

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 403*

Short Title: Fremont Charter Rewrite. (Local)

Sponsors: Representatives Sager; Bell, Braxton, and E. Floyd.

Referred to: Local Government I, if favorable, Finance.

March 5, 2009

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

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the Town of Fremont is revised and consolidated to
6 read as follows:

7 "CHARTER OF THE TOWN OF FREMONT.

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

9 "Sec. 1.1. **Incorporation.** The Town of Fremont in Wayne County, and the inhabitants
10 thereof shall continue to be a municipal body politic and corporate, under the name of the
11 "Town of Fremont," hereinafter at times referred to as the "Town."

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

16 "Sec. 1.3. **Corporate Boundaries.** The corporate boundaries shall be those existing at the
17 time of ratification of this Charter, as set forth on the official map of the Town and as they may
18 be altered from time to time in accordance with law. An official map of the Town, showing the
19 current municipal boundaries, shall be maintained permanently in the office of the Town Clerk
20 and shall be available for public inspection. Upon alteration of the corporate limits pursuant to
21 law, the appropriate changes to the official map shall be made and copies shall be filed in the
22 offices of the Secretary of State, the Wayne County Register of Deeds, and the appropriate
23 board of elections.

24 "ARTICLE II. GOVERNING BODY.

25 "Sec. 2.1. **Town Governing Body; Composition.** The Mayor and the Town Board of
26 Aldermen, hereinafter at times referred to as the "Board" shall be the governing body of the
27 Town.

28 "Sec. 2.2. **Town Board of Aldermen; Composition; Terms of Office.** The Board shall be
29 composed of six members to be elected for terms of four years, or until their successors are
30 elected and qualified.

31 "Sec. 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the qualified
32 voters of the Town for a term of four years.

33 "Sec. 2.4. **Mayor Pro Tempore.** The Board shall elect one of its members as Mayor Pro
34 Tempore to perform the duties of the Mayor during the Mayor's absence or disability, in
35 accordance with G.S. 160A-70.



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

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

7 "Sec. 2.7. **Qualifications for Office; Compensation; Vacancies.** The qualifications of the
8 Mayor and Board members shall be in accordance with general law. The Mayor and Board
9 members shall receive compensation as they shall from time to time determine. Vacancies shall
10 be filled as provided in G.S. 160A-63.

11 "ARTICLE III. ELECTIONS.

12 "Sec. 3.1. **Regular Municipal Elections.** Regular municipal elections shall be held in the
13 town every four years beginning in 2011 and quadrennially thereafter, and shall be conducted
14 in accordance with the uniform municipal election laws of North Carolina.

15 "Sec. 3.2. **Mode of Election.** The town shall be divided into six single-member electoral
16 districts and the qualified voters of each district shall elect one board member who resides in
17 the district, for the seat apportioned to that district.

18 "Sec. 3.3. **Nonpartisan Elections.** Municipal elections shall be conducted according to the
19 nonpartisan plurality election method as provided by G.S. 163-292.

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

22 "ARTICLE IV. TAXATION.

23 "Sec. 4.1. **General Authority to Levy and Collect Taxes.** To raise revenue for defraying
24 expenses incident to the proper government of the Town, the Board may annually levy and
25 collect: (i) a tax on real and personal property and on all other property subject to taxation; (ii)
26 a tax on all businesses, trades, professions, avocations, privileges, and franchises, carried on or
27 enjoyed within the Town; and (iii) any other taxes permitted by general law.

28 "Sec. 4.2. **Levy, Collection, and Payment of Property Taxes.**

29 (a) Except as otherwise herein provided, property taxes shall be imposed and collected
30 in the manner provided by general law.

31 (b) Property taxes shall become due and payable on the date provided by general law.
32 Interest shall be charged for late payment, and discounts may be allowed for prepayment of
33 taxes, in the amounts and during the periods covered by general law.

34 "Sec. 4.3. **Additional Remedies for Collection of Privilege License Taxes.** In addition to
35 any other civil or criminal remedy available to enforce the collection of privilege license taxes,
36 the Town may employ the remedies of levy upon personal property, attachment and
37 garnishment, in the manner of the subject to the limitations provided in general law.

