

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

3

**HOUSE BILL 697
Committee Substitute Favorable 4/16/03
Senate Finance Committee Substitute Adopted 7/9/03**

Short Title: Troy Quick Take/Peachland/Polkton Charters.

(Local)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO ALLOW THE CITY OF TROY AND ITS REDEVELOPMENT
3 COMMISSION TO ACQUIRE PROPERTY WITHIN A REDEVELOPMENT
4 AREA USING THE "QUICK TAKE" PROCEDURE, TO REVISE AND
5 CONSOLIDATE THE CHARTERS OF THE TOWNS OF PEACHLAND AND
6 POLKTON, AND TO ALLOW THE CITY OF HICKORY TO USE WHEEL
7 LOCKS ON ILLEGALLY PARKED VEHICLES.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** G.S. 40A-42(a)(1) reads as rewritten:

10 "(1) When a local public condemnor is acquiring property by condemnation
11 for a purpose set out in G.S. 40A-3(b)(1), (4) or (7), or when a city is
12 acquiring property for a purpose set out in G.S. 160A-311(1), (2), (3),
13 (4), (6), or (7), or when a city or city redevelopment commission is
14 acquiring property within a redevelopment area under a redevelopment
15 plan adopted pursuant to Article 22 of Chapter 160A of the General
16 Statutes, or when a county is acquiring property for a purpose set out
17 in G.S. 153A-274(1), (2) or (3), or when a local board of education or
18 any combination of local boards of education is acquiring property for
19 any purpose set forth in G.S. 115C-517, or when a condemnor is
20 acquiring property by condemnation as authorized by G.S.
21 40A-3(c)(8), (9), (10), (12), or (13), title to the property and the right
22 to immediate possession shall vest pursuant to this subsection. Unless
23 an action for injunctive relief has been initiated, title to the property
24 specified in the complaint, together with the right to immediate
25 possession thereof, shall vest in the condemnor upon the filing of the
26 complaint and the making of the deposit in accordance with G.S.
27 40A-41."

1 **SECTION 1.(b)** This section applies to the Town of Troy and the Troy
2 Redevelopment Commission when acquiring property for the "Smitherman Village"
3 neighborhood only.

4 **SECTION 2.(a)** The Charter of the Town of Peachland is revised and
5 consolidated to read as follows:

6 "CHARTER OF THE TOWN OF PEACHLAND.

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

8 "Section 1.1. **Incorporation.** The Town of Peachland and the inhabitants thereof
9 shall continue to be a municipal body politic and corporate under the name of the 'Town
10 of Peachland', hereinafter at times referred to as the 'Town'.

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

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

23 "ARTICLE II. GOVERNING BODY.

24 "Section 2.1. **Town Governing Body.** The Board of Commissioners, hereinafter
25 referred to as the 'Board', and the Mayor shall be the governing body of the Town.

26 "Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board
27 shall be composed of five members, to be elected by all the qualified voters of the
28 Town, for staggered terms of four years and until their successors are elected and
29 qualified.

30 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
31 qualified voters of the Town for a term of four years and until a successor is elected and
32 qualified. The Mayor shall be the official head of the Town government and shall
33 preside at meetings of the Board. The Mayor shall have the right to vote only when
34 there is an equal division on any question or matter before the Board and shall exercise
35 the powers and duties conferred by law or as directed by the Board.

36 "Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall
37 elect one of its members to act as Mayor Pro Tempore to perform the duties of the
38 Mayor during his or her absence or disability.

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

42 "Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be
43 taken in accordance with the applicable provisions of general law, particularly G.S.
44 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

1 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The
2 compensation and qualifications of the Mayor and Commissioners shall be in
3 accordance with general law.

4 "ARTICLE III. ELECTIONS.

5 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
6 held in each odd-numbered year in accordance with the uniform municipal election laws
7 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
8 determined by a plurality as provided in G.S. 163-292.

