of Government.** The Town shall operate under the council-  
28 manager form of government, in accordance with Part 2 of Article 7 of Chapter 160A of  
29 the General Statutes, as provided by G.S. 160A-147.

30 "Sec. 4.2. **Office of the Town Manager created.** (a) The Board of  
31 Commissioners shall appoint a Town Manager, who shall serve at the pleasure of the  
32 Board. The Manager shall be chosen on the basis of executive and administrative  
33 qualifications, with special reference to actual experience in or knowledge of accepted  
34 practice with respect to the duties of a Town Manager. At the time of appointment, the  
35 Manager need not be a resident of the Town or State, but during his or her tenure of  
36 office shall reside within the Town. The Manager shall receive such compensation as the  
37 Board may establish.

38 (b) The Town Manager shall be administrative head of the Town government and  
39 shall be responsible to the Board of Commissioners for the proper administration of all  
40 affairs of the Town. Except as otherwise provided by this Charter, the Town Manager  
41 shall have all powers and duties assigned or delegated to a Town Manager by State law.  
42 The Town Manager shall appoint and may remove all Town employees except the Town  
43 Attorney and shall also perform such other duties as are prescribed by the Board.

**"ARTICLE V. ADMINISTRATIVE OFFICERS AND EMPLOYEES.**

"Sec. 5.1. **Town Attorney.** There shall be a Town Attorney who shall serve as legal counsel to the Board of Commissioners under G.S. 160A-173.

"Sec. 5.2. **Town Clerk.** There shall be a Town Clerk who shall be hired and supervised by the Town Manager. Except as otherwise provided by this Charter, the Town Clerk shall perform all duties assigned or delegated to a Town Clerk under G.S. 160A-172 or other State law and shall also perform such other duties as may be prescribed.

**"ARTICLE VI. STREET IMPROVEMENTS AUTHORIZATION.**

"Sec. 6.1. **Street Improvements Authorization.** The Town, as authorized by G.S. 160A-296(a)(3) and G.S. 160A-301(a) is fully authorized to improve its street rights-of-way by purchase, or by dedication of said right-of-way."

Sec. 2. The purpose of this act is to revise the Charter of the Town of Kill Devil Hills 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 any acts validating official actions, proceedings, contracts, or obligations of any kind.

Sec. 4. (a) The following acts, having served the purposes for which they were enacted or having been consolidated into this act, are expressly repealed:

Chapter 220 of the Session Laws of 1953

Chapter 396 of the Session Laws of 1959

Chapters 298 and 605 of the Session Laws of 1961

Chapters 287 and 316 of the Session Laws of 1979

Chapters 296 and 1146 of the Session Laws of 1981.

(b) The following acts are not repealed by this act:

Chapter 1026 of the Session Laws of 1983

Chapters 389 and 536 of the Session Laws of 1985

Chapters 187, 258, 911, 986, 987, and 988 of the Session Laws of 1987

Chapter 469 of the Session Laws of 1989

Chapter 625 of the Session Laws of 1993

Chapter 84 of the Session Laws of 1995.

Sec. 5. The Mayor and Board of Commissioners serving on the date of ratification of this act shall serve until the expiration of their terms or until their successors are elected and qualified.

Sec. 6. This act does not affect any rights or interests which arose under any provisions repealed by this act.

Sec. 7. All existing ordinances, resolutions, and other provisions of the Town of Kill Devil Hills not inconsistent with the provisions of this act shall continue in effect until repealed or amended.

1           Sec. 8. No action or proceeding pending on the effective date of this act by or  
2 against the Town or any of its departments or agencies shall be abated or otherwise  
3 affected by this act.

4           Sec. 9. If any provision of this act or application thereof is held invalid, such  
5 invalidity shall not affect other provisions or applications of this act which can be given  
6 effect without the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

8           Sec. 10. Whenever a reference is made in this act to a particular provision of  
9 the General Statutes, and such provision is later amended, superseded, or recodified, the  
10 reference shall be deemed amended to refer to the amended General Statute, or to the  
11 General Statute which most clearly corresponds to the statutory provision which is  
12 superseded or recodified.

13           Sec. 11. This act is effective upon ratification.