38 "Sec. 4.4. **Administration.** The listing and appraisal of property and the levy and collection
39 of property taxes in the Town shall in all respects be governed by the general laws of the State,
40 except as they shall be specifically amended by this Charter.

41 "ARTICLE V. PUBLIC IMPROVEMENTS.

42 "Sec. 5.1. **Assessments for Street and Sidewalk Improvements, Petition Unnecessary.**

43 (a) In addition to any authority which is now or may hereafter be granted by general
44 law to the Town for making street improvements, the Town may make street improvements and
45 assess the cost thereof against abutting property owners in accordance with the provisions of
46 this section.

47 (b) The Town may order street improvements and assess the total cost thereof against
48 the abutting property owners, exclusive of the cost incurred at street intersections, according to
49 one or more of the assessment bases set forth in G.S. 160A-216 et seq., without the necessity of
50 a petition, upon the finding by the Board as a fact:

51 (1) That the street improvement project does not exceed 2,000 linear feet; and

- 1 (2) That such street or part thereof is unsafe for vehicular traffic, and it is in the
2 public interest to make such improvements; or
3 (3) That it is in the public interest to connect two streets, or portions of a street
4 already improved; or
5 (4) That it is in the public interest to widen a street, or part thereof, which is
6 already improved, provided that assessments for widening any street or
7 portion of street without a petition shall be limited to the cost of widening
8 and otherwise improving such streets in accordance with the street
9 classification and improvement standards established by the Town's
10 thoroughfare or major street plan for the particular street or part thereof to be
11 widened and improved under the authority granted by this Article.

12 (c) For the purpose of this Article, the term "street improvement" shall include grading,
13 regrading, surfacing, resurfacing, widening, paving, repaving, the acquisition of right-of-way,
14 and the construction or reconstruction of curbs, gutters, and street drainage facilities.

15 (d) In addition to any authority which is now or may hereafter be granted by general
16 law to the Town for making sidewalk improvements, the Board is hereby authorized without
17 the necessity of a petition, to make or to order to be made sidewalk improvements or repairs
18 according to standards and specifications of the Town, and to assess the total cost thereof
19 against abutting property owners, according to one or more of the assessment bases set forth in
20 G.S. 160A-216 et seq.; provided however, that regardless of the assessment basis or bases
21 employed, the Town may order the cost of sidewalk improvements made only on one side of a
22 street to be assessed against property owners abutting both sides of such street.

23 (e) In ordering street and sidewalk improvements without a petition and assessing the
24 cost thereof under authority of this Article, the Board shall comply with the procedure provided
25 by G.S. 160A-216 et seq., except those provisions relating to the petition of property owners
26 and the sufficiency thereof.

27 (f) The effect of the act of levying assessments under the authority of this Article shall
28 for all purposes be the same as if the assessments were levied under authority of G.S. 160A-216
29 et seq.

30 "Sec. 5.2. **Power of Eminent Domain.** The procedures provided in G.S. 136-103 et seq., as
31 specifically authorized by G.S. 136-66.3(c), shall be applicable to the Town in the case of
32 acquisition of lands, easements, privileges, rights-of-way and other interests in real property for
33 streets, sewer lines, storm drains, waterlines, electric power lines, and other utility lines in the
34 exercise of the power of eminent domain. The Town, when seeking to acquire such property or
35 rights or easements therein or thereto, shall have the right and authority, at its option and
36 election, to use the provisions and procedures as authorized and provided in G.S. 136-66(c) and
37 G.S. 136-103 et seq., for any of such purposes without being limited to streets constituting a
38 part of the State highway system; provided, however, that the provisions of this section shall
39 not apply with regard to properties owned by a private condemnor except as permitted by
40 G.S. 40A-5(b).

41 "ARTICLE VI. NUISANCES.

42 "Sec. 6.1. **Abatement of Public Health Nuisances.** The Town shall have authority to
43 summarily remove, abate, or remedy everything in the Town limits, or within one mile thereof,
44 that is dangerous or prejudicial to the public health or public safety pursuant to G.S. 160A-193.