9 "Section 3.2. **Election of Mayor.** At the regular municipal election in 2003, and
10 quadrennially thereafter, a Mayor shall be elected to serve a term of four years.

11 "Section 3.3. **Election of Commissioners.** At the regular municipal election in 2003,
12 and quadrennially thereafter, two Commissioners shall be elected to four-year terms. At
13 the regular municipal election in 2005, and quadrennially thereafter, three
14 Commissioners shall be elected to four-year terms.

15 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda
16 may be held only as provided by general law or applicable local acts of the General
17 Assembly.

18 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

19 "Section 4.1. **Form of Government.** The Town shall operate under the
20 mayor-council form of government as provided in Part 3 of Article 7 of Chapter 160A
21 of the General Statutes.

22 "Section 4.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
23 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
24 the Town, advise Town officials, and perform other duties required by law or as the
25 Board may direct.

26 "Section 4.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal
27 of the proceedings of the Board, to maintain official records and documents, to give
28 notice of meetings, and to perform such other duties required by law or as the Board
29 may direct.

30 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector to collect all
31 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
32 other duties as prescribed by law or assigned by the Board.

33 "Section 4.5. **Other Administrative Officers and Employees.** The Board may
34 authorize other positions to be filled by appointment and may organize the Town
35 government as deemed appropriate, subject to the requirements of general law.

36 **SECTION 2.(b)** The purpose of this section is to revise the Charter of the
37 Town of Peachland and to consolidate herein certain acts concerning the property,
38 affairs, and government of the Town.

39 **SECTION 2.(c)** The following acts or portions of acts, having served the
40 purposes for which they were enacted, or having been consolidated into this act, are
41 hereby repealed:

42 Chapter 197, Private Laws of 1895

43 Chapter 344, Private Laws of 1905

44 Chapter 43, Private Laws, Extra Session of 1908

1 Chapter 53, Private Laws, Extra Session of 1908

2 Chapter 110, Private Laws of 1919

3 Chapter 38, Private Laws of 1931

4 Chapter 431, Public-Local Laws of 1937

5 Chapter 766, Session Laws of 1947

6 Chapter 304, Session Laws of 1979.

7 **SECTION 2.(d)** No provision of this section is intended, nor shall be
8 construed, to affect in any way any rights or interests (whether public or private):

9 (1) Now vested or accrued, in whole or in part, the validity of which might
10 be sustained or preserved by reference to any provisions of law
11 repealed by this section.

12 (2) Derived from, or which might be sustained or preserved in reliance
13 upon, action heretofore taken pursuant to or within the scope of any
14 provisions of law repealed by this section.

15 **SECTION 2.(e)** No law heretofore repealed expressly or by implication, and
16 no law granting authority which has been exhausted, shall be revived by:

17 (1) The repeal herein of any act repealing such law, or

18 (2) Any provision of this section that disclaims an intention to repeal or
19 affect enumerated or designated laws.

20 **SECTION 2.(f)** All existing ordinances and resolutions of the Town of
21 Peachland and all existing rules or regulations of departments or agencies of the Town
22 of Peachland not inconsistent with the provisions of this section shall continue in full
23 force and effect until repealed, modified, or amended.

24 **SECTION 2.(g)** No action or proceeding of any nature (whether civil or
25 criminal, judicial or administrative, or otherwise) pending at the effective date of this
26 section by or against the Town of Peachland or any of its departments or agencies shall
27 be abated or otherwise affected by the adoption of this section.

28 **SECTION 2.(h)** If any part of this section or the application thereof to any
29 person or circumstance is held to be invalid, such invalidity shall not affect other
30 provisions or applications of this section which can be given effect without the invalid
31 provision or application, and to this end the provisions of this section are declared to be
32 severable.

33 **SECTION 2.(i)** Whenever a reference is made in this section to a particular
34 provision of the General Statutes and such provision is later amended, repealed, or
35 superceded, the reference shall be deemed amended to refer to the amended General
36 Statute or to the General Statute that most nearly corresponds to the statutory provision
37 amended, repealed, or superceded.

38 **SECTION 3.(a)** The Charter of the Town of Polkton is revised and
39 consolidated to read as follows:

40 "CHARTER OF THE TOWN OF POLKTON.

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

42 "Section 1.1. **Incorporation.** The Town of Polkton and the inhabitants thereof shall
43 continue to be a municipal body politic and corporate under the name of the 'Town of
44 Polkton', hereinafter at times referred to as the 'Town'.

1 "Section 1.2. **Powers.** The Town shall have and may exercise all of the powers,
2 duties, rights, privileges, and immunities conferred upon the Town of Polkton
3 specifically by this Charter or upon municipal corporations by general law. The term
4 'general law' is employed herein as defined in G.S. 160A-1.

5 "Section 1.3. **Corporate Limits.** The corporate limits shall be those existing at the
6 time of ratification of this Charter, as set forth on the official map of the Town and as
7 they may be altered from time to time in accordance with law. An official map of the
8 Town, showing the current municipal boundaries, shall be maintained permanently in
9 the office of the Town Clerk and shall be available for public inspection. Upon
10 alteration of the corporate limits pursuant to law, the appropriate changes to the official
11 map shall be made and copies shall be filed in the office of the Secretary of State, the
12 Anson County Register of Deeds, and the appropriate board of elections.

13 "ARTICLE II. GOVERNING BODY.

14 "Section 2.1. **Town Governing Body.** The Board of Commissioners, hereinafter
15 referred to as the 'Board', and the Mayor shall be the governing body of the Town.

16 "Section 2.2. **Board of Commissioners; Composition; Terms of Office.** The Board
17 shall be composed of five members, to be elected by all the qualified voters of the
18 Town, for terms of two years and until their successors are elected and qualified.

19 "Section 2.3. **Mayor; Term of Office; Duties.** The Mayor shall be elected by all the
20 qualified voters of the Town for a term of two years and until a successor is elected and
21 qualified. The Mayor shall be the official head of the Town government and shall
22 preside at meetings of the Board. The Mayor shall have the right to vote only when
23 there is an equal division on any question or matter before the Board and shall exercise
24 the powers and duties conferred by law or as directed by the Board.

25 "Section 2.4. **Mayor Pro Tempore.** In accordance with general law, the Board shall
26 elect one of its members to act as Mayor Pro Tempore to perform the duties of the
27 Mayor during his or her absence or disability.

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

31 "Section 2.6. **Quorum; Voting.** Official actions of the Board and all votes shall be
32 taken in accordance with the applicable provisions of general law, particularly G.S.
33 160A-75. The quorum provisions of G.S. 160A-74 shall apply.

34 "Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The
35 compensation and qualifications of the Mayor and Commissioners shall be in
36 accordance with general law.

37 "ARTICLE III. ELECTIONS.

38 "Section 3.1. **Regular Municipal Elections.** Regular municipal elections shall be
39 held in each odd-numbered year in accordance with the uniform municipal election laws
40 of North Carolina. Elections shall be conducted on a nonpartisan basis and the results
41 determined by a plurality as provided in G.S. 163-292.

42 "Section 3.2. **Election of Mayor.** At the regular municipal election in 2003, and
43 biennially thereafter, a Mayor shall be elected to serve a term of two years.

1 "Section 3.3. **Election of Commissioners.** At the regular municipal election in 2003,
2 and biennially thereafter, five Commissioners shall be elected to two-year terms.

3 "Section 3.4. **Special Elections and Referenda.** Special elections and referenda may
4 be held only as provided by general law or applicable local acts of the General
5 Assembly.

6 "ARTICLE IV. ORGANIZATION AND ADMINISTRATION.

7 "Section 4.1. **Form of Government.** The Town shall operate under the
8 mayor-council form of government as provided in Part 3 of Article 7 of Chapter 160A
9 of the General Statutes.