45 "Sec. 6.2. **Chronic Nuisance Violators.** The Town may notify a chronic violator of the
46 Town's public nuisance ordinance that, if the violator's property is found to be in violation of
47 the ordinance, the Town shall, without further notice in the calendar year in which notice is
48 given, take action to remedy the violation and the expense of the action shall become a lien
49 upon the property and shall be collected as unpaid taxes. The initial annual notice shall be
50 served by registered or certified mail. A chronic violator is a person who owns property
51 whereupon, in the previous calendar year, the Town of Fremont gave notice of violation at least

1 two times under any provision of the public nuisance ordinance. A property owner shall remain
2 a chronic violator until one calendar year after the date of the property owner's last violation.

3 "Sec. 6.3. **Junked Motor Vehicle.** In applying G.S. 160A-303.2 to the Town, junked motor
4 vehicle means a vehicle that does not display a current license plate and that:

- 5 (1) Is partially dismantled or wrecked; or
- 6 (2) Cannot be self-propelled or removed in the manner in which it was
7 originally intended to move; or
- 8 (3) Is more than five years old and appears to be worth less than \$500.00."

9 **SECTION 2.** The purpose of this act is to revise the Charter of the Town of
10 Fremont and to consolidate herein certain acts concerning the property, affairs, and government
11 of the Town.

12 **SECTION 3.** The following acts or portions of acts, having served the purposes for
13 which they were enacted, or having been consolidated into this act, are hereby repealed:

14 Chapter 244, Private Laws of 1903

15 Chapter 236, Private Laws of 1913

16 Chapter 123, Private Laws of 1917

17 Chapter 203, Private Laws of 1927

18 Chapter 66, Session Laws of 1957

19 Chapter 567, Session Laws of 1963

20 Chapter 113, Session Laws of 1971

21 Chapter 314, Session Laws of 1981, as to Fremont.

22 **SECTION 4.** No provision of this act is intended, nor shall be construed, to affect
23 in any way any rights or interests (whether public or private):

- 24 (1) Now vested or accrued, in whole or in part, the validity of which might be
25 sustained or preserved by reference to any provisions of law repealed by this
26 act.
- 27 (2) Derived from, or which might be sustained or preserved in reliance upon,
28 action heretofore taken pursuant to or within the scope of any provisions of
29 law repealed by this act.

30 **SECTION 5.** No law heretofore repealed expressly or by implication, and no law
31 granting authority which has been exhausted, shall be revived by:

- 32 (1) The repeal herein of any act repealing such law, or
- 33 (2) Any provision of this act that disclaims an intention to repeal or affect
34 enumerated or designated laws.

35 **SECTION 6.** All existing ordinances and resolutions of the Town of Fremont and
36 all existing rules or regulations of departments or agencies of the Town of Fremont not
37 inconsistent with the provisions of this act shall continue in full force and effect until repealed,
38 modified, or amended.

39 **SECTION 7.** No action or proceeding of any nature (whether civil or criminal,
40 judicial or administrative, or otherwise) pending at the effective date of this act by or against
41 the Town of Fremont or any of its departments or agencies shall be abated or otherwise affected
42 by the adoption of this act.

43 **SECTION 8.** If any part of this act or the application thereof to any person or
44 circumstance is held to be invalid, such invalidity shall not affect other provisions or
45 applications of this act which can be given effect without the invalid provision or application,
46 and to this end the provisions of this act are declared to be severable.

47 **SECTION 9.** Whenever a reference is made in this act to a particular provision of
48 the General Statutes and such provision is later amended, repealed, or superseded, the reference
49 shall be deemed amended to refer to the amended General Statute or to the General Statute that
50 most nearly corresponds to the statutory provision amended, repealed, or superseded.

- 1 **SECTION 10.** This act does not affect the terms of office of the current Mayor and
- 2 Board of Aldermen of the Town of Fremont.
- 3 **SECTION 11.** This act is effective when it becomes law.