10 "Section 4.2. **Town Attorney.** The Board shall appoint a Town Attorney licensed to
11 practice law in North Carolina. It shall be the duty of the Town Attorney to represent
12 the Town, advise Town officials, and perform other duties required by law or as the
13 Board may direct.

14 "Section 4.3. **Town Clerk.** The Board shall appoint a Town Clerk to keep a journal
15 of the proceedings of the Board, to maintain official records and documents, to give
16 notice of meetings, and to perform such other duties required by law or as the Board
17 may direct.

18 "Section 4.4. **Tax Collector.** The Board shall appoint a Tax Collector to collect all
19 taxes owed to the Town and perform those duties specified in G.S. 105-350 and such
20 other duties as prescribed by law or assigned by the Board.

21 "Section 4.5. **Other Administrative Officers and Employees.** The Board may
22 authorize other positions to be filled by appointment and may organize the Town
23 government as deemed appropriate, subject to the requirements of general law.

24 **SECTION 3.(b)** The purpose of this section is to revise the Charter of the
25 Town of Polkton and to consolidate herein certain acts concerning the property, affairs,
26 and government of the Town.

27 **SECTION 3.(c)** The following acts or portions of acts, having served the
28 purposes for which they were enacted, or having been consolidated into this act, are
29 hereby repealed:

30 Chapter 936, Session Laws of 1969, other than Section 34.

31 **SECTION 3.(d)** No provision of this section is intended, nor shall be
32 construed, to affect in any way any rights or interests (whether public or private):

- 33 (1) Now vested or accrued, in whole or in part, the validity of which might
34 be sustained or preserved by reference to any provisions of law
35 repealed by this section.
36 (2) Derived from, or which might be sustained or preserved in reliance
37 upon, action heretofore taken pursuant to or within the scope of any
38 provisions of law repealed by this section.

39 **SECTION 3.(e)** No law heretofore repealed expressly or by implication, and
40 no law granting authority which has been exhausted, shall be revived by:

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

1 **SECTION 3.(f)** All existing ordinances and resolutions of the Town of
2 Polkton and all existing rules or regulations of departments or agencies of the Town of
3 Polkton not inconsistent with the provisions of this section shall continue in full force
4 and effect until repealed, modified, or amended.

5 **SECTION 3.(g)** No action or proceeding of any nature (whether civil or
6 criminal, judicial or administrative, or otherwise) pending at the effective date of this
7 section by or against the Town of Polkton or any of its departments or agencies shall be
8 abated or otherwise affected by the adoption of this section.

9 **SECTION 3.(h)** If any part of this section or the application thereof to any
10 person or circumstance is held to be invalid, such invalidity shall not affect other
11 provisions or applications of this section which can be given effect without the invalid
12 provision or application, and to this end the provisions of this section are declared to be
13 severable.

14 **SECTION 3.(i)** Whenever a reference is made in this section to a particular
15 provision of the General Statutes and such provision is later amended, repealed, or
16 superceded, the reference shall be deemed amended to refer to the amended General
17 Statute or to the General Statute that most nearly corresponds to the statutory provision
18 amended, repealed, or superceded.

19 **SECTION 4.** Section 2 of Chapter 291 of the 1993 Session Laws, as
20 amended by Chapter 381 of the 1995 Session Laws, S.L. 1997-218, S.L. 2002-127, and
21 S.L. 2003-240, reads as rewritten:

22 "Sec. 2. This act applies to the Cities of Durham, Greensboro, Hickory, Lenoir,
23 Monroe, Raleigh, Winston-Salem, and the Town of Yadkinville only. This act shall also
24 apply to the City of Wilmington, but only as to the area in the central business district as
25 defined in that City's zoning ordinance as of June 1, 1997."

26 **SECTION 5.** This act is effective when it becomes law, but Section 1
27 expires July 1, 2